PRELIMINARY DRAFT
No. 3081

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Description of political subdivisions. Amends various statutes to name the political subdivisions described by population parameters or other identifying terms. Provides that an action seeking a judgment that a statute violates Article 4, Section 22 (prohibiting local or special laws) or Article 4, Section 23 (requiring laws to be general and of uniform operation throughout the state) of the Indiana Constitution must be commenced not later than two years after the effective date of: (1) enactment of the statute; or (2) the amendment to the statute that is the basis of the allegation that the statute violates the constitutional provision. Makes findings to provide a basis for this rule of limitation of actions. Repeals obsolete statutes.

Effective: April 1, 2012.

20121013

A BILL FOR 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 1-1-3.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: **Sec. 7. (a) As used in this section, "affected statute" refers to a provision of the Indiana Code, as amended by P.L.[this act]-2012.**

(b) As used in this section, "claim" refers to a claim that an affected statute violates a constitutional provision.

(c) As used in this section, "constitutional provision" refers to either of the following:

(1) Article 4, Section 22 of the Constitution of the State of Indiana.

(2) Article 4, Section 23 of the Constitution of the State of Indiana.

(d) The General Assembly finds the following:

(1) Before April 1, 2012, Indiana statutes have described classes of political subdivisions and specific political subdivisions using descriptions of the political subdivisions derived from population data.

(2) Before April 1, 2012, when the general assembly intended a statute to be limited to a specific political subdivision, the description of the political subdivision has been constructed so as to apply to that political subdivision and no other political subdivisions.

(3) Before April 1, 2012, the Indiana Code contained several hundred statutes such as those described in subdivision (2).

(4) Statutes described in subdivision (2) used indirect descriptions of the political subdivisions to avoid violations of the constitutional provisions.

(5) Every ten (10) years since 1982, the general assembly has revised the descriptions in statutes described in subdivision (2) based on data contained in the most recent federal

decennial census so as to continue to restrict application of statutes described in subdivision (2) to the intended political subdivisions.

(6) The indirect description of specific political subdivisions lacks clarity, causes confusion, and obscures the real intent of the general assembly in enacting these statutes.

(7) The Indiana supreme court in SMD Fund, Inc. et al. v. Fort Wayne-Allen County Airport Authority, et al., has determined that a challenge to a statute based on a claim that the statute violates a constitutional provision can be barred because the person challenging the statute has waited too long to assert the claim.

(8) A determination that a statute has violated a constitutional provision after a period of time has elapsed since the statute's enactment or amendment can cause confusion as to what the constitutional text of the statute is, particularly if:

(A) the statute has been amended several times before the finding of unconstitutionality and the subsequent amendments assume the constitutionality of the version of the statute found to be unconstitutional; or

(B) the statute is interrelated with several other statutes.

(9) Amending a statute found to be unconstitutional in circumstances described in subdivision (8) to cure the constitutional defect can be technically difficult to accomplish and substantively hard to understand.

(10) A period of two (2) years between enactment or amendment of a statute in a way that violates a constitutional provision is a sufficient period of time for persons who have an interest relating to the alleged violation of the constitutional provision to assert this claim because of the following:

(A) The factors described in subdivisions (8) and (9).

(B) The increased likelihood that a record of the special circumstances that initially may have supported the limitation of the statute to a particular political subdivision under the constitutional provisions will be lost due to passage of time.

(C) The detrimental reliance interests based on the assumption that a statute is constitutional that begin to accrue as time passes.

(11) The general assembly is not aware that any of the affected statutes is the subject of any claim that satisfies both of the following:

(A) The claim was asserted after April 1, 2010.

(B) The claim asserts that the affected statute violates a constitutional provision.

(e) This section and IC 34-11-2-14 are enacted to do the following:

(1) Clarify the affected statutes to state the true intention of the general assembly regarding the application of those statutes to certain political subdivisions.

(2) Provide a limitation on actions after April 1, 2012, alleging that any statute or any amendment to a statute, including statutes and amendments to statutes that:

(A) contain population parameters;

(B) name a specific political subdivision; or

(C) designate a political subdivision by some attribute of that political subdivision not shared by other political subdivisions;

violates a constitutional provision.

(f) Except as provided in subsection (g), a claim asserting that an affected statute as:

(1) in effect before April 1, 2012; or

(B) amended by P.L.[this act]-2012;

violates a constitutional provision, is barred.

(g) Subsection (f) does not bar a claim asserting that an affected statute violates a constitutional provision if the claim is part of an action commenced not later than two (2) years after an amendment of the affected statute enacted after April 1, 2012, that serves as a basis for the claim.

SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. "Executive" means **any of the following:**

(1) **The** board of county commissioners, for a county ~~not having a consolidated city;~~ **other than Marion County.**

(2) **The** mayor of the ~~consolidated~~ city **of Indianapolis,** for ~~a~~ **Marion** County. ~~having a consolidated city.~~

(3) **The** mayor, for a city.

(4) **The** president of the town council, for a town. ~~or~~

(5) **The** trustee, for a township.

SECTION 3. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. "Fiscal body" means **any of the following:**

(1) **The** county council, for a county ~~not having a consolidated city;~~ **other than Marion County.**

(2) **The** city-county council, for ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~having a consolidated city;~~

(3) **The** common council, for a second or third class city.

(4) **The** town council, for a town.

(5) **The** township board, for a township. ~~or~~

(6) **The** governing body or budget approval body, for any other political subdivision.

SECTION 4. 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~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(2) ~~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 5. IC 3-6-5.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

SECTION 6. IC 3-6-5.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter 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).~~

SECTION 7. IC 3-7-12-1, AS AMENDED BY P.L.225-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This section does not apply to the following counties:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) ~~A county containing a consolidated city.~~ **Marion County.**

(3) A county in which a board of registration was established by IC 3-7-12-3 (before its repeal).

(4) A county in which a board of registration exists under an order adopted by a county acting under this chapter.

(b) The circuit court clerk:

(1) is the voter registration officer of each county; and

(2) shall supervise the registration of voters of the county.

SECTION 8. IC 3-7-12-2.5, AS ADDED BY P.L.225-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. A board of registration is established in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 9. IC 3-7-12-4, AS AMENDED BY P.L.225-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section does not apply to:

(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) After June 30, 2011, the county executive may adopt an order by

the unanimous vote of the entire membership of the county executive to:

(1) establish a board of registration; or

(2) rescind a previously adopted order establishing a board of registration.

SECTION 10. IC 3-7-12-5.5, AS ADDED BY P.L.225-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.5. (a) Except as provided in subsection (b), this section applies to a county in which a board of registration was established by IC 3-7-12-3 (before its repeal).

(b) This section does not apply to any of the following:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) ~~A~~ **Marion** County. ~~containing a consolidated city.~~

(c) A county executive may adopt an order by the unanimous vote of the entire membership of the county executive to:

(1) abolish the board of registration; and

(2) designate the circuit court clerk as the voter registration officer of the county to supervise the registration of voters of the county.

(d) An order adopted under subsection (c) during the final sixty (60) days before an election becomes effective on the day following the election.

SECTION 11. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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 12. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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;

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

SECTION 13. IC 3-8-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) A declaration of candidacy for:

(1) any local office not described in section 5 of this chapter;

(2) precinct committeeman; or

(3) delegate to a state convention;

shall be filed in the office of the county election board located in the county seat.

(b) Whenever the election district for a local office includes more than one (1) county, the declaration of candidacy shall be filed in the office of the county election board located in the county seat of the county that contains the greatest percentage of population of the election district.

(c) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ The chief deputy of the combined election board and board of registration shall post for public inspection a copy of each declaration of candidacy filed under this section on the day the declaration is filed.

SECTION 14. IC 3-8-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to the nomination of candidates for town offices in each town having a population of less than three thousand five hundred (3,500) that is not located entirely or partially within ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

SECTION 15. IC 3-8-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) Whenever a town is wholly or partly located in ~~a~~ **Marion** County, ~~having a consolidated city,~~ a petition of nomination must be filed with the circuit court clerk of ~~the~~ **Marion** County. ~~having the consolidated city.~~

(b) Whenever a town not described in subsection (a) has entered

into an agreement with a county under IC 3-10-7-4, the petition must be filed with the circuit court clerk or board of registration of that county.

(c) Whenever a school corporation is located in more than one (1) county, a petition for the nomination of a candidate to a school board office must be filed with the circuit court clerk or board of registration of the county having the greatest percentage of population of the election district.

(d) When a petition is filed under subsection (a), (b), or (c) for nomination to an office whose election district is in more than one (1) county, the circuit court clerk or board of registration shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

SECTION 16. IC 3-10-1-18, AS AMENDED BY P.L.221-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) Except as provided by subsection (b), the names of all candidates for each office who have qualified under IC 3-8 shall be arranged in alphabetical order by surnames under the designation of the office.

(b) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of the time and place at which the lottery is to be held. Each candidate may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

(c) For paper ballots, the left margin of the ballot for each political party must show the name of the uppermost candidate printed to the right of the number 1, the next candidate number 2, the next candidate number 3, and so on, consecutively to the end of the ballot as prescribed in section 19 of this chapter. The same order shall be followed for the printing of ballot labels and their placement on the electronic voting system and for the printing of ballot cards.

(d) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ If there is insufficient room on a row to

list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

SECTION 17. IC 3-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to municipal and school district elections in the following municipalities:

(1) All cities.

(2) Towns having a population of three thousand five hundred (3,500) or more.

(3) Towns located entirely or partially within ~~a~~ **Marion** County, ~~having a consolidated city,~~ regardless of their population.

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

SECTION 18. 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~~ **the** 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 hundred (1,500).~~ **of Clermont.**

(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 19. IC 3-10-6-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.6. (a) This section does not apply to a town located wholly or partially within ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) This section applies to a town that has 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) A town may adopt an ordinance during a year in which an

election of town legislative body members, a town clerk-treasurer, or a town judge will not occur under section 3 of this chapter.

(d) The ordinance described in subsection (c) must provide that:

(1) the town legislative body members, clerk-treasurer, or judge elected at the next municipal election not conducted in a general election year serve terms of one (1) year; and

(2) the successors of the town legislative body members, clerk-treasurer, or judge described in subdivision (1) shall be chosen at the first general election following the municipal election and serve terms of four (4) years.

SECTION 20. IC 3-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to municipal elections in towns having a population of less than three thousand five hundred (3,500) that are not located entirely or partially within ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

SECTION 21. 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~~ **the** 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 hundred (1,500).~~ **of Clermont.**

(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 22. IC 3-10-7-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.7. (a) This section does not apply to a town located wholly or partially within ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) 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 municipal officers and changing the time municipal elections are held.

(c) The ordinance described in subsection (b) must provide all of the following:

(1) The town legislative body members, clerk-treasurer, or judge elected at the next municipal election not conducted in a general election year serve a term of three (3) years.

(2) The successors of the town legislative body members, clerk-treasurer, or judge described in subdivision (1) shall be chosen at the second general election following the municipal election and serve a term of four (4) years.

(3) The municipal elections for town offices shall be held during a general election.

(d) A town may repeal an ordinance adopted under subsection (b) subject to both of the following:

(1) The ordinance may not be repealed earlier than twelve (12) years after the ordinance was adopted.

(2) The ordinance may be repealed only in a year preceding a municipal election held at the time described in IC 3-10-6-5.

SECTION 23. IC 3-10-7-2.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.9. (a) This section does not apply to a town located wholly or partially within ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) During the year preceding a municipal election conducted under section 2 of this chapter, a town may adopt an ordinance changing the time municipal elections are held for the offices of the town legislative body members, clerk-treasurer, and judge.

(c) The ordinance described in subsection (b) must provide all the following:

(1) The years in which town elections shall be held. A town election may not be held in a year following a year in which an election for electors for President of the United States is held.

(2) That the elections for town offices shall be held during general elections or municipal elections, or both.

(3) Which town officers are to be elected in each of the years of the town election cycle. The ordinance must provide that at least two (2) town officers shall be elected in each year of the town election cycle. The ordinance may provide for all town officers to be elected at the same election.

(4) The term of office of each town officer elected in the first election cycle after adoption of the ordinance. A term of office set under this subdivision may not exceed four (4) years.

(5) That the term of office of each town officer elected after the first election cycle after adoption of the ordinance is four (4) years.

(6) That the term of office of each town officer begins on January 1 after the election.

(d) A town may repeal an ordinance adopted under subsection (b) subject to both of the following:

(1) The ordinance may not be repealed earlier than twelve (12) years after the ordinance was adopted.

(2) The ordinance may be repealed only in a year preceding a municipal election held at the time described in IC 3-10-6-5.

SECTION 24. IC 3-10-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. The county election board shall conduct a municipal election in a town that is located in ~~a~~ **Marion** County. ~~having a consolidated city.~~ The county election board shall conduct the municipal election in the same manner as it conducts ~~a consolidated city election.~~ **other municipal elections in the county.**

However, a town that is subject to this section is not required to reimburse the county for any of the expenses of conducting a municipal election.

SECTION 25. IC 3-10-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) A town election board consisting of three (3) members is established in each town except a town that:

(1) has entered into an agreement with the county election board under section 4 of this chapter;

(2) is located in ~~a~~ **Marion** County; ~~having a consolidated city;~~ or

(3) has a population of less than five hundred (500) and has not adopted and filed a resolution under section 5.5 of this chapter.

(b) The town election board consists of the following three (3) members:

(1) The town chairman of each of the major political parties appointed under IC 3-8-5-3.

(2) The town clerk-treasurer.

SECTION 26. IC 3-11-1.5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section does not apply to a precinct located in ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) This section applies to a precinct:

(1) that is located wholly or partially within the campus of:

(A) Ball State University;

(B) Indiana State University;

(C) Indiana University;

(D) Purdue University;

(E) The University of Evansville;

(F) The University of Southern Indiana; or

(G) Vincennes University;

with more full-time students enrolled at that campus than are enrolled at any other campus of that university; or

(2) that contains a structure owned by a university described in subdivision (1) that houses more than one hundred (100) students of the university.

(c) A county executive may establish a precinct subject to this section without regard to the number of registered voters permitted under section 3 of this chapter if less than forty percent (40%) of the active voters entitled to vote in the precinct voted in the last primary election.

SECTION 27. IC 3-11-1.5-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 28. The notice published under section 27 of this chapter must include the following:

(1) A list of the precincts established by the order and the polling places designated for the precincts.

(2) The date the order was issued by the county executive.

(3) The date the order was approved by the commission.
(4) The effective date of the order.
(5) A statement that the maps, legal descriptions, and estimated voter population of the established precincts are on file for public inspection in:
(A) the office of the county auditor; or
(B) ~~in a~~ **Marion** County, ~~with a consolidated city,~~ in the office of the board of registration.

SECTION 28. IC 3-11-1.5-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 32.5. (a) This section applies to townships in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-6-2.5 after November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.

SECTION 29. IC 3-11-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) The device named and list of nominees shall be placed on the ballots as follows:
(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election in the first column or row on the left side of all ballots.
(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state at the last election in the second column or row.
(3) Any other political party in the same order.

(b) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate (or an independent ticket for President and Vice President of the United States or for governor and lieutenant governor), the party or independent candidate or ticket shall be placed on the ballot after the parties described in subsection (a). If more than one (1) political party or independent candidate or ticket that has qualified to be on the ballot did not have a candidate for secretary of state in the last election, those parties, candidates, or tickets shall be listed on the ballot in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(c) Subject to subsection (e), a column or row for write-in voting shall be placed to the right of all party and independent columns on the ballot.

(d) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

(e) A column or row for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

SECTION 30. IC 3-11-3-35, AS AMENDED BY P.L.221-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 35. (a) This section applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000), but less than seven hundred thousand (700,000).~~

(b) In each precinct where voting is by electronic voting system, the county election board shall provide the following to be used if an electronic voting system malfunctions:

(1) The following number of paper ballots:

(A) Not less than ten (10) if the number of registered voters in the precinct is not more than three hundred (300).

(B) Not less than twenty-five (25) if the number of registered voters in the precinct is more than three hundred (300).

(2) The necessary supplies and equipment as required by IC 3-11-11.

(c) Upon notice that an electronic voting system is out of order or fails to work, the precinct election board shall make the paper ballots provided under subsection (b) available to voters. The precinct election board shall contact the county election board to obtain additional ballots.

(d) Upon notice that an electronic voting system is out of order or fails to work, the county election board shall deliver additional necessary supplies to any precinct in the county, including additional paper ballots.

SECTION 31. IC 3-11-11-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.7. (a) Each county election board shall provide an adequate number of sample ballots for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing:

(1) the political party and independent tickets;

(2) the offices to be filled;

(3) the names of the candidates; and

(4) the public questions;

in the same order in which they will occur on the official ballots printed under the jurisdiction of the election division and the county election board. However, if presidential electors are to be voted for at an election, then the ballot of each party or independent ticket must be in the form prescribed by IC 3-10-4-1.

(b) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be

posted copies of official sample ballots:

(1) received from the election division; and

(2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

SECTION 32. IC 3-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) Each county election board may make available at convenient places throughout the county electronic voting systems for the instruction of the voters. The board shall locate the systems at places where people usually assemble, such as shopping centers. The board shall have the systems attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the systems under this section.

(b) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots:

(1) received from the election division; and

(2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

SECTION 33. IC 4-8.1-1-8, AS ADDED BY P.L.220-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. Notwithstanding section 7 of this chapter, as amended by P.L.235-2005, SECTION 52, any payment made on or after April 1, 2007, by United Air Lines, Inc., to the state of Indiana under the IMC 757/767 Project Agreement, dated December 1, 1994, between the Indiana Economic Development Corporation and United Air Lines, Inc., upon failure to achieve prescribed levels of investment, employment, or wages set forth in the agreement at certain facilities that were financed with the proceeds of bonds issued by the Indiana finance authority under IC 8-21-12, shall be deposited as follows:

(1) Fifty percent (50%) of the money shall be deposited in the affordable housing and community development fund established by IC 5-20-4-7. The proceeds of any such payments are continuously appropriated for the purposes specified in IC 5-20-4-8. Any such proceeds in the affordable housing and community development fund that remain unexpended at the end of any state fiscal year remain in the fund until expended and do not revert to the state general fund due to United States Internal Revenue Service requirements related to outstanding Indiana finance authority bonds.

(2) Fifty percent (50%) of the money shall be distributed among

the counties that either have at least one (1) unit that has established an affordable housing fund under IC 5-20-5-15.5 or a housing trust fund established under IC 36-7-15.1-35.5(e) in proportion to the population of each county. The money shall be allocated within the county as follows:

(A) In a county ~~that does not contain a consolidated city~~ **other than Marion County** and has at least one (1) unit that has established an affordable housing fund under IC 5-20-5-15.5, the amount to be distributed to each unit that has established an affordable housing fund under IC 5-20-5-15.5 is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. For purposes of allocating an amount to the affordable housing fund established by the county, the population to be used for that unit is the population of the county outside any city or town that has established an affordable housing fund. The allocated amount shall be deposited in the unit's affordable housing fund for the purposes of the fund.

(B) In ~~a~~ **Marion** County, ~~to which clause (A) does not apply,~~ the money shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

SECTION 34. 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 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 **of Indianapolis.** 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~~ **Decatur** County ~~having a population of more than twenty-four thousand (24,000) but less than twenty-five thousand (25,000)~~ 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 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~~ **Vanderburgh** County ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000)~~ 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~~ **the** city ~~having a population of more than fifty-nine thousand (59,000) but less than fifty-nine thousand seven hundred (59,700)~~ **of Terre Haute** 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~~ **the** city **of Indianapolis,** a local public improvement bond bank, or any board, authority, or commission of the ~~consolidated~~ city **of Indianapolis** 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~~ **Pulaski** County ~~having a population of more than thirteen thousand five hundred (13,500) 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), 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 35. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. (a) This section applies to **each of the following:**

(1) A county contiguous to the Ohio River.

(2) A county containing a historic hotel district. ~~and~~

(3) ~~a~~ **LaPorte** County. ~~contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).~~

(4) Porter County.

(b) Notwithstanding any other provision of this article, the commission may not:

(1) issue a license under this article to allow a riverboat to operate in the county; or

(2) enter into a contract with an operating agent under IC 4-33-6.5;

unless the voters of the county have approved the conducting of

gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next primary or general election:

"Shall riverboat gambling be permitted in ____ County?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot.

SECTION 36. IC 4-33-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 20. (a) This section applies to a city that

~~(1)~~ has a population of less than one hundred thousand (100,000) ~~and~~

~~(2) is~~ located ~~in a~~ **Lake** County. ~~contiguous to Lake Michigan that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate from a city to which this section applies unless the voters of the city have approved the conducting of gambling games on riverboats in the city.

(c) If the legislative body of the city approves the docking of a riverboat under section 19 of this chapter, or if at least the number of the registered voters of the city required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the city during the next general election:

"Shall licenses be issued to permit riverboat gambling in the City of _____?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a city and the voters of the city do not vote in favor of permitting riverboat gambling under this article, another public question under this section may not be held in that city for at least two (2) years.

SECTION 37. 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~~ **LaPorte** County. ~~having a population of more than one hundred ten thousand (110,000) 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.

(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 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 **Dubois** County treasurer ~~of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000)~~ 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 **Crawford** 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~~ **the** town ~~having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).~~ **of Orleans.** 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~~ **the** 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 hundred (19,300) but less than twenty thousand (20,000).~~ **of Paoli.** 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.

(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~~ **Lake** County, ~~having a population of more than four hundred 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 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 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 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 38. 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~~ **Lake** 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 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~~ **Dubois** County ~~having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000)~~ 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.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of ~~a~~ **Crawford** 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~~ **the** town ~~having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).~~ **of Orleans.** 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~~ **the** 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 hundred (19,300) but less than twenty thousand (20,000).~~ **of Paoli.** 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 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 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~~ **Marion** 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~~ **the** city **of Indianapolis,** 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 **of Indianapolis** and ~~the~~ **Marion** County.

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

~~(1) each~~ **Vanderburgh** County ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000);~~ and

~~(2)~~ each second class city located in ~~such a~~ **Vanderburgh** County.

(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 40. IC 5-1-17-0.3, AS ADDED BY P.L.220-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 0.3. The general assembly finds the following:

(1) Marion, Boone, Johnson, Hamilton, Hancock, Hendricks, Morgan, and Shelby counties, and certain municipalities located in those counties, face unique and distinct challenges and opportunities related to the economic development issues associated with the construction and maintenance of a world-class convention center and stadium facility in Indianapolis.

(2) A unique approach is required to ensure that these counties have sufficient revenue sources to allow them to meet these challenges and opportunities.

(3) The powers and responsibilities provided to these counties and to the Indiana stadium and convention building authority created by this chapter are appropriate and necessary to carry out the public purposes of encouraging and fostering economic development in central Indiana and constructing a world-class convention center and stadium facility in Indianapolis.

(4) The retention of a National Football League franchised professional football team in Indianapolis poses unique challenges due to the need for development of a world class football stadium and related infrastructure that would not be

needed apart from the needs related to the retention of a National Football League franchised professional football team in Indianapolis.

(5) The retention of a National Football League franchised professional football team in Indianapolis is critical to successful economic development in Indianapolis and is a public purpose.

(6) Encouragement of economic development in Indianapolis will:

(A) generate significant economic activity, a substantial portion of which results from persons residing outside Indiana, which may attract new businesses and encourage existing businesses to remain or expand in Indianapolis;

(B) promote the ~~consolidated~~ city **of Indianapolis** to residents outside Indiana, which may attract residents outside Indiana and new businesses to relocate to the Indianapolis area;

(C) protect and increase state and local tax revenues; and

(D) encourage overall economic growth in Indianapolis and in Indiana.

(7) Indianapolis faces unique challenges in the development of infrastructure and other facilities necessary to promote economic development as a result of its need to rely on sources of revenue other than property taxes, due to the large number of tax exempt properties located in Indianapolis because Indianapolis is the seat of government, the home to multiple institutions of higher education, and the site of numerous state and regional nonprofit corporations.

(8) Economic development benefits the health and welfare of the people of Indiana, is a public use and purpose for which public money may be spent, and is of public utility and benefit.

SECTION 41. IC 5-1-17-7, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The board is composed of the following seven (7) members, who must be residents of Indiana:

(1) Four (4) members appointed by the governor. The president pro tempore of the senate and the speaker of the house of representatives may each make one (1) recommendation to the governor concerning the appointment of a member under this subdivision.

(2) Two (2) members appointed by the executive of ~~a~~ **Marion** County. ~~having a consolidated city.~~

(3) One (1) member appointed by the governor, who has been nominated by the county fiscal body of a county that is contiguous to ~~a~~ **Marion** County, ~~having a consolidated city~~, determined as follows:

(A) The member nominated for the initial term shall be nominated by the contiguous county that has the largest

population of all the contiguous counties that have adopted an ordinance to impose a food and beverage tax under IC 6-9-35.

(B) The member nominated for each successive term shall be nominated by the contiguous county that:

(i) contributed the most revenues from the tax imposed by IC 6-9-35 to the capital improvement board of managers created by IC 36-10-9-3 in the immediately previous calendar year; and

(ii) has not previously made a nomination to the governor or, if all the contributing counties have previously made such a nomination, is the one whose then most recent nomination occurred before those of all the other contributing counties.

(b) A member appointed under subsection (a)(1) through (a)(2) is entitled to serve a three (3) year term. A member appointed under subsection (a)(3) is entitled to serve a one (1) year term. A member may be reappointed to subsequent terms.

(c) If a vacancy occurs on the board, the governor shall fill the vacancy by appointing a new member for the remainder of the vacated term. If the vacated member was appointed under subsection (a)(2) or (a)(3), the governor shall appoint a new member who has been nominated by the person or body who made the nomination of the vacated member.

(d) A member may be removed for cause by the appointing authority.

(e) Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board.

(f) The governor shall nominate an executive director for the authority, subject to the veto authority of the executive of ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 42. IC 5-1-17-18, AS AMENDED BY P.L.1-2006, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) Subject to subsection (h), the authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring real or personal property, including existing capital improvements;

(2) constructing, improving, reconstructing, or renovating one (1) or more capital improvements; or

(3) funding or refunding bonds issued under IC 36-10-8 or IC 36-10-9 or prior law.

(b) The bonds are payable from the lease rentals from the lease of the capital improvements for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the board.

(d) The terms and form of the bonds shall either be set out in the

resolution or in a form of trust indenture approved by the resolution.

(e) The bonds shall mature within forty (40) years.

(f) The board shall sell the bonds at public or private sale upon the terms determined by the board.

(g) All money received from any bonds issued under this chapter shall be applied to the payment of the cost of the acquisition or construction, or both, of capital improvements, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

(1) planning and development of the facility and all buildings, facilities, structures, and improvements related to it;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the capital improvement suitable for use and operations;

(4) architectural, engineering, consultant, and attorney's fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction;

(8) financial advisory fees;

(9) insurance during construction;

(10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and

(11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on, the bonds being refunded or refinanced.

(h) The authority may not issue bonds under this chapter unless the authority first finds that the following conditions are met:

(1) Each contract or subcontract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds:

(A) requires payment of the common construction wage required by IC 5-16-7; and

(B) requires the contractor or subcontractor to enter into a project labor agreement as a condition of being awarded and performing work on the contract.

(2) The capital improvement board and the authority have entered into a written agreement concerning the terms of the financing of the facility. This agreement must include the following provisions:

(A) Notwithstanding any other law, if the capital improvement board selected a construction manager and an architect for a facility before May 15, 2005, the authority will contract with

that construction manager and architect and use plans as developed by that construction manager and architect. In addition, any other agreements entered into by the capital improvement board or a political subdivision served by the capital improvement board with respect to the design and construction of the facility will be reviewed by a selection committee consisting of:

(i) two (2) of the members appointed to the board of directors of the authority under section 7(a)(1) of this chapter, as designated by the governor;

(ii) the two (2) members appointed to the board of directors of the authority under section 7(a)(2) of this chapter; and

(iii) the executive director of the authority.

The selection committee is not bound by any prior commitments of the capital improvement board or the political subdivision, other than the general project design, and will approve all contracts necessary for the design and construction of the facility.

(B) If before May 15, 2005, the capital improvement board acquired any land, plans, or other information necessary for the facility and the board had budgeted for these items, the capital improvement board will transfer the land, plans, or other information useful to the authority for a price not to exceed the lesser of:

(i) the actual cost to the capital improvement board; or

(ii) three million five hundred thousand dollars ($3,500,000).

(C) The capital improvement board agrees to take any legal action that the authority considers necessary to facilitate the financing of the facility, including entering into agreements during the design and construction of the facility or a sublease of a capital improvement to any state agency that is then leased by the authority to any state agency under section 26 of this chapter.

(D) The capital improvement board is prohibited from taking any other action with respect to the financing of the facility without the prior approval of the authority. The authority is not bound by the terms of any agreement entered into by the capital improvement board with respect to the financing of the facility without the prior approval of the authority.

(E) As the project financier, the Indiana finance authority (or its successor agency) and the public finance director will be responsible for selecting all investment bankers, bond counsel, trustees, and financial advisors.

(F) The capital improvement board agrees to deliver to the authority the one hundred million dollars ($100,000,000) that

is owed to the capital improvement board, the ~~consolidated~~ city **of Indianapolis,** or ~~the~~ **Marion** County ~~having a consolidated city~~ pursuant to an agreement between the National Football League franchised professional football team and the capital improvement board, the ~~consolidated~~ city **of Indianapolis,** or ~~the~~ **Marion** County. This amount shall be applied to the cost of construction for the stadium part of the facility. This amount does not have to be delivered until a lease is entered into for the stadium between the authority and the capital improvement board.

(G) The authority agrees to consult with the staff of the capital improvement board on an as needed basis during the design and construction of the facility, and the capital improvement board agrees to make its staff available for this purpose.

(H) The authority, ~~the~~ **Marion** County, the ~~consolidated~~ city **of Indianapolis,** the capital improvement board, and the National Football League franchised professional football team must commit to using their best efforts to assist and cooperate with one another to design and construct the facility on time and on budget.

(3) The capital improvement board and the National Football League franchised professional football team have entered into a lease for the stadium part of the facility that has been approved by the authority and has a term of at least thirty (30) years.

SECTION 43. 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~~ **The** city **of Indianapolis.**

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

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

SECTION 44. 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 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 thousand (200,000) but less than~~

~~three hundred thousand (300,000);~~ **Lake County;**

(B) St. Joseph County; or

~~(B)~~ **(C) a county** 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~~ **the** city **of Indianapolis.**

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

SECTION 45. IC 5-2-1-3, AS AMENDED BY P.L.197-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of the following members:

(1) The superintendent of the Indiana state police department, who shall serve as chairperson of the board.

(2) The deputy director of the division of preparedness and training of the department of homeland security. The deputy director shall serve as the vice chair of the board.

(3) The chief of police of ~~a consolidated~~ **the** city **of Indianapolis.**

(4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).

(5) One (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population.

(6) One (1) county sheriff from a county of under fifty thousand (50,000) population.

(7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of ~~a consolidated~~ **the** city **of Indianapolis.**

(8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

(9) One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

(10) One (1) prosecuting attorney.

(11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.

(12) One (1) member representing professional journalism.

(13) One (1) member representing the medical profession.

(14) One (1) member representing education.

(15) One (1) member representing business and industry.

(16) One (1) member representing labor.

(17) One (1) member representing Indiana elected officials of counties, cities, and towns.

SECTION 46. IC 5-10.3-7-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7.7. (a) For the purposes of computing benefits and determining eligibility, a member who:

(1) has at least one (1) year of service in a position covered by the fund;

(2) became a member of the fund after December 31, 1987;

(3) was at least sixty (60) years of age when the member joined the fund; and

(4) before January 1, 1988, was an employee of a township trustee's office:

(A) located in ~~a~~ **Marion** County; ~~having a consolidated city;~~ and

(B) participating in the fund;

is entitled to service credit as provided in subsections (b) and (c).

(b) A member who is qualified under subsection (a) is entitled to service credit for the time the member:

(1) was an employee of a township trustee's office described in subsection (a)(4);

(2) was employed in a position covered by the fund; and

(3) was not a member of the fund.

(c) To receive service credit under this section, a member must pay into the fund the amount the member would have contributed if the member had been a member of the fund for the period described in subsection (b).

SECTION 47. IC 5-10.3-7-7.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7.9. (a) This section applies to a person who is or was an employee of the office of a township executive in ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) Except as provided in subsection (d), for the purposes of computing benefits and determining eligibility, a member who:

(1) has at least one (1) year of service in a position covered by the fund;

(2) became a member of the fund after December 31, 1987;

(3) was at least sixty (60) years of age when the member joined the fund; and

(4) was an employee of the state or a political subdivision participating in the fund, or both, before January 1, 1988;

is entitled to service credit as provided in subsection (c).

(c) A member who is qualified under subsection (b) is entitled to service credit for the time the member:

(1) was an employee of the state or a political subdivision participating in the fund, or both;

(2) was employed in a position covered by the fund; and

(3) was not a member of the fund.

(d) To receive service credit under this section, a member must pay

into the fund the amount the member would have contributed if the member had been a member of the fund for the period described in subsection (c).

SECTION 48. 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~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **of Gary;** 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 49. IC 5-11-10-1, AS AMENDED BY P.L.182-2009(ss), SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This section applies to the state and its political subdivisions. However, this section does not apply to the following:

(1) A state educational institution, including Ivy Tech Community

College of Indiana.
(2) A municipality (as defined in IC 36-1-2-11).
(3) A county.
(4) An airport authority operating in ~~a consolidated~~ **the** city **of Indianapolis.**
(5) A capital improvements board of managers operating in ~~a consolidated~~ **the** city **of Indianapolis.**
(6) A board of directors of a public transportation corporation operating in ~~a consolidated~~ **the** city **of Indianapolis.**
(7) A municipal corporation organized under IC 16-22-8-6.
(8) A public library.
(9) A library services authority.
(10) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.
(11) A school corporation (as defined in IC 36-1-2-17).
(12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
(13) A municipally owned utility (as defined in IC 8-1-2-1).
(14) A board of an airport authority under IC 8-22-3.
(15) A conservancy district.
(16) A board of aviation commissioners under IC 8-22-2.
(17) A public transportation corporation under IC 36-9-4.
(18) A commuter transportation district under IC 8-5-15.
(19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
(20) A county building authority under IC 36-9-13.
(21) A soil and water conservation district established under IC 14-32.
(22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.
(23) The commuter rail service board established under IC 8-24-5.
(24) The regional demand and scheduled bus service board established under IC 8-24-6.

(b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by law.

(c) The certificate provided for in subsection (b) is not required for:
(1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated by a governmental body;
(2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
(3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or

(4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).

(d) The disbursing officer shall issue checks or warrants for all claims which meet all of the requirements of this section. The disbursing officer does not incur personal liability for disbursements:

(1) processed in accordance with this section; and

(2) for which funds are appropriated and available.

(e) The certificate provided for in subsection (b) must be in the following form:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SECTION 50. IC 5-13-6-1, AS AMENDED BY P.L.234-2007, SECTION 295, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) All public funds paid into the treasury of the state or the treasuries of the respective political subdivisions shall be deposited not later than the business day following the receipt of funds on business days of the depository in one (1) or more depositories in the name of the state or political subdivision by the officer having control of the funds.

(b) Except as provided in subsections (d), (f), and (g), all public funds collected by state officers, other than the treasurer of state, shall be deposited with the treasurer of state, or an approved depository selected by the treasurer of state, not later than the business day following the receipt of the funds. The treasurer of state shall deposit daily on business days of the depository all public funds deposited with the treasurer of state. Deposits do not relieve any state officer from the duty of maintaining a cashbook under IC 5-13-5-1.

(c) Except as provided in subsection (d), all local officers, except township trustees, who collect public funds of their respective political subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in which they were received.

(d) A city (other than ~~a consolidated~~ **the** city **of Indianapolis)** or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

(1) selected by the city or town as provided in an ordinance adopted by the city or the town; and

(2) approved as depositories of state funds.

(e) All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local

officers, with the balance statements provided by the respective depositories.

(f) An office of:

(1) the department of natural resources; or

(2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars ($100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars ($100).

(g) An office of the legislative branch of state government is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars ($100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars ($100).

SECTION 51. IC 5-13-7-2, AS AMENDED BY P.L.1-2005, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the county board of finance is composed of **the following:**

(1) The county treasurer.

(2) The county auditor.

(3) The county assessor.

(4) The mayor of the ~~consolidated~~ city **of Indianapolis.**

(5) The controller of the ~~consolidated~~ city ~~and~~ **of Indianapolis.**

(6) The president of the board of school commissioners of the school city described by IC 20-25-3-1.

(b) The board has supervision of the revocation of public depositories for all public funds of the following:

(1) The county.

(2) The ~~consolidated~~ city **of Indianapolis.**

(3) The school city.

(4) Any other political subdivision in the county whose local board of finance designates the county board of finance for those purposes.

SECTION 52. 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 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~~ **the** city ~~having a population of more than four thousand six hundred fifty (4,650) but less than five thousand (5,000)~~ **of Lawrenceburg** 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~~ **the** clerk-treasurer of ~~a~~ **the** ~~town with a population of more than six thousand three hundred (6,300) but less than ten thousand (10,000) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000)~~ **Danville** 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, 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 53. IC 5-13-9-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) The fiscal officer of a political subdivision or county treasurer that is located in ~~a~~ **Marion** County ~~containing a consolidated city~~ may invest or reinvest any funds that are held by the fiscal officer or the county treasurer and that are available for investment in participations in loans. However, funds may be invested or reinvested in a participation in loans under this subsection only under the following conditions:

(1) The principal of the participation in loans must be guaranteed by an agency or instrumentality of the United States government.

(2) The participation in loans must be represented by a certificate issued by a bank that is:

(A) incorporated under the laws of Indiana, another state, or the United States; and

(B) insured by the Bank Insurance Fund of the Federal Deposit Insurance Corporation.

(b) Funds may be invested or reinvested in a participation in loans under subsection (a) even though the certificate representing the participation in loans is not insured by the Bank Insurance Fund of the Federal Deposit Insurance Corporation.

(c) A fiscal officer or county treasurer described in subsection (a) may lend any securities acquired under this section or section 2 of this chapter. However, securities may be lent under this subsection only if the agreement under which the securities are lent is collateralized by:

(1) cash; or

(2) interest bearing obligations that are issued by, fully insured by, or guaranteed by the United States, an agency of the United States

government, a federal instrumentality, or a federal government sponsored enterprise in excess of the total market value of the loaned securities.

SECTION 54. IC 5-13-9-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. Except for investments allowed under section 2(f) or 2(g) of this chapter, investments made under this chapter must have a stated final maturity of not more than:

(1) five (5) years for a conservancy district located in ~~a~~ **the** city ~~having a population of more than four thousand six hundred fifty (4,650) but less than five thousand (5,000);~~ **of Lawrenceburg;**

(2) five (5) years for investments made from a host community agreement future fund established by ordinance of ~~a~~ **the** town ~~with a population of more than six thousand three hundred (6,300) but less than ten thousand (10,000) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000);~~ **of Danville;** or

(3) two (2) years for a fund or political subdivision not described in subdivision (1) or (2);

after the date of purchase or entry into a repurchase agreement.

SECTION 55. IC 5-14-1.5-3.1, AS ADDED BY P.L.179-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.1. (a) Except as provided in subsection (b), the governing body of a public agency violates this chapter if members of the governing body participate in a series of at least two (2) gatherings of members of the governing body and the series of gatherings meets all of the following criteria:

(1) One (1) of the gatherings is attended by at least three (3) members but less than a quorum of the members of the governing body and the other gatherings include at least two (2) members of the governing body.

(2) The sum of the number of different members of the governing body attending any of the gatherings at least equals a quorum of the governing body.

(3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.

(4) The gatherings are held to take official action on public business.

For purposes of this subsection, a member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

(b) This subsection applies only to the city-county council of ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~having a consolidated city.~~ The city-county council violates this chapter if its

members participate in a series of at least two (2) gatherings of members of the city-county council and the series of gatherings meets all of the following criteria:

(1) One (1) of the gatherings is attended by at least five (5) members of the city-county council and the other gatherings include at least three (3) members of the city-county council.

(2) The sum of the number of different members of the city-county council attending any of the gatherings at least equals a quorum of the city-county council.

(3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.

(4) The gatherings are held to take official action on public business.

For purposes of this subsection, a member of the city-county council attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

(c) A gathering under subsection (a) or (b) does not include:

(1) a social or chance gathering not intended by any member of the governing body to avoid the requirements of this chapter;

(2) an onsite inspection of any:

(A) project;

(B) program; or

(C) facilities of applicants for incentives or assistance from the governing body;

(3) traveling to and attending meetings of organizations devoted to the betterment of government;

(4) a caucus;

(5) a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources;

(6) an orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action;

(7) a gathering for the sole purpose of administering an oath of office to an individual; or

(8) a gathering between less than a quorum of the members of the governing body intended solely for members to receive information and deliberate on whether a member or members may be inclined to support a member's proposal or a particular piece of legislation and at which no other official action will occur.

(d) A violation described in subsection (a) or (b) is subject to section 7 of this chapter.

SECTION 56. IC 5-20-2-5, AS AMENDED BY P.L.1-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

APRIL 1, 2012]: Sec. 5. (a) Bonds shall not be issued by a county, city, town, or ~~consolidated~~ **the** city **of Indianapolis** for home mortgages under this chapter if at the time of issuance and delivery there remains unexpended or uncommitted more than five percent (5%) of the net proceeds of a prior bond issued by that county, city, town, or ~~consolidated~~ **the** city **of Indianapolis** under this chapter.

(b) Bonds shall not be issued under this chapter for home mortgages in an amount in excess of twenty-five percent (25%) of the average annual amount of mortgage lending in the county or municipality in the most recent three (3) year period for which the governing body shall by ordinance determine from the Home Mortgage Disclosure Act, Public Law 94-200.

(c) No issue shall be approved by the authority if the amount of the issue exceeds the total amount of bond issues permissible under this chapter in the calendar year during which the proposed bonds will be issued. The total amount of bonds permissible under this chapter in any calendar year shall be fifty dollars ($50) multiplied by the population of the state of Indiana as determined by the most recent federal decennial census.

(d) There is a five percent (5%) down payment requirement. An issue meets this requirement only if seventy-five percent (75%) or more of the owner-occupied financing provided by the issue is ninety-five percent (95%) financing. For purposes of this subsection, financing of a residence is ninety-five percent (95%) financing if such financing is ninety-five percent (95%) or more of the acquisition cost of such residence. A larger down payment is permitted in the case of alternative mortgage instruments as provided by law.

(e) No mortgage shall be made under this chapter the amount of which exceeds two and one-half (2 1/2) times the amount of the annual income of the prospective mortgagor. In addition, no financing shall be provided under this chapter to a prospective mortgagor who is already a mortgagor with respect to an existing mortgage financed under this chapter.

(f) The effective rate of interest on mortgages provided from a particular bond issue under this chapter may not exceed the yield on the issue by more than one (1) percentage point. For purposes of this subsection, the effective rate of mortgage interest and the bond yield shall be determined in accordance with reasonable procedures adopted by the authority. However, the authority may waive the restriction in this subsection if it determines that:

(1) waiver of the restriction with respect to a proposed issue is in the best interests of the citizens of the issuing jurisdiction and the state of Indiana; and

(2) the proposed issue is not marketable without waiver of the restriction.

(g) An issue meets the requirements of this section only if a

preliminary official statement of such issue has been submitted to the authority, and:

(1) such authority has, within thirty (30) days after the date of such submission, issued an opinion that such issue meets the requirements of this section and section 4 of this chapter; or

(2) thirty (30) days have elapsed since such submission and during this thirty (30) day period the authority has not issued an opinion that the issue does not meet the requirements of this section and section 4 of this chapter.

SECTION 57. IC 5-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This article applies to the following:

(1) The state.

(2) A political subdivision in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(3) A political subdivision in a county where:

(A) the legislative body of the political subdivision; or

(B) if the political subdivision does not have a legislative body, the fiscal body of the political subdivision;

adopts the provisions of this article by resolution or ordinance.

SECTION 58. IC 6-1.1-4-25, AS AMENDED BY P.L.146-2008, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor (if any) in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the county assessor if there are no township assessors in ~~a~~ **Marion** County, ~~having a consolidated city,~~ or the county assessor in every other county, shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 59. IC 6-1.1-5-9, AS AMENDED BY P.L.146-2008, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. In ~~a~~ **Marion** County: ~~containing a consolidated city:~~

(1) the township assessor has the duties and authority described in sections 1 through 8 of this chapter; and

(2) the county assessor has the duties and authority described in sections 1 through 8 of this chapter for a township for which there is no township assessor.

These duties and authority include effecting the transfer of title to real property and preparing, maintaining, approving, correcting, indexing, and publishing the list or record of, or description of title to, real property. If a court renders a judgment for the partition or transfer of real property located in ~~a~~ **Marion** County, ~~containing a consolidated city~~, the clerk of the court shall deliver the transcript to the county assessor.

SECTION 60. IC 6-1.1-5.5-3, AS AMENDED BY P.L.1-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Subject to subsections (g) and (h), before filing a conveyance

document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:

(1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form. For conveyance transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the sales disclosure form is sufficient.

(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp or otherwise approve the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible. For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:

(A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and

(B) both of the following conditions are satisfied:

(i) The form contains the information required by section 5(a)(1) through 5(a)(16) of this chapter as that section applies to the conveyance transaction, subject to the obligation of a party to furnish or correct that information in the manner required by and subject to the penalty provisions of section 12 of this chapter. The form may not be rejected for failure to contain information other than that required by section 5(a)(1) through 5(a)(16) of this chapter.

(ii) The form is submitted to the county assessor in a format usable to the county assessor.

(3) File the sales disclosure form with the county auditor.

(c) The auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local

government finance and the legislative services agency. The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward the sales disclosure form to the appropriate township assessor (if any). The township assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The township or county assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The forms may be used by the county assessing officials, the county auditor, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

(f) County assessing officials, county auditors, and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.

(g) Except as provided in subsection (h), a separate sales disclosure form is required for each parcel conveyed, regardless of whether more than one (1) parcel is conveyed under a single conveyance document.

(h) Only one (1) sales disclosure form is required for the conveyance under a single conveyance document of two (2) or more contiguous parcels located entirely within a single taxing district.

SECTION 61. IC 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) A party to a conveyance who:

(1) either:

(A) files a sales disclosure form that does not contain all of the information required by this chapter; or

(B) files a sales disclosure form that contains inaccurate information;

and receives from the township assessor (in ~~a~~ **Marion** County) ~~containing a consolidated city)~~ or the county assessor (in any other county) written notice of the problems described in clause (A) or (B); and

(2) fails to file a correct sales disclosure form that fully complies with all requirements of this chapter within thirty (30) days after the date of the notice under subdivision (1);

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars ($100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) The township assessor in ~~a~~ **Marion** County, ~~containing a consolidated city,~~ or the county assessor in any other county, shall:

(1) determine the penalty imposed under this section;

(2) assess the penalty to the party to a conveyance; and

(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

(1) collect the penalty imposed under this section;

(2) deposit penalty collections as required under section 4 of this chapter; and

(3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 62. IC 6-1.1-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter, "qualifying county" ~~means a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ **refers to Lake County.**

SECTION 63. 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~~ **Allen County or St. Joseph** County ~~having a population of more than two hundred thousand (200,000) 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.

SECTION 64. 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~~ **Carroll** County. ~~having a population of more than twenty thousand (20,000) but less than twenty thousand three hundred (20,300).~~

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

(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 65. IC 6-1.1-10-44, AS AMENDED BY P.L.173-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 44. (a) As used in this section, "designating body" means the fiscal body of:

(1) a county ~~that does not contain a consolidated city;~~ **other than Marion County;** or

(2) a municipality.

(b) As used in this section, "eligible business" means an entity that meets the following requirements:

(1) The entity is engaged in a business that operates one (1) or more facilities dedicated to computing, networking, or data storage activities.

(2) The entity is located in a facility or data center in Indiana.

(3) The entity invests in the aggregate at least ten million dollars ($10,000,000) in real and personal property in Indiana after June 30, 2009.

(4) The average employee wage of the entity is at least one hundred twenty-five percent (125%) of the county average wage for each county in which the entity conducts business operations.

(c) As used in this section, "enterprise information technology equipment" means the following:

(1) Hardware supporting computing, networking, or data storage functions, including servers and routers.

(2) Networking systems having an industry designation as equipment within the "enterprise" or "data center" class of networking systems that support the computing, networking, or data storage functions.

(3) Generators and other equipment used to ensure an uninterrupted power supply to equipment described in subdivision (1) or (2).

The term does not include computer hardware designed for single user, workstation, or departmental level use.

(d) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(e) As used in this section, "municipality" has the meaning set forth in IC 36-1-2-11.

(f) As used in this section, "qualified property" means enterprise information technology equipment purchased after June 30, 2009.

(g) Before adopting a final resolution under subsection (h) to

provide a property tax exemption, a designating body must first adopt a declaratory resolution provisionally specifying that qualified property owned by a particular eligible business is exempt from property taxation. The designating body shall file a declaratory resolution adopted under this subsection with the county assessor. After a designating body adopts a declaratory resolution specifying that qualified property owned by a particular eligible business is exempt from property taxation, the designating body shall publish notice of the adoption and the substance of the declaratory resolution in accordance with IC 5-3-1 and file a copy of the notice and the declaratory resolution with each taxing unit in the county. The notice must specify a date when the designating body will receive and hear all remonstrances and objections from interested persons. The designating body shall file the notice and the declaratory resolution with the officers of the taxing units who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date for the public hearing. After the designating body considers the testimony presented at the public hearing, the designating body may adopt a second and final resolution under subsection (h). The second and final resolution under subsection (h) may modify, confirm, or rescind the declaratory resolution.

(h) Before January 1, 2017, a designating body may, after following the procedures of subsection (g), adopt a final resolution providing that qualified property owned by a particular eligible business is exempt from property taxation. In the case of a county, the exemption applies only to qualified property that is located in unincorporated territory of the county. In the case of a municipality, the exemption applies only to qualified property that is located in the municipality. The property tax exemption applies to the qualified property only if the designating body and the eligible business enter into an agreement concerning the property tax exemption. The agreement must specify the duration of the property tax exemption. The agreement may specify that if the ownership of qualified property is transferred by an eligible business, the transferee is entitled to the property tax exemption on the same terms as the transferor. If a designating body adopts a final resolution under this subsection and enters into an agreement with an eligible business, the qualified property owned by the eligible business is exempt from property taxation as provided in the resolution and the agreement.

(i) If a designating body adopts a final resolution and enters into an agreement under subsection (h) to provide a property tax exemption, the property tax exemption continues for the period specified in the agreement, notwithstanding the January 1, 2017, deadline to adopt a final resolution under subsection (h).

SECTION 66. IC 6-1.1-12-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 40. (a) This section

applies only to real property that is located in an enterprise zone established in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The owner of real property described in subsection (a) is entitled to a deduction under this section if:

(1) an obsolescence depreciation adjustment for either functional obsolescence or economic obsolescence was allowed for the property for property taxes assessed in the year preceding the year in which the owner purchased the property;

(2) the property owner submits an application requesting the deduction to the fiscal body of the county in which the property is located; and

(3) the fiscal body of the county approves the deduction.

(c) If a county fiscal body approves a deduction under this section, it must notify the county auditor of the approval of the deduction.

(d) A deduction may be claimed under this section for not more than four (4) years. The amount of the deduction under this section equals:

(1) the amount of the obsolescence depreciation adjustment for either functional obsolescence or economic obsolescence that was allowed for the property for property taxes assessed in the year preceding the year in which the owner purchased the property; multiplied by

(2) the following percentages:

(A) One hundred percent (100%), for property taxes assessed in the year in which the owner purchased the property.

(B) Seventy-five percent (75%), for property taxes assessed in the year after the year in which the owner purchased the property.

(C) Fifty percent (50%), for property taxes assessed in the second year after the year in which the owner purchased the property.

(D) Twenty-five percent (25%), for property taxes assessed in the third year after the year in which the owner purchased the property.

SECTION 67. IC 6-1.1-12.1-1, AS AMENDED BY P.L.224-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. For purposes of this chapter:

(1) "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes:

(A) any area where a facility or a group of facilities that are

technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

(B) a residentially distressed area, except as otherwise provided in this chapter.

(2) "City" means any city in this state, and "town" means any town incorporated under IC 36-5-1.

(3) "New manufacturing equipment" means tangible personal property that a deduction applicant:

(A) installs after February 28, 1983, and on or before the approval deadline determined under section 9 of this chapter, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) uses in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products;

(C) acquires for use as described in clause (B):

(i) in an arms length transaction from an entity that is not an affiliate of the deduction applicant, if the tangible personal property has been previously used in Indiana before the installation described in clause (A); or

(ii) in any manner, if the tangible personal property has never been previously used in Indiana before the installation described in clause (A); and

(D) has never used for any purpose in Indiana before the installation described in clause (A).

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

(4) "Property" means a building or structure, but does not include land.

(5) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:

(A) on unimproved real estate; or

(B) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(6) "Rehabilitation" means the remodeling, repair, or betterment

of property in any manner or any enlargement or extension of property.

(7) "Designating body" means the following:

(A) For a county ~~that does not contain a consolidated city~~, **other than Marion County,** the fiscal body of the county, city, or town.

(B) For ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the metropolitan development commission.

(8) "Deduction application" means:

(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter;

(B) the application filed in accordance with section 5.4 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter; or

(C) the application filed in accordance with section 5.3 of this chapter by a property owner that desires to obtain the deduction provided by section 4.8 of this chapter.

(9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) a deduction applicant installs after June 30, 2000, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

(i) laboratory equipment;

(ii) research and development equipment;

(iii) computers and computer software;

(iv) telecommunications equipment; or

(v) testing equipment;

(C) the deduction applicant uses in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products;

(D) the deduction applicant acquires for purposes described in

this subdivision:
(i) in an arms length transaction from an entity that is not an affiliate of the deduction applicant, if the tangible personal property has been previously used in Indiana before the installation described in clause (A); or
(ii) in any manner, if the tangible personal property has never been previously used in Indiana before the installation described in clause (A); and
(E) the deduction applicant has never used for any purpose in Indiana before the installation described in clause (A).
The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.
(13) "New logistical distribution equipment" means tangible personal property that:
(A) a deduction applicant installs after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;
(B) consists of:
(i) racking equipment;
(ii) scanning or coding equipment;
(iii) separators;
(iv) conveyors;
(v) fork lifts or lifting equipment (including "walk behinds");
(vi) transitional moving equipment;
(vii) packaging equipment;
(viii) sorting and picking equipment; or
(ix) software for technology used in logistical distribution;
(C) the deduction applicant acquires for the storage or distribution of goods, services, or information:
(i) in an arms length transaction from an entity that is not an affiliate of the deduction applicant, if the tangible personal property has been previously used in Indiana before the installation described in clause (A); and
(ii) in any manner, if the tangible personal property has never been previously used in Indiana before the installation described in clause (A); and
(D) the deduction applicant has never used for any purpose in Indiana before the installation described in clause (A).
(14) "New information technology equipment" means tangible personal property that:
(A) a deduction applicant installs after June 30, 2004, and on

or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of equipment, including software, used in the fields of:

(i) information processing;

(ii) office automation;

(iii) telecommunication facilities and networks;

(iv) informatics;

(v) network administration;

(vi) software development; and

(vii) fiber optics;

(C) the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant; and

(D) the deduction applicant never used for any purpose in Indiana before the installation described in clause (A).

(15) "Deduction applicant" means an owner of tangible personal property who makes a deduction application.

(16) "Affiliate" means an entity that effectively controls or is controlled by a deduction applicant or is associated with a deduction applicant under common ownership or control, whether by shareholdings or other means.

(17) "Eligible vacant building" means a building that:

(A) is zoned for commercial or industrial purposes; and

(B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.

SECTION 68. 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~~ **Marion** County ~~containing a consolidated city~~ or within a city or town, a designating body may find that a particular area within its 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~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000),~~ 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~~ **Marion** 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 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~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000),~~ 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 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 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 69. IC 6-1.1-12.1-3, AS AMENDED BY P.L.99-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 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 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 of real property in ~~a~~ **Marion** 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.

(f) This subsection applies only to ~~a~~ **St. Joseph** 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 70. 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~~ **Wilmington** Township ~~having a population of more than four thousand (4,000) but less than seven thousand (7,000)~~ located in ~~a~~ **DeKalb** County ~~having a population of more than forty thousand (40,000) but less than forty thousand nine hundred (40,900)~~ 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~~ **Gibson** County ~~having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000)~~ 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 (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 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 71. 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~~ **the** 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) but less than twenty-nine thousand (29,000).~~ **of Ossian.**

(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 72. 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;

are legalized and validated.

SECTION 73. 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 74. IC 6-1.1-12.9-4, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to ~~a consolidated~~ **the** city **of Indianapolis.**

(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 after February 1, 1991, and before January 1, 1993, in designating an economic revitalization area are legalized and validated.

(d) The installation of new manufacturing equipment after February 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.

SECTION 75. 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.

SECTION 76. 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 77. 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 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 78. 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

(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 79. 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 80. 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 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 81. 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~~ **the** city ~~having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000),~~ **of South Bend,** 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~~ **the** city **of Indianapolis** and **Marion** 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~~ **the** city **of Indianapolis** and **Marion** 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.

(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~~ **the** city **of Indianapolis** and **Marion** 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 82. 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~~ **the** city ~~having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000).~~ **of South Bend.** 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. 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 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 83. IC 6-1.1-17-9, AS AMENDED BY P.L.182-2009(ss), SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) The county board of tax adjustment shall complete the duties assigned to it under this chapter on or before November 2 of each year, except that in ~~a consolidated~~ **the** city **of Indianapolis** and **Marion** County and in a county containing a

second class city, the duties of this board need not be completed until December 1 of each year.

(b) If the county board of tax adjustment fails to complete the duties assigned to it within the time prescribed in this section or to reduce aggregate tax rates so that they do not exceed the maximum rates permitted under IC 6-1.1-18, the county auditor shall calculate and fix the tax rate within each political subdivision of the county so that the maximum rate permitted under IC 6-1.1-18 is not exceeded.

(c) When the county auditor calculates and fixes tax rates, the county auditor shall send a certificate notice of those rates to each political subdivision of the county. The county auditor shall send these notices within five (5) days after:

(1) publication of the notice required by section 12 of this chapter; or

(2) the tax rates are calculated and fixed by the county auditor;

whichever applies.

(d) When the county auditor calculates and fixes tax rates, that action shall be treated as if it were the action of the county board of tax adjustment.

SECTION 84. IC 6-1.1-17-21, AS ADDED BY P.L.227-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 21. Notwithstanding any other law, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the city controller of the ~~consolidated~~ city **of Indianapolis** has all the powers and shall perform all the duties assigned to county auditors under this chapter related to the fixing and reviewing of budgets, tax rates, and tax levies.

SECTION 85. 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~~ **LaPorte** County. ~~having a population of more than one hundred ten thousand (110,000) 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 86. 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) 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 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, 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 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~~ **Tippecanoe** County; ~~having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);~~

(ii) ~~a~~ **the** city ~~having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);~~ **of Lafayette;**

(iii) ~~a~~ **the** city ~~having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine~~

~~thousand (29,000);~~ **of West Lafayette;**

(iv) ~~a~~ **the** city ~~having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600);~~ **of Connersville;** or

(v) ~~a~~ **the** city ~~having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300);~~ **of Columbia City;** 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~~ **Howard** 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~~ **if the county** operates a county jail or juvenile detention center that is subject to an order that:

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

(ii) has not been terminated;

(C) ~~that~~ **if the county** 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~~ **if the county** 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 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~~ **the** city ~~having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000)~~ **of Goshen** 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 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 87. 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~~ **the** town ~~having a population of more than three hundred seventy-five (375) but less than five hundred (500) located in a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400)~~ **of Spring Grove** 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:

(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 88. IC 6-1.1-21.2-12, AS AMENDED BY P.L.182-2009(ss), SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) This section applies if the tax increment replacement amount for an allocation area in a district is greater than zero (0).

(b) A governing body may, after a public hearing, do the following:

(1) Impose a special assessment on the owners of property that is located in an allocation area to raise an amount not to exceed the tax increment replacement amount.

(2) Impose a tax on all taxable property in the district in which the governing body exercises jurisdiction to raise an amount not to exceed the tax increment replacement amount.

(3) Reduce the base assessed value of property in the allocation area to an amount that is sufficient to increase the tax increment revenues in the allocation area by an amount that does not exceed the tax increment replacement amount.

(c) The governing body shall submit a proposed special assessment

or tax levy under this section to the legislative body of the unit that established the district. The legislative body may:

(1) reduce the amount of the special assessment or tax to be levied under this section;

(2) determine that no special assessment or property tax should be levied under this section; or

(3) increase the special assessment or tax to the amount necessary to fully fund the tax increment replacement amount.

(d) Before a public hearing under subsection (b) may be held, the governing body must publish notice of the hearing under IC 5-3-1. The notice must also be sent to the fiscal officer of each political subdivision that is located in any part of the district. The notice must state that the governing body will meet to consider whether a special assessment or tax should be imposed under this chapter and whether the special assessment or tax will help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. The notice must also specify a date when the governing body will receive and hear remonstrances and objections from persons affected by the special assessment. All persons affected by the hearing, including all taxpayers within the allocation area, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, and orders of the governing body by the notice. At the hearing, which may be adjourned from time to time, the governing body shall hear all persons affected by the proceedings and shall consider all written remonstrances and objections that have been filed. The only grounds for remonstrance or objection are that the special assessment or tax will not help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. After considering the evidence presented, the governing body shall take final action concerning the proposed special assessment or tax. The final action taken by the governing body shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by subsection (e).

(e) A person who filed a written remonstrance with a governing body under subsection (d) and is aggrieved by the final action taken may, within ten (10) days after that final action, file in the office of the clerk of the circuit or superior court a copy of the order of the governing body and the person's remonstrance or objection against that final action, together with a bond conditioned to pay the costs of appeal if the appeal is determined against the person. The only ground of remonstrance or objection that the court may hear is whether the proposed special assessment or tax will help achieve the redevelopment ~~of~~ **or** economic development objectives for the allocation area or honor its obligations related to the allocation area. An appeal under this subsection shall be promptly heard by the court without a jury. All

remonstrances or objections upon which an appeal has been taken must be consolidated, heard, and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the remonstrances or objections and may confirm the final action of the governing body or sustain the remonstrances or objections. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

(f) This section applies to a governing body that:

(1) is the metropolitan development commission for ~~a~~ **Marion** County; ~~having a consolidated city;~~ and

(2) has established an allocation area and pledged tax increment revenues from the area to the payment of bonds, leases, or other obligations before May 8, 1989.

Notwithstanding subsections (a) through (e), the governing body may determine to fund that part of the tax increment replacement amount attributable to the repeal of IC 36-7-15.1-26.5, IC 36-7-15.1-26.7, and IC 36-7-15.1-26.9 from property taxes on personal property (as defined in IC 6-1.1-1-11). If the governing body makes such a determination, the property taxes on personal property in the amount determined under this subsection shall be allocated to the redevelopment district, paid into the special fund for the allocation area, and used for the purposes specified in IC 36-7-15.1-26.

SECTION 89. 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~~ **The** city ~~having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).~~ **of East Chicago.**

(2) The sanitary district of ~~a~~ **the** city ~~described in subdivision (1).~~ **of East Chicago.**

(3) The library district of ~~a~~ **the** city ~~described in subdivision (1).~~ **of East Chicago.**

(4) The school corporation located in ~~a~~ **the** city ~~described in subdivision (1).~~ **of East Chicago.**

SECTION 90. 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~~ **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).~~

SECTION 91. IC 6-1.1-22-8.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.2. (a) This section applies to ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The legislative body of a county may adopt an ordinance:

(1) allowing a taxpayer to include a donation of money to the county with a payment under section 9 of this chapter;

(2) establishing a separate fund to receive donations under this section; and

(3) establishing a board of at least five (5) members to determine permissible expenditures by the county from the fund established under subdivision (2).

(c) If an ordinance is adopted under subsection (b), the treasurer of the adopting county shall transfer donations received under this section to the fund established under subsection (b)(2). Money in the fund at the end of a fiscal year does not revert to the county's general fund.

SECTION 92. IC 6-1.1-24-1.2, AS AMENDED BY P.L.113-2010, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 of this chapter before the tax sale unless all:

(1) delinquent taxes and special assessments due before the date the list on which the property appears was certified under section 1 of this chapter; and

(2) penalties due on the delinquency, interest, and costs directly attributable to the tax sale;

have been paid in full.

(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 of this chapter. However a partial payment does not remove a tract or an item from the list certified under section 1 of this chapter unless the taxpayer complies with subsection (a) or (c) before the date of the tax sale.

(c) The **Lake** County auditor ~~in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ may remove a tract or an item of real property from the list certified under section 1 of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county treasurer may remove the tract or item from the list certified under section 1 of this chapter if the arrangement described in subsection (c):

(1) is in writing;

(2) is signed by the taxpayer; and

(3) requires the taxpayer to pay the delinquent taxes in full within one (1) year of the date the agreement is signed.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c), the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

(f) If the tract or item of real property subject to a payment arrangement is within the jurisdiction of ~~a:~~ **the:**

(1) city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **of Gary;**

(2) city ~~having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800);~~ **of East Chicago;** or

(3) city ~~having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000);~~ **of Hammond;**

the county auditor shall notify the mayor of the city of the arrangement.

SECTION 93. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

(1) In a county ~~not containing a consolidated city,~~ **other than Marion County,** the county executive or the county executive's designee.

(2) In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the executive of the ~~consolidated~~ city **of Indianapolis.**

(b) The county executive may designate the real property on the list prepared under section 4.5(b) of this chapter that is eligible for listing on the list prepared under subsection (c).

(c) The county executive shall prepare a list of properties designated under subsection (b) and certify the list to the county auditor no later than sixty-one (61) days prior to the earliest date on which application for judgment and order for sale may be made.

(d) Upon receiving the list described in subsection (c), the county auditor shall:

(1) prepare a list of the properties certified by the commission; and

(2) delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

SECTION 94. IC 6-1.1-24-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.5. (a) The county auditor shall also provide those agencies under IC 36-7-17, in that county, with a list of tracts or items of real property on which one (1) or more installments of taxes is delinquent by June 15 of the year following the date the delinquency occurred.

(b) This subsection applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~ The county auditor shall prepare a list of tracts or items of real properties for which at least one (1) installment of taxes is delinquent at least ten (10) months. The auditor shall submit a copy of this list to the metropolitan development commission no later than one hundred six (106) days prior to the date on which application for judgment and order for sale is made.

SECTION 95. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

APRIL 1, 2012]: Sec. 6.8. (a) For purposes of this section, in ~~a~~ **Marion** County ~~containing a consolidated city~~ "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) As used in this section, "vacant parcel" refers to a parcel that satisfies all the following:

(1) A lien has been acquired on the parcel under section 6(a) of this chapter.

(2) The parcel is unimproved on the date the parcel is offered for sale under this chapter.

(3) The construction of a structure intended for residential use on the parcel is permitted by law.

(4) On the date the parcel is offered for sale under this chapter, the parcel is contiguous to one (1) or more parcels that satisfy the following:

(A) One (1) or more of the following are located on the contiguous parcel:

(i) A structure occupied for residential use.

(ii) A structure used in conjunction with a structure occupied for residential use.

(B) The contiguous parcel is eligible for the standard deduction under IC 6-1.1-12-37.

(c) The county legislative body may, by ordinance, establish criteria for the identification of vacant parcels to be offered for sale under this section. The criteria may include the following:

(1) Limitations on the use of the parcel under local zoning and land use requirements.

(2) Minimum parcel area sufficient for construction of improvements.

(3) Any other factor considered appropriate by the county legislative body.

In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the county legislative body may adopt an ordinance under this subsection only upon recommendation by the board of commissioners provided in IC 36-3-3-10.

(d) If the county legislative body adopts an ordinance under subsection (c), the county executive shall for each tax sale:

(1) by resolution, identify each vacant parcel that the county executive desires to sell under this section; and

(2) subject to subsection (e), give written notice to the owner of record of each parcel referred to in subsection (b)(4) that is contiguous to the vacant parcel.

(e) The notice under subsection (d)(2) with respect to each vacant parcel must include at least the following:

(1) A description of the vacant parcel by:

(A) legal description; and

(B) parcel number or street address, or both.

(2) Notice that the county executive will accept written applications from owners of parcels described in subsection (b)(4) as provided in subsection (f).

(3) Notice of the deadline for applications referred to in subdivision (2) and of the information to be included in the applications.

(4) Notice that the vacant parcel will be sold to the successful applicant for one dollar ($1).

(5) Notice of the exemption provisions of subsection (l).

(f) To be eligible to purchase a vacant parcel under this section, the owner of a contiguous parcel referred to in subsection (b)(4) must file a written application with the county executive. The application must:

(1) identify the vacant parcel that the applicant desires to purchase; and

(2) include any other information required by the county executive.

(g) If more than one (1) application to purchase a single vacant parcel is filed with the county executive, the county executive shall conduct a drawing between or among the applicants in which each applicant has an equal chance to be selected as the transferee of the vacant parcel.

(h) The county executive shall by resolution make a final determination concerning the vacant parcels that are to be sold under this section.

(i) After the final determination of vacant parcels to be sold under subsection (h), the county executive shall:

(1) on behalf of the county, cause all delinquent taxes, special assessments, penalties, interest, and costs of sale with respect to the vacant parcels to be removed from the tax duplicate;

(2) give notice of the final determination to:

(A) the successful applicant;

(B) the county auditor; and

(C) the township assessor, or the county assessor if there is no township assessor for the township.

(j) Upon receipt of notice under subsection (i)(2):

(1) the county auditor shall:

(A) collect the purchase price from each successful applicant; and

(B) subject to subsection (k), prepare a deed transferring each vacant parcel to the successful applicant; and

(2) the township assessor or county assessor shall consolidate each vacant parcel sold and the contiguous parcel owned by the successful applicant into a single parcel.

(k) The county auditor shall include in the deed prepared under subsection (j)(1)(B) reference to the exemption under subsection (l).

(l) Except as provided in subsection (m), each consolidated parcel

referred to in subsection (j)(2) is entitled to an exemption from property taxation beginning on the assessment date that next succeeds the consolidation in the amount of the assessed value at the time of consolidation of the vacant parcel that was subject to the consolidation.

(m) The exemption under subsection (l) is terminated as of the assessment date that next succeeds the earlier of the following:

(1) Five (5) years after the transfer of title to the successful applicant.

(2) The first transfer of title to the consolidated parcel that occurs after the consolidation.

SECTION 96. IC 6-1.1-25-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7.5. (a) This section applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) The county auditor shall provide the metropolitan development commission with a list of real property:

(1) included on the list prepared under IC 6-1.1-24-1.5;

(2) for which a certificate of sale has been issued; and

(3) for which the holder of the certificate has not requested the county auditor to execute and deliver a deed.

(c) The metropolitan development commission shall, within a reasonable time after receiving a list under subsection (b), identify any property described under subsection (b) that the metropolitan development commission desires to acquire for urban homesteading under IC 36-7-17 or redevelopment purposes under IC 36-7-15.1. The metropolitan development commission shall then provide the county auditor with a list of the properties identified under this subsection.

(d) The county auditor shall execute and deliver a deed for any property identified under subsection (c) to the metropolitan development commission.

(e) The county auditor shall execute and deliver a deed to the county for any property:

(1) included in the notice prepared under subsection (b); and

(2) not identified under subsection (c).

(f) The metropolitan development commission and the county may not pay for any property acquired under subsection (d) or (e). However, a taxing unit having an interest in the taxes on the real property shall be credited with the full amount of the delinquent tax due to that unit.

SECTION 97. IC 6-1.1-29-4, AS AMENDED BY P.L.146-2008, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. Each county board of tax adjustment, except the board for ~~a consolidated~~ **the** city **of Indianapolis** and **Marion** County and for a county containing a second class city, shall hold its first meeting of each year for the purpose of reviewing budgets, tax rates, and levies on September 22 or on the first business day after September 22, if September 22 is not a business day. The board for ~~a consolidated~~ **the** city **of Indianapolis** and **Marion**

County and for a county containing a second class city shall hold its first meeting of each year for the purpose of reviewing budgets, tax rates, and levies on the first Wednesday following the adoption of city and county budget, tax rate, and tax levy ordinances. The board shall hold the meeting at the office of the county auditor. At the first meeting of each year, the board shall elect a chairman and a vice-chairman. After this meeting, the board shall continue to meet from day to day at any convenient place until its business is completed. However, the board must complete its duties on or before the date prescribed in IC 6-1.1-17-9(a).

SECTION 98. IC 6-1.1-42-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "designating body" means the following:

(1) For an area located in an unincorporated area in a county ~~that does not contain a consolidated city,~~ **other than Marion County,** the county fiscal body.

(2) For an area located in a city or town in a county ~~that does not contain a consolidated city,~~ **other than Marion County,** the city or town fiscal body.

(3) For an area located in ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the metropolitan development commission.

SECTION 99. IC 6-1.1-45-9, AS AMENDED BY P.L.146-2008, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) Subject to subsection (c), a taxpayer that makes a qualified investment is entitled to a deduction from the assessed value of the taxpayer's enterprise zone property located at the enterprise zone location for which the taxpayer made the qualified investment. The amount of the deduction is equal to the remainder of:

(1) the total amount of the assessed value of the taxpayer's enterprise zone property assessed at the enterprise zone location on a particular assessment date; minus

(2) the total amount of the base year assessed value for the enterprise zone location.

(b) To receive the deduction allowed under subsection (a) for a particular year, a taxpayer must comply with the conditions set forth in this chapter.

(c) A taxpayer that makes a qualified investment in an enterprise zone established under IC 5-28-15-11 that is under the jurisdiction of a military base reuse authority board created under IC 36-7-14.5 or IC 36-7-30-3 is entitled to a deduction under this section only if the deduction is approved by the legislative body of the unit that established the military base reuse authority board.

(d) Except as provided in subsection (c), a taxpayer that makes a qualified investment at an enterprise zone location that is located within an allocation area, as defined by IC 6-1.1-21.2-3, is entitled to

a deduction under this section only if the deduction is approved by the:

(1) fiscal body of the unit, in the case of an allocation area established under IC 6-1.1-39;

(2) legislative body of the unit described in IC 8-22-3.5-1, in the case of an allocation area located in an airport development zone;

(3) legislative body of the unit that established the department of redevelopment, in the case of an allocation area established under IC 36-7-14;

(4) legislative body of the unit that established the redevelopment authority, in the case of an allocation area established under IC 36-7-14.5;

(5) legislative body of the ~~consolidated~~ city **of Indianapolis,** or excluded city that approved the establishment of the allocation area, in the case of an allocation area established under IC 36-7-15.1; or

(6) legislative body of the unit that established the reuse authority, in the case of an allocation area established under IC 36-7-30.

SECTION 100. IC 6-1.1-45-12, AS AMENDED BY P.L.211-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) Subject to subsection (b), a taxpayer may claim a deduction under this chapter for property other than property located in ~~a consolidated~~ **the** city **of Indianapolis** for an assessment date that occurs after the expiration of the enterprise zone in which the enterprise zone property for which the taxpayer made the qualified investment is located.

(b) A taxpayer may not claim a deduction under this chapter for more than ten (10) years.

SECTION 101. IC 6-3.1-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) As used in this chapter, "taxpayer" means any individual that has any state tax liability.

(b) Notwithstanding subsection (a), for a credit for a qualified investment in a business located in an enterprise zone in ~~a~~ **Vigo** County, ~~having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000),~~ "taxpayer" includes a pass through entity.

SECTION 102. IC 6-3.1-13.5-3, AS AMENDED BY P.L.4-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter, "qualified investment" means the amount of the taxpayer's expenditures for:

(1) the purchase of new manufacturing or production equipment;

(2) the purchase of new computers and related equipment;

(3) costs associated with the modernization of existing manufacturing facilities;

(4) onsite infrastructure improvements;

(5) the construction of new manufacturing facilities;

(6) costs associated with retooling existing machinery and

equipment; and

(7) costs associated with the construction of special purpose buildings and foundations for use in the computer, software, biological sciences, or telecommunications industry;

that are certified by the corporation under section 10 of this chapter as being eligible for the credit under this chapter, if the equipment, machinery, facilities improvements, facilities, buildings, or foundations are installed or used for a project having an estimated total cost of at least seventy-five million dollars ($75,000,000) and in ~~a~~ **Shelby** County. ~~having a population of more than forty-three thousand (43,000) but less than forty-five thousand (45,000).~~

SECTION 103. IC 6-3.1-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Except as provided in subsection (b), an individual is entitled to a credit under this chapter if the:

(1) individual's earned income for the taxable year is less than eighteen thousand six hundred ($18,600); and

(2) ~~the~~ individual pays property taxes in the taxable year on a homestead that:

(A) the individual:

(i) owns; or

(ii) is buying under a contract that requires the individual to pay property taxes on the homestead, if the contract or a memorandum of the contract is recorded in the county recorder's office; and

(B) is located in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) An individual is not entitled to a credit under this chapter for a taxable year for property taxes paid on the individual's homestead if the individual claims the deduction under IC 6-3-1-3.5(a)(17) for the homestead for that same taxable year.

SECTION 104. IC 6-3.5-1.1-1, AS AMENDED BY P.L.146-2008, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter:

"Adjusted gross income" has the same definition that the term is given in IC 6-3-1-3.5(a), except that in the case of a county taxpayer who is not a resident of a county that has imposed the county adjusted gross income tax, the term includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

"Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

"Civil taxing unit" means any entity having the power to impose ad valorem property taxes except a school corporation. The term does not include a solid waste management district that is not entitled to a

distribution under section 1.3 of this chapter. However, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the term "civil taxing unit" includes the ~~consolidated~~ city **of Indianapolis** and all special taxing districts, all special service districts, and all entities whose budgets and property tax levies are subject to review under IC 36-3-6-9.

"County council" includes the city-county council of ~~a consolidated~~ **the** city **of Indianapolis.**

"County taxpayer" as it relates to a county for a year means any individual:

(1) who resides in that county on the date specified in section 16 of this chapter; or

(2) who maintains the taxpayer's principal place of business or employment in that county on the date specified in section 16 of this chapter and who does not on that same date reside in another county in which the county adjusted gross income tax, the county option income tax, or the county economic development income tax is in effect.

"Department" refers to the Indiana department of state revenue.

"Homestead" has the meaning set forth in IC 6-1.1-12-37.

"Nonresident county taxpayer" as it relates to a county for a year means any county taxpayer for that county for that year who is not a resident county taxpayer of that county for that year.

"Qualified residential property" refers to any of the following:

(1) An apartment complex.

(2) A homestead.

(3) Residential rental property.

"Resident county taxpayer" as it relates to a county for a year means any county taxpayer who resides in that county on the date specified in section 16 of this chapter.

"Residential rental property" means real property consisting of not more than four (4) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

"School corporation" means any public school corporation established under Indiana law.

SECTION 105. 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 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 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 106. 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 (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 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 107. 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:**

(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 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 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:

(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 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 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 108. 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 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 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.

SECTION 109. 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 110. 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, 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 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 111. 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 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 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 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 112. 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:

(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 113. IC 6-3.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter:

(1) "Agency" means a board, commission, division, bureau, committee, authority, military body, college, university, or other instrumentality.

(2) "Compensation" means gross income from services rendered as that term is defined by section 61(a) of the Internal Revenue Code.

(3) "Employee" means any individual permitted to work for remuneration by any employer, but excluding any individual performing:

(i) agricultural labor as that term is defined in IC 22-2-2-3(m);

(ii) domestic service solely on a daily basis in a private home;

(iii) newspaper carrier delivery or distribution service if the individual is under the age of eighteen (18) years; or

(iv) services in the employ of one's father, mother, son, daughter, or spouse.

(4) "Full time employee" means an employee who received compensation from employment of at least nine hundred dollars ($900) in any calendar quarter of a year from an employer who is subject to the tax imposed by this chapter; "full time employee" shall include a self-employed person who receives compensation from employment of at least nine hundred dollars ($900) in any calendar quarter of a year.

(5) "Employer" means any natural person, receiver, administrator, executor, trustee, trustee in bankruptcy, trust, estate, firm, partnership (general or limited), joint venture, company, limited liability company, or any form of unincorporated business, corporation (foreign or domestic, for profit or not-for-profit) who or which is doing business within the county.

(6) "Doing business within the county" means employing individuals to work in whole or in part, within the county and one (1) of the following:

(i) maintaining a fixed place of business in the county;

(ii) owning or leasing property within the county;

(iii) maintaining a stock of tangible personal property within the county;

(iv) employing or loaning capital or property within the county; or

(v) employing persons as employees or independent contractors, to solicit business within the county.

(7) "Person" includes a sole proprietorship, partnership, association, corporation, limited liability company, fiduciary, or individual.

(8) "Principally employed in the county" means an employee who

devotes more than fifty percent (50%) of the time ~~which he~~ **that the employee** works for ~~his~~ **the employee's** employer to services ~~which he~~ **that the employee** performs in the taxing county.

(9) "Political subdivision" means a county, township, town, city, separate municipal corporation, special taxing district, or public school corporation.

(10) "County council" includes ~~a~~ **the** city-county council of ~~a consolidated~~ **the** city **of Indianapolis.**

SECTION 114. 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 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 115. IC 6-3.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter:

"Branch office" means a branch office of the bureau of motor vehicles.

"County council" includes the city-county council of ~~a~~ **Marion** County. ~~that contains a consolidated city of the first class.~~

"Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

"Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

"Surtax" means the annual license excise surtax imposed by a county council under this chapter.

SECTION 116. IC 6-3.5-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. In the case of ~~a~~ **Marion** County, ~~that contains a consolidated city,~~ the city-county council may appropriate money derived from the surtax to the department of transportation established by IC 36-3-5-4 for use by the department under law. The city-county council may not appropriate money derived from the surtax for any other purpose.

SECTION 117. IC 6-3.5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) In the case of a county ~~that does not contain a consolidated city of the first class,~~ **other than Marion County,** the county treasurer shall deposit the surtax revenues in a fund to be known as the "_____ County

Surtax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county surtax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county surtax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the surtax revenues it receives under this section to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction.

SECTION 118. IC 6-3.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) On or before August 1 of each year, **if Marion County has adopted a surtax,** the auditor of ~~a~~ **Marion** County ~~that contains a consolidated city of the first class and that has adopted the surtax~~ shall provide the county council with an estimate of the surtax revenues to be received by the county during the next calendar year. The county shall show the estimated surtax revenues in its budget estimate for the calendar year.

(b) On or before August 1 of each year, the auditor of a county ~~that does not contain a consolidated city of the first class and~~ **other than Marion County** that has adopted the surtax shall provide the county and each city and town in the county with an estimate of the surtax revenues to be distributed to that unit during the next calendar year. The county, city, or town shall show the estimated surtax revenues in its budget estimate for the calendar year.

SECTION 119. IC 6-3.5-5-1, AS AMENDED BY P.L.211-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter:

"Branch office" means a branch office of the bureau of motor vehicles.

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"Commercial motor vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

"County council" includes the city-county council of ~~a~~ **Marion** County. ~~that contains a consolidated city of the first class.~~

"In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in IC 34-6-2-141.

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

SECTION 120. IC 6-3.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) In the case of ~~a~~ **Marion** County, ~~that contains a consolidated city,~~ the city-county council may appropriate money derived from the wheel tax to:

(1) the department of transportation established by IC 36-3-5-4 for use by the department under law; or

(2) an authority established under IC 36-7-23.

(b) The city-county council may not appropriate money derived from the wheel tax for any other purpose.

SECTION 121. IC 6-3.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) In the case of a county ~~that does not contain a consolidated city,~~ **other than Marion County,** the county treasurer shall deposit the wheel tax revenues in a fund to be known as the "County Wheel Tax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county wheel tax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county wheel tax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the wheel tax revenues it receives under this section:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or

(2) as a contribution to an authority established under IC 36-7-23.

SECTION 122. IC 6-3.5-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) On or before August 1 of each year, **if Marion County has adopted a wheel tax,** the auditor of ~~a~~ **Marion** County ~~that contains a consolidated city of the first class and that has adopted the wheel tax~~ shall provide the county council with an estimate of the wheel tax revenues to be received by the county during the next calendar year. The county shall show the estimated wheel tax revenues in its budget estimate for the calendar year.

(b) On or before August 1 of each year, the auditor of a county ~~that does not contain a consolidated city of the first class and~~ **other than Marion County** that has adopted the wheel tax shall provide the county and each city and town in the county with an estimate of the wheel tax revenues to be distributed to that unit during the next calendar year. The county, city, or town shall show the estimated wheel

tax revenues in its budget estimate for the calendar year.

SECTION 123. IC 6-3.5-6-1, AS AMENDED BY P.L.146-2008, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter:

"Adjusted gross income" has the same definition that the term is given in IC 6-3-1-3.5. However, in the case of a county taxpayer who is not treated as a resident county taxpayer of a county, the term includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

"Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

"Civil taxing unit" means any entity, except a school corporation, that has the power to impose ad valorem property taxes. The term does not include a solid waste management district that is not entitled to a distribution under section 1.3 of this chapter. However, in the case of ~~a~~ **Marion** County, ~~in which a consolidated city is located,~~ the ~~consolidated~~ city **of Indianapolis,** ~~the~~ **Marion** County, all special taxing districts, special service districts, included towns (as defined in IC 36-3-1-7), and all other political subdivisions except townships, excluded cities (as defined in IC 36-3-1-7), and school corporations shall be deemed to comprise one (1) civil taxing unit whose fiscal body is the fiscal body of the ~~consolidated~~ city **of Indianapolis.**

"County income tax council" means a council established by section 2 of this chapter.

"County taxpayer", as it relates to a particular county, means any individual:

(1) who resides in that county on the date specified in section 20 of this chapter; or

(2) who maintains the taxpayer's principal place of business or employment in that county on the date specified in section 20 of this chapter and who does not reside on that same date in another county in which the county option income tax, the county adjusted income tax, or the county economic development income tax is in effect.

"Department" refers to the Indiana department of state revenue.

"Fiscal body" has the same definition that the term is given in IC 36-1-2-6.

"Homestead" has the meaning set forth in IC 6-1.1-12-37.

"Qualified residential property" refers to any of the following:

(1) An apartment complex.

(2) A homestead.

(3) Residential rental property.

"Resident county taxpayer", as it relates to a particular county, means any county taxpayer who resides in that county on the date specified in section 20 of this chapter.

"Residential rental property" means real property consisting of not more than four (4) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

"School corporation" has the same definition that the term is given in IC 6-1.1-1-16.

SECTION 124. IC 6-3.5-6-17, AS AMENDED BY P.L.229-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 17. (a) Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), (e), and (f). The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-6-17.3.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter. This information must be certified to the county auditor and to the department of local government finance not later than September 1 of each calendar year. The part of the certified

distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), and (f). The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

(f) This subsection applies in the year a county initially imposes a tax rate under section 30 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 30 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 30 of this chapter; multiplied by

(2) the following:

(A) In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ one and five-tenths (1.5).

(B) In a county other than ~~a~~ **Marion** County, ~~containing a consolidated city,~~ two (2).

(g) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first day of each month of that calendar year.

(h) Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

(i) All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

(j) The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

(k) The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

(l) The estimates under subsections (j) and (k) must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 30 of this chapter, the additional rate authorized under section 31 of this chapter, the additional rate authorized under section 32 of this chapter, and any other additional rates authorized under this chapter.

SECTION 125. IC 6-3.5-6-18, AS AMENDED BY P.L.135-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) fund the operation of a public library in ~~a~~ **Marion** County ~~containing a consolidated city~~ as provided in an election, if any, made by the county fiscal body under IC 36-3-7-6;

(5) make payments permitted under IC 36-7-14-25.5 or IC 36-7-15.1-17.5;

(6) make payments permitted under subsection (i);

(7) make distributions of distributive shares to the civil taxing units of a county; and

(8) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

(1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-3-7-6, IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and

(2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals

the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 126. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18.5. (a) This section applies to ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in ~~a~~ **Marion** County ~~containing a consolidated city~~ is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845

Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in ~~a~~ **Marion** County ~~containing a consolidated city~~ shall be not less than the following:

Center Township	$1,898,145
Decatur Township	$164,103
Franklin Township	$173,934
Lawrence Township	$890,086
Perry Township	$854,544
Pike Township	$1,410,375
Warren Township	$1,027,721
Washington Township	$1,017,890
Wayne Township	$988,397
Lawrence-City	$648,848
Beech Grove	$639,017
Southport	$18,906
Speedway	$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision

(1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

(c) The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, children with special health care needs county fund, plus, in the case of Marion County, thirty-five million dollars ($35,000,000).

SECTION 127. IC 6-3.5-6-19, AS AMENDED BY P.L.118-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. (a) Except as provided in sections 18(e) and 18.5(b)(3) of this chapter, in determining the fractional share of distributive shares the civil taxing units of a county are entitled to receive under section 18 of this chapter during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(b) In determining the amount of distributive shares a civil taxing unit is entitled to receive under section 18(g) of this chapter, the department of local government finance shall consider only the percentage of the civil taxing unit's budget that equals the ratio that the total assessed valuation that lies within the civil taxing unit and the county that has adopted the county option tax bears to the total assessed valuation that lies within the civil taxing unit.

(c) The distributive shares to be allocated and distributed under this chapter:

(1) shall be treated by each civil taxing unit as additional revenue for the purpose of fixing the civil taxing unit's budget for the budget year during which the distributive shares are to be distributed to the civil taxing unit; and

(2) may be used for any lawful purpose of the civil taxing unit.

(d) In the case of a civil taxing unit that includes ~~a consolidated~~ **the** city **of Indianapolis,** its fiscal body may distribute any revenue it receives under this chapter to any governmental entity located in its county except an excluded city, a township, or a school corporation.

SECTION 128. IC 6-3.5-6-30, AS AMENDED BY P.L.172-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 30. (a) In a county in which the county option income tax is in effect, the county income tax council may adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county option adjusted gross income tax nor the county option income tax is in effect, the county income tax council may adopt an ordinance to impose a tax rate under this section.

(c) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) The following apply only in the year in which a county income tax council first imposes a tax rate under this section:

(1) The county income tax council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county in the first year is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in that year; multiplied by

(B) the following:

(i) In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ one and five-tenths (1.5).

(ii) In a county other than ~~a~~ **Marion** County, ~~containing a consolidated city,~~ two (2).

(3) The tax rate that must be imposed in the county in the second year is the tax rate determined for the county under IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this

section.

(4) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) The following apply only in a year in which a county income tax council increases a tax rate under this section:

(1) The county income tax council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.

(2) The tax rate that must be imposed in the county is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in the year the tax rate is increased; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) The department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(b), determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 18 of this chapter.

(h) Notwithstanding sections 12 and 12.5 of this chapter, a county income tax council may not decrease or rescind a tax rate imposed under this section.

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3.

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing its budget and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county income tax council imposes a tax rate under this section, the county option income tax rate dedicated to locally funded homestead credits in the county may not be decreased.

(m) In the year following the year in which a county first imposes

a tax rate under this section:

(1) one-third (1/3) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of ~~a~~ **Marion** County; ~~containing a consolidated city;~~ and

(2) one-half (1/2) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of a county ~~not containing a consolidated city.~~ **other than Marion County.**

(n) A pledge of county option income taxes does not apply to revenue attributable to a tax rate under this section.

(o) A county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) A county income tax council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(s) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized

to take actions concerning the additional tax rate under this section.

SECTION 129. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 31. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for

public safety if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of ~~a~~ **Marion** County; ~~containing a consolidated city;~~ or

(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(c) A tax rate under this section may not exceed the following:

(1) Five-tenths of one percent (0.5%), in the case of ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(d) If a county income tax council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by

(B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may

be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(m) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county income tax council for a distribution of tax revenue under this section during the following calendar year. The county income tax council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or

emergency **medical** services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 130. 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 131. IC 6-3.5-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "county council" includes the city-county council of ~~a consolidated city.~~ **Marion County.**

SECTION 132. 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 133. 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, 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 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 (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.

(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 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 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 134. IC 6-3.5-7-12, AS AMENDED BY P.L.199-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) Except as provided in sections 23, 25, 26, 27, 27.5, and 28 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and sections 15 and 25 of this chapter, and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of:

(A) total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) for a county, the welfare allocation amount.

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount. The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and, if the county received a certified distribution under this chapter in 2008, the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, and children with special health care needs county fund.

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before August 2 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in sections 25 and 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ only the ~~consolidated~~ city **of Indianapolis** is entitled to the certified distribution, subject to the requirements of sections 15, 25, and 26 of this chapter.

SECTION 135. 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 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~~ **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 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 income tax revenue that will be used to provide homestead

credits in the following year.

(B) A 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 county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the 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 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:

(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 county, 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 136. 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 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 137. 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 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 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 described in subsection (c).

SECTION 138. 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:

(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 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 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 139. 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 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 140. IC 6-4.1-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) With respect to the inheritance tax imposed as a result of a resident decedent's death, the county in which the tax is collected shall receive eight percent (8%) of the inheritance tax paid as a result of the decedent's death. On the first day of January, April, July, and October of each year, the county treasurer shall, except as provided in subsection (b), transfer to the county general fund the amount due the county under this section. This state shall receive the remaining ninety-two percent (92%) of the inheritance taxes, all the interest charges collected by the county treasurer under section 1 or 1.5 of this chapter, and all the penalties collected by the county treasurer under IC 6-4.1-4-6.

(b) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the amount due the county under this section shall be transferred to the general fund of the ~~consolidated~~ city **of Indianapolis.**

SECTION 141. IC 6-6-6.5-21.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 21.5. (a) The **Allen** County treasurer ~~of a county that:~~

~~(1) has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and~~

~~(2) has an airport that is operated under an airport authority established under IC 8-22-3-1.1;~~

shall distribute the funds received under section 21 of this chapter to ~~that~~ **the** airport authority **established under IC 8-22-3-1.1 that operates an airport in the county.** The treasurer shall make the

distribution before the fifth day of the month after the month in which he receives the funds.

(b) Nothing in this section relieves ~~a~~ **the** county treasurer of ~~his~~ **the treasurer's** duty to report under ~~IC 6-6-6.5-21(e).~~ **section 21(e) of this chapter.**

SECTION 142. IC 6-6-6.6-3, AS AMENDED BY P.L.81-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) Seventy-five percent (75%) of the revenue produced by the levy imposed under section 2 of this chapter shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1 and twenty-five percent (25%) of the revenue shall be paid over to the county in which the disposal facility is located.

(b) Except as provided in subsection (e), and subject to subsection (f), the revenue paid over to the county under subsection (a) shall be deposited in a separate fund established by the county for the purposes of the following:

(1) Establishing monitoring wells on land near the site of the disposal facility.

(2) Analyzing samples from the monitoring wells established under subdivision (1).

(3) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility.

(4) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste.

(5) Providing special clothing and equipment needed by county and local public health and public safety officers for dealing with emergencies involving hazardous substances or hazardous waste.

(6) Funding research on alternatives to land disposal as a means of eliminating hazardous waste.

(7) Paying the cost of hazardous waste, hazardous substance, or solid waste removal and remedial action at a site located within the county.

(8) Meeting the county's requirements under IC 13-21 for the planning and implementation of a solid waste management district plan.

(9) Paying the costs associated with the construction or rehabilitation of a facility used for training described in subdivision (4).

(10) Paying the costs associated with any other project that has identifiable environmental benefits.

(11) Paying the costs associated with the construction, structural rehabilitation, and equipment of a facility used for either of the following purposes:

(A) A county public safety central dispatch.

(B) A county emergency operations center.

(c) The county fund established under subsection (b) shall be administered by the county treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the county general fund.

(d) No money in the county fund established under subsection (b) shall be used for activities authorized in subsection (b)(8) or (b)(9) until the purposes listed in subsection (b)(1) through (b)(7) have been fulfilled.

(e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to ~~a~~ **Allen** County. ~~having a population of more than 300,000 but less than 400,000.~~

(f) The county may not pay from the county fund established under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year.

SECTION 143. IC 6-6-9.7-7, AS AMENDED BY P.L.182-2009(ss), SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The city-county council of ~~a~~ **Marion** County ~~that contains a consolidated city~~ may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that:

(1) if on December 31, 2027, there are obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration date set forth in subsection (a) and through December 31, 2040; and

(2) the additional rate authorized under this subsection expires on:

(A) January 1, 2041;

(B) January 1, 2010, if on that date there are no obligations

owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26; or

(C) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

(d) The amount collected from that portion of county supplemental auto rental excise tax imposed under:

(1) subsection (b) and collected after December 31, 2027; and

(2) under subsection (c);

shall, in the manner provided by section 11 of this chapter, be distributed to the capital improvement board of managers operating in ~~a consolidated~~ **the** city **of Indianapolis** or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) After January 1, 2013, and before March 1, 2013, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax rate imposed under subsection (a) by not more than two percent (2%). The amount collected from an increase adopted under this subsection shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16.

(f) If a city-county council adopts an ordinance under subsection (a), (c), or (e), the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(g) If a city-county council adopts an ordinance under subsection (a), (c), or (e) on or before the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a), (c), or (e) after the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month following the month in which the ordinance is adopted.

SECTION 144. IC 6-6-9.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) Except as

otherwise provided in this section, the county supplemental auto rental excise tax shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(b) Each retail merchant filing a return for the auto rental excise tax shall indicate in the return:

(1) all locations in ~~the~~ **Marion** County ~~containing a consolidated city~~ where the retail merchant collected county supplemental auto rental excise taxes; and

(2) the amount of auto rental excise taxes collected at each location.

(c) The return to be filed for the payment of the county supplemental auto rental excise tax may be a separate return, combined with the return filed for the payment of the auto rental excise tax under IC 6-6-9, or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department.

SECTION 145. IC 6-6-9.7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) All revenues collected from the county supplemental auto rental excise tax shall be deposited in a special account of the state general fund called the county supplemental auto rental excise tax account.

(b) On or before the twentieth day of each month, all amounts held in the county supplemental auto rental excise tax account shall be distributed to the capital improvement board of managers operating in ~~a consolidated~~ **the** city **of Indianapolis.**

(c) The amount to be distributed to the capital improvement board of managers operating in ~~a consolidated~~ **the** city **of Indianapolis** equals the total county supplemental auto rental excise taxes that were initially imposed and collected from within ~~the~~ **Marion** County. ~~in which the consolidated city is located.~~ The department shall notify the county auditor of the amount of taxes to be distributed to the board.

(d) All distributions from the county supplemental auto rental excise tax account shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the capital improvement board of managers operating in ~~a consolidated~~ **the** city **of Indianapolis.**

SECTION 146. IC 6-7-1-30.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 30.1. (a) Two-thirds (2/3) of the money in the cigarette tax fund is annually appropriated to the cities and towns of this state and to certain local governmental entities.

(b) The amount which is allocated to each city or town under this section equals the product of:

(1) the total amount appropriated under subsection (a); multiplied by

(2) a fraction, the numerator of which is the population of the city

or town, and the denominator of which is the total population of all the cities and towns of Indiana.

(c) The auditor of state shall calculate and distribute the amount allocated to each city or town under this section on or before June 1 and December 1 of each year. To make these semiannual distributions, the auditor of state shall issue warrants drawn on the cigarette tax fund to the officials designated in subsection (d) or (e).

(d) For ~~a consolidated~~ **the** city **of Indianapolis** or a city or town ~~which is~~ located in ~~the same~~ **Marion** County, ~~as the consolidated city~~, the auditor of state shall issue a warrant for:

(1) three-fourteenths (3/14) of the money allocated to the city or town under subsection (b) to the fiscal officer of the city or town; and

(2) the remaining eleven-fourteenths (11/14) of the money to the treasurer of that county.

The fiscal officer of the city or town shall deposit the money distributed to ~~him~~ **the fiscal officer** under this subsection in the city's or town's general fund. The county treasurer shall annually deposit three hundred fifty thousand dollars ($350,000) which ~~he~~ **the county treasurer** receives under this subsection in the capital improvement bond fund of the county. The remainder of the money which the county treasurer receives under this subsection is appropriated to the department of transportation of the ~~consolidated~~ city **of Indianapolis.** The county treasurer shall serve as custodian of the money so appropriated to the department.

(e) For a city or town ~~which is~~ not located in ~~the same~~ **Marion** County, ~~as a consolidated city,~~ the auditor of state shall issue a warrant for the total amount allocated to the city or town under subsection (b) to the fiscal officer of the city or town. The fiscal officer shall deposit three-fourteenths (3/14) of the money in the city's or town's general fund, and ~~he~~ **the fiscal officer** shall deposit the remaining eleven-fourteenths (11/14) of the money in the city's or town's cumulative capital improvement fund.

SECTION 147. IC 6-8.1-8-3, AS AMENDED BY P.L.99-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) The county sheriff of a county shall attempt to levy on and collect a judgment arising from a tax warrant in that county for a period of one hundred twenty (120) days from the date the judgment lien is entered, unless the sheriff is relieved of that duty at an earlier time by the department. The sheriff shall also have authority to attempt to levy on and collect the outstanding tax liability if the taxpayer does not pay the amount demanded under section 2(b) of this chapter and the taxpayer has taken an action under section 2(n) of this chapter to foreclose the lien. The sheriff's authority to collect the warrant exists only while the sheriff holds the tax warrant, and if the sheriff surrenders the warrant to the department for any reason, the

sheriff's authority to collect that tax warrant ceases. During the period that the sheriff has the duty to collect a tax warrant, the sheriff shall collect from the person owing the tax an amount equal to the amount of the judgment lien plus the accrued interest to the date of the payment. Subject to subsection (b), the sheriff shall make the collection by garnisheeing the person's wages and by levying on and selling any interest in property or rights in any chose in action that the person has in the county. The Indiana laws which provide relief for debtors by exempting certain property from levy by creditors do not apply to levy and sale proceedings for judgments arising from tax warrants.

(b) A sheriff shall sell property to satisfy a tax warrant in a manner that is reasonably likely to bring the highest net proceeds from the sale after deducting the expenses of the offer to sell and sale. A sheriff may engage an auctioneer to advertise a sale and to conduct a public auction, unless the person being levied files an objection with the clerk of the circuit or superior court having the tax warrant within five (5) days of the day that the sheriff informs the person of the person's right to object. The advertising conducted by the auctioneer is in addition to any other notice required by law, and shall include a detailed description of the property to be sold. When an auctioneer is engaged under this subsection and the auctioneer files a verified claim with the clerk of the circuit or superior court with whom the tax warrant is filed, the sheriff may pay the reasonable fee and reasonable expenses of the auctioneer from the gross proceeds of the sale before other expenses and the judgment arising from the tax warrant are paid. As used in this section, "auctioneer" means an auctioneer licensed under IC 25-6.1.

(c) The sheriff shall deposit all amounts that the sheriff collects under this section, including partial payments, into a special trust account for judgments collected that arose from tax warrants. On or before the fifth day of each month, the sheriff shall disburse the money in the tax warrant judgment lien trust account in the following order:

(1) The sheriff shall pay the department the part of the collections that represents taxes, interest, and penalties.

(2) The sheriff shall pay the county treasurer and the clerk of the circuit or superior court the part of the collections that represents their assessed costs.

(3) Except as provided in subdivisions (4) and (5), the sheriff shall keep the part of the collections that represents the ten percent (10%) collection fee added under section 2(b) of this chapter.

(4) If the sheriff has entered a salary contract under IC 36-2-13-2.5, the sheriff shall deposit in the county general fund the part of the collections that represents the ten percent (10%) collection fee added under section 2(b) of this chapter.

(5) If the sheriff has not entered into a salary contract under IC 36-2-13-2.5, the sheriff shall deposit in the county general fund

the part of the collections that:

(A) represents the ten percent (10%) collection fee added under section 2(b) of this chapter; and

(B) would, if kept by the sheriff, result in the total amount of the sheriff's annual compensation exceeding the maximum amount allowed under IC 36-2-13-17.

The department shall establish the procedure for the disbursement of partial payments so that the intent of this section is carried out.

(d) After the period described in subsection (a) has passed, the sheriff shall return the tax warrant to the department. However, if the department determines that:

(1) at the end of this period the sheriff is in the process of collecting the judgment arising from a tax warrant in periodic payments of sufficient size that the judgment will be fully paid within one (1) year after the date the judgment was filed; and

(2) the sheriff's electronic data base regarding tax warrants is compatible with the department's data base;

the sheriff may keep the tax warrant and continue collections.

(e) Notwithstanding any other provision of this chapter, the department may order a sheriff to return a tax warrant at any time, if the department feels that action is necessary to protect the interests of the state.

(f) This subsection applies only to the sheriff of ~~a~~ **Marion** County ~~having a consolidated city~~ or **a county having** a second class city. In such a county, the ten percent (10%) collection fee added under section 2(b) of this chapter shall be divided as follows:

(1) Subject to subsection (g), the sheriff may retain forty thousand dollars ($40,000), plus one-fifth (1/5) of any fees exceeding that forty thousand dollar ($40,000) amount.

(2) Two-fifths (2/5) of any fees exceeding that forty thousand dollar ($40,000) amount shall be deposited in the sheriff's department's pension trust fund.

(3) Two-fifths (2/5) of any fees exceeding that forty thousand dollar ($40,000) amount shall be deposited in the county general fund.

(g) If an amount of the collection fee added under section 2(b) of this chapter would, if retained by the sheriff under subsection (f)(1), cause the total amount of the sheriff's annual compensation to exceed the maximum amount allowed under IC 36-2-13-17, the sheriff shall instead deposit the amount in the county general fund.

(h) Money deposited into a county general fund under subsections (c)(5) and (g) must be used as follows:

(1) To reduce any unfunded liability of a sheriff's pension trust plan established for the county's sheriff's department.

(2) Any amounts remaining after complying with subdivision (1) must be applied to the costs incurred to operate the county's

sheriff's department.

SECTION 148. 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 thousand (200,000) but less than three hundred thousand (300,000),~~ There is hereby created on and after January 1, 1973, a special funds board of managers **in St. Joseph County.**

(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 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 149. IC 6-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) In ~~a~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000),~~ 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 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 150. IC 6-9-2-1, AS AMENDED BY P.L.172-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) ~~A~~ **If Lake** County ~~having a population of~~

~~more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) that~~ establishes a medical center development agency pursuant to IC 16-23.5-2, **the county** may levy each year a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days by the same party in the same room, any room or rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished for a consideration.

(b) Such tax shall be at a rate of five percent (5%) on the gross retail income derived therefrom and is in addition to the state gross retail tax imposed on the retail transaction.

(c) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected.

(d) All of the provisions of the state gross retail tax (IC 6-2.5) relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent such provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically and not in limitation of the foregoing sentence, the terms "person" and "gross retail income" shall have the same meaning in this section as they have in the state gross retail tax (IC 6-2.5). If the tax is paid to the department of state revenue, the returns to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(e) If the tax is paid to the department of state revenue, the amounts received from the tax shall be paid by the end of the next succeeding month by the treasurer of state to the county treasurer upon warrants issued by the auditor of state. The county treasurer shall deposit the revenue received under this chapter as provided in section 2 of this chapter.

SECTION 151. 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, 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 thousand (90,000) but less than one hundred five thousand (105,000).~~ **the city of Gary.**

(2) Ten percent (10%) of the revenue covered by this subsection

shall be distributed to ~~cities having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **the city of Hammond.**

(3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to ~~cities having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).~~ **the city of East Chicago.**

(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 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 thousand (90,000) but less than one hundred five thousand (105,000).~~ **the city of Gary.**

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to ~~cities having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **the city of Hammond.**

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 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 152. IC 6-9-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter 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).~~

SECTION 153. IC 6-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Monroe** County. ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).~~

SECTION 154. IC 6-9-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies 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).~~

SECTION 155. IC 6-9-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter 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).~~

SECTION 156. IC 6-9-7-7, AS AMENDED BY P.L.172-2011, SECTION 100, AND AS AMENDED BY P.L.229-2011, SECTION 96, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The county treasurer shall establish an innkeeper's tax fund. The treasurer shall deposit in that fund all money received under section 6 of this chapter that is attributable to an innkeeper's tax rate that is not more than five percent (5%).

(b) Money in the innkeeper's tax fund shall be distributed as follows:

(1) Thirty percent (30%) shall be distributed *as follows:*

(A) Before July 1, 2015, and after June 30, 2017, to the department of natural resources for the development of projects in the state park on the county's largest river, including its tributaries.

(B) For the period July 1, 2015, through June 30, 2017, to the treasurer of state for deposit in the state general fund.

(2) Forty percent (40%) shall be distributed to the commission to carry out its purposes, including making any distributions or payments to the Lafayette - West Lafayette Convention and Visitors Bureau, Inc.

(3) Ten percent (10%) shall be distributed to a community development corporation that serves a metropolitan area in the county that includes:

(A) ~~a~~ **the** city ~~having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);~~ **of Lafayette;** and

(B) ~~a~~ **the** city ~~having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);~~ **of West Lafayette;**

for the community development corporation's use in tourism, recreation, and economic development activities.

(4) Ten percent (10%) shall be distributed to Historic Prophetstown to be used by Historic Prophetstown for carrying out its purposes.

(5) Ten percent (10%) shall be distributed to the Wabash River Enhancement Corporation to assist the Wabash River Enhancement Corporation in carrying out its purposes.

(c) An advisory commission consisting of the following members is

established:

(1) The director of the department of natural resources or the director's designee.

(2) The public finance director or the public finance director's designee.

(3) A member appointed by the Native American Indian affairs commission.

(4) A member appointed by Historic Prophetstown.

(5) A member appointed by the community development corporation described in subsection (b)(3).

(6) A member appointed by the Wabash River Enhancement Corporation.

(7) A member appointed by the commission.

(8) A member appointed by the county fiscal body.

(9) A member appointed by the town board of the town of Battleground.

(10) A member appointed by the mayor of the city of Lafayette.

(11) A member appointed by the mayor of the city of West Lafayette.

(d) The following apply to the advisory commission:

(1) The governor shall appoint a member of the advisory commission as chairman of the advisory commission.

(2) Six (6) members of the advisory commission constitute a quorum. The affirmative votes of at least six (6) advisory commission members are necessary for the advisory commission to take official action other than to adjourn or to meet to hear reports or testimony.

(3) The advisory commission shall make recommendations concerning the use of any proceeds of bonds issued to finance the development of Prophetstown State Park.

(4) Members of the advisory commission who are state employees:

(A) are not entitled to any salary per diem; and

(B) are entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and to reimbursement for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The Indiana finance authority, in its capacity as the recreational development commission, may issue bonds for the development of Prophetstown State Park under IC 14-14-1.

SECTION 157. IC 6-9-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

SECTION 158. IC 6-9-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter 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).~~

SECTION 159. IC 6-9-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **White** County. ~~having a population of more than twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500).~~

SECTION 160. IC 6-9-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Vigo** County. ~~having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).~~

SECTION 161. IC 6-9-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) After January 1 but before June 1 of any year, the city-county council of ~~a~~ **Marion** County ~~that contains a consolidated city~~ may adopt an ordinance to impose an excise tax, known as the county food and beverage tax, on those transactions described in section 3 of this chapter.

(b) If a city-county council adopts an ordinance under subsection (a), it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(c) If a city-county council adopts an ordinance under subsection (a), the county food and beverage tax applies to transactions that occur after June 30 of the year in which the ordinance is adopted.

SECTION 162. IC 6-9-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Brown** County. ~~having a population of more than fourteen thousand nine hundred (14,900) but less than sixteen thousand (16,000).~~

SECTION 163. IC 6-9-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Jefferson** County. ~~having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000).~~

SECTION 164. IC 6-9-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Howard** County. ~~having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000).~~

SECTION 165. IC 6-9-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Madison** County. ~~having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).~~

SECTION 166. IC 6-9-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies

to ~~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).~~

SECTION 167. IC 6-9-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter 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).~~

SECTION 168. IC 6-9-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Delaware** County. ~~having a population of more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).~~

SECTION 169. IC 6-9-25-1, AS AMENDED BY P.L.158-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to ~~a~~ **Henry** County. ~~having a population of more than forty-seven thousand (47,000) 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 170. 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~~ **the** town ~~in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).~~ **of Knightstown.**

(7) Main street renovation and picnic and park areas in ~~a~~ **the** town ~~in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).~~ **of Knightstown.**

(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~~ **the** town ~~in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).~~ **of Knightstown.** One (1) appointee under this subdivision must be a resident of ~~a~~ **the** town ~~in the county with a population greater than two thousand four hundred (2,400).~~ **of Middletown.**

(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.

(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 171. IC 6-9-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Madison** County. ~~having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).~~

SECTION 172. 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~~ **the** city ~~having a population of more than fifty-nine thousand seven hundred (59,700) but less~~

~~than sixty-five thousand (65,000).~~ **of Anderson.**

(2) Fifty percent (50%) of the money deposited shall be 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);~~ **the city of Anderson;** 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~~ **the** city ~~described in subsection (b)(1).~~ **of Anderson.**

(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~~ **the** city ~~described in subsection (b)(1).~~ **of Anderson.**

(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:

(1) Seventy percent (70%) of the money deposited shall be

transferred to the fiscal officer of ~~a~~ **the** city ~~described in subsection (b)(1).~~ **of Anderson.**

(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~~ **the** city ~~described in subsection (b)(1).~~ **of Anderson.**

(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 173. 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~~ **The** town **of Mooresville.**

~~(A) located in a county having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000); and~~

~~(B) having a population of more than nine thousand (9,000).~~

(2) ~~A~~ **The** town **of Shipshewana.**

~~(A) located in a county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950); and~~

~~(B) having a population of less than one thousand (1,000).~~

(3) ~~A~~ **The** town **of Plainfield.**

~~(A) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000); and~~

~~(B) having a population of more than fifteen thousand (15,000).~~

(4) ~~A~~ **The** town **of Brownsburg.**

~~(A) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000); and~~

~~(B) having a population of more than ten thousand (10,000) but less than fifteen thousand (15,000).~~

(5) ~~A~~ **The** town **of Avon.**

~~(A) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000); and~~

~~(B) having a population of more than five thousand (5,000) but less than six thousand three hundred (6,300).~~

(6) ~~A~~ **The** city ~~having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).~~ **of Martinsville.**

SECTION 174. IC 6-9-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies only to ~~a~~ **Hendricks** County. ~~having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).~~

SECTION 175. IC 6-9-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 176. IC 6-9-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) After January 1, but before June 1, the city-county council may adopt an ordinance to impose a supplemental tax, known as the capital improvement board revenue replacement supplemental tax, only for the purpose of replacing revenue lost as a result of the withdrawal by the ~~consolidated~~ city **of Indianapolis** or the capital improvement board from a contract providing another entity with the right to name a facility owned by the capital improvement board under IC 36-10-9, the county convention and recreational facilities authority under IC 36-10-9.1, or the ~~consolidated~~ city **of Indianapolis,** in response to the entity displacing at least:

(1) four hundred (400) jobs in the ~~consolidated~~ city **of Indianapolis;** or

(2) one thousand (1,000) jobs within the state;

to another country, if the city-county council determines the revenue must be replaced.

(b) The city-county council may adopt an ordinance to impose a supplemental tax on any one (1) or all of the following:

(1) The innkeeper's tax under IC 6-9-8.

(2) The admissions tax under IC 6-9-13. ~~and~~

(3) The supplemental auto rental excise tax under IC 6-6-9.7.

(c) The revenue replacement supplemental tax is in addition to the state gross retail tax and use tax imposed by IC 6-2.5. The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(d) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent these provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically, and not in limitation

of the preceding sentence, "person" and "gross income" have the same meaning in this section as the terms have in IC 6-2.5.

(e) If the tax is paid to the department of state revenue, the returns to be filed for the payment of the tax under this section may be either by separate return or combined with the return filed for the payment of the state gross retail tax as the department of state revenue may determine by rule.

(f) If the tax is paid to the department of state revenue, the amounts received from this tax shall be paid monthly by the treasurer of state to the treasurer of the capital improvement board of managers of the county upon warrants issued by the auditor of state.

SECTION 177. IC 6-9-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to ~~a~~ **Jackson** County ~~having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000) that had~~ **if the county** 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 178. IC 6-9-33-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

SECTION 179. 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~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(2) ~~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).~~

SECTION 180. IC 6-9-37-1, AS ADDED BY P.L.214-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to ~~a~~ **Hendricks**

County ~~having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000) that had~~ **if the county** 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 181. 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~~ **Wayne** County. ~~having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400).~~

SECTION 182. IC 7.1-1-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16.5. The term "entertainment complex" means a premises that:

(1) is a site for the performance of musical, theatrical, or other entertainment;

(2) if located in ~~a~~ **Marion** County: ~~containing a consolidated city:~~

(A) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and

(B) is located in a facility that is:

(i) on the National Register of Historic Places; or

(ii) located within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7; and

(3) if located in a county other than ~~a~~ **Marion** County, ~~containing a consolidated city,~~ includes an area where at least twelve thousand (12,000) individuals may be seated at one (1) time in permanent seating.

SECTION 183. IC 7.1-3-1-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.3. (a) This section applies to an application for a new permit, renewal of a permit, or transfer of a permit authorized by this article for a location in a:

(1) second or third class city; or

(2) county other than ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) As used in this section, "plan commission" has the meaning set forth in IC 36-7-1-14.

(c) A director of a plan commission may request the commission to notify the plan commission that the commission has received an application for a permit for a location within the territory where the plan commission has jurisdiction.

(d) If the commission receives a request under subsection (c), the commission shall provide to the appropriate plan commission a copy of the notice that the commission submits for publication to meet the requirements of section 5 of this chapter. The commission shall mail the copy to the plan commission no later than the day that the commission submits the notice for publication.

SECTION 184. IC 7.1-3-1-5.5, AS AMENDED BY P.L.10-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.5. (a) This section applies only in ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) As used in this section, "contiguous property owner" refers to a property owner who has real property that is geographically adjacent to or in contact with any point on the border of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(c) As used in this section, "neighboring property owner" means:

(1) a contiguous property owner; or

(2) a property owner who has real property that:

(A) is geographically adjacent to or in contact with any point on the border of the property of a contiguous property owner; and

(B) some portion of which is within five hundred (500) feet of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(d) As used in this section, "principal owner" means any person or entity holding at least a fifteen percent (15%) interest in the business for which a permit is sought to sell alcoholic beverages.

(e) As used in this section, "property owner" means any person whose name and address appears in the county assessor's real property tax assessment records as a person responsible for the payment of property taxes on a parcel of real property.

(f) Except as provided in section 28(d) of this chapter, subsection (g) applies to a location in the ~~consolidated~~ city **of Indianapolis** only if:

(1) the application is for a liquor dealer's permit for a location within the boundaries of the special fire service district, as determined in conformity with IC 7.1-3-22-8; or

(2) the local alcoholic beverage board requires the applicant to comply with subsection (g).

(g) In addition to the notice required by section 5 of this chapter, the

applicant for a new permit, or a transfer of a permit to sell alcoholic beverages of any type or at any location must, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense to the following:

(1) Each neighboring property owner.

(2) The department of metropolitan development of the ~~consolidated~~ city **of Indianapolis.**

(3) The following entities that have registered with the department of metropolitan development of the ~~consolidated~~ city **of Indianapolis:**

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the individuals or other entities to which notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from a department of the ~~consolidated~~ city **of Indianapolis** designated by ordinance that the applicant is in compliance with zoning requirements for the premises to be

licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

(l) Notwithstanding subsection (f)(1), an applicant seeking a transfer of a permit from a permit holder to a new permit holder when the new permit holder does not intend to change the nature of the business operated under the permit may apply to the local board for a waiver of the notice requirement in subsection (g). The local board may consider any information the local board considers relevant in making a determination to approve or deny the waiver request. The local board must approve or deny a waiver request at the first regularly scheduled meeting that occurs at least fifteen (15) days after the local board receives the waiver request from the applicant.

SECTION 185. IC 7.1-3-1-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. (a) This section applies only in ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) This section applies only to an application for the renewal of a permit to sell alcoholic beverages.

(c) The definitions set forth in section 5.5 of this chapter apply to this section.

(d) The renewal of a permit is subject to IC 7.1-3-19-9.5.

(e) Except as provided in section 28(d) of this chapter, subsections (f) and (g) apply to a location in the ~~consolidated~~ city **of Indianapolis** only if the application is for a liquor dealer's permit.

(f) Notwithstanding subsection (d), if:

(1) an applicant has been cited for a violation of law or a rule of the commission; or

(2) the local alcoholic beverage board has received at least five (5) written complaints against the applicant alleging a violation of law or a rule of the commission;

then upon direction of the local board, the applicant shall, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense as provided in subsection (g).

(g) The applicant shall mail the notice required under subsection (f) to the following:

(1) Each neighboring property owner.

(2) The department of metropolitan development of the ~~consolidated~~ city **of Indianapolis.**

(3) The following entities that have registered with the department of metropolitan development of the ~~consolidated~~ city

of Indianapolis:

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the persons to whom notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from the department of metropolitan development of the ~~consolidated~~ city **of Indianapolis** that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

SECTION 186. 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~~ **The** city **of Indianapolis** or ~~its~~ **Marion** County.

(2) A city of the second class.

(3) ~~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).~~

(4) ~~A~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(5) ~~A~~ **Madison** County. ~~having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).~~

(6) ~~A~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(7) ~~A~~ **The** city ~~having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).~~ **of Whiting.**

(8) ~~A~~ **Monroe** County. ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).~~

(9) ~~A~~ **Hamilton** County. ~~having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).~~

(b) ~~A~~ **Lake** 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~~ **Lake** 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~~ **Vigo** 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~~ **Lake** 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.

(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~~ **The** city ~~that:~~

~~(1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and~~

~~(2) owns or leases a marina;~~

of East Chicago may permit the retail sale of alcoholic beverages upon the premises of ~~the~~ **a** marina **owned or leased by the city,** 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~~ **The** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

(2) ~~A~~ **The** city ~~having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **of Hammond.**

(3) ~~A~~ **The** city ~~having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).~~ **of Michigan City.**

(4) ~~A~~ **The** city ~~having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).~~ **of Portage.**

(5) ~~A~~ **The** city ~~having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).~~ **of Jeffersonville.**

(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 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 187. IC 7.1-3-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 28. (a) This section applies to the initial issuance, transfer of location, or transfer of ownership of the following:

(1) Any form of retailer's permit issued under this title.

(2) Any form of dealer's permit issued under this title.

(b) To qualify for approval of an application, an applicant must show proof to the commission that the applicant has provided notice concerning the application in conformity with this section.

(c) Except as provided in subsection (d), the applicant shall post a sign for the period, in the location, and in the form specified in the rules adopted by the commission to indicate to the public that the applicant is seeking the issuance of a retailer's or dealer's permit. The rules adopted by the commission must require that:

(1) the wording on the sign be in a sufficiently large type size; and

(2) the sign be posted in a sufficient manner in a window or another area;

so that the sign is visible from the largest public thoroughfare or the nearest public thoroughfare in the vicinity of the applicant's location. The commission may require an applicant to use a sign prepared by the commission. The commission may charge a fee for a sign prepared by the commission that does not exceed the cost of the sign.

(d) This subsection applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~ If the application is for a permit other than a liquor dealer's permit, the applicant may:

(1) post notice of the application as set forth in subsection (c); or

(2) mail notice in accordance with:

(A) section 5.5 of this chapter if the application is for a new permit or transfer of a permit; or

(B) section 5.6 of this chapter if the application is for renewal of a permit.

SECTION 188. IC 7.1-3-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section applies to a temporary beer permit for the sale of beer within ~~a~~ **the** city ~~having a population of more than one hundred fifty thousand (150,000)~~

~~but less than five hundred thousand (500,000).~~ **of Fort Wayne.**

(b) The commission may not issue a temporary beer permit to a person unless:

(1) the person meets all requirements for a temporary beer permit under this chapter; and

(2) the mayor of the city in which the beer will be sold approves the issuance of the temporary beer permit.

(c) If a person asks the mayor to approve the issuance of a temporary beer permit, the mayor shall notify the commission of the mayor's decision to approve or disapprove the permit not later than fourteen (14) days after the person's request for approval.

(d) If the mayor does not approve or disapprove the request within the time required by subsection (c), the commission shall consider the request to be approved by the mayor.

SECTION 189. IC 7.1-3-19-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9.5. (a) The commission shall provide procedures and forms to allow an applicant for the renewal of a retailer's or dealer's permit to file a simplified application.

(b) An applicant for renewal does not have to be present during the local board proceedings on the renewal unless notified by the commission or the local board. However, a local board may not take any action to deny the renewal of a retailer's or dealer's permit unless the applicant has been notified and given an opportunity to be present at an investigation before the local board.

(c) For the purpose of implementing this section, the commissioner may prorate permits of persons holding more than one (1) retailer's or dealer's permit so that those permits terminate at one (1) time and the renewed permits of that person shall have the same termination date.

(d) In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the renewal of a retailer's or dealer's permit is subject to this section and IC 7.1-3-1-5.6.

SECTION 190. IC 7.1-3-20-16, AS AMENDED BY P.L.10-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 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 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 ~~a~~ **the** town ~~that:~~ **of Munster.**

~~(1) 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~~

~~(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).~~

(g) After June 30, 2005, 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 five hundred (500) 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 five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. 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~~ **the** town ~~with a population of more than twenty thousand (20,000);~~ **of Clarksville;** or

(2) ~~a~~ **the** city ~~with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);~~ **of Jeffersonville.**

~~located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).~~ The commission may issue not more than five (5) licenses under this section to premises within ~~a municipality described in subdivision (1)~~ **Clarksville** and not more than five (5) licenses to premises within ~~a municipality described in subdivision (2).~~ **Jeffersonville.** 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.

(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'~~ **retailer's** 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 191. IC 7.1-3-20-24.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24.4. (a) This section applies only to malls.

(b) As used in this section, "mall" means a retail shopping center that has the following characteristics:

(1) The center consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of ~~a consolidated~~ **the** city **of Indianapolis.**

(2) The center consists of a building or group of buildings that:

(A) contains more than twenty-five (25) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the center.

(c) 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 retail space within a mall. The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the mall.

SECTION 192. IC 7.1-3-20-25, AS AMENDED BY P.L.64-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. (a) This section applies only to a city market.

(b) As used in this section, "city market" means a marketplace where spaces are leased for a valuable consideration for the purpose of selling and displaying for sale to the general public items or products approved by the City Market Corporation and that has the following characteristics:

(1) The market consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of ~~a consolidated~~ **the** city **of Indianapolis.**

(2) The market consists of a building or group of buildings that:

(A) contains more than ten (10) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the market.

(c) The commission may issue a three-way permit to sell alcoholic beverages for consumption on the licensed premises to an applicant who is the proprietor, as owner or lessee, or both, of retail space within a city market. The holder of a permit issued under this section may sell beer and wine for carryout. The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the city market.

SECTION 193. 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~~ **the** city ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000);~~ **of Fort Wayne;** 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 194. IC 7.1-3-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. In making quota

determinations under this article, the population of ~~a consolidated~~ **the** city **of Indianapolis** is the population of its fire special service district, except to the extent that the case of Indiana Alcoholic Beverage Commission v. Baker (1972), 153 Ind.App. 118, 286 N.E.2d 174, has determined otherwise. However, the number of liquor dealer's permits issued to proprietors of package liquor stores located in the fire special service district may not exceed the number issued as of January 1, 1977. For purposes of this article relating to the permissible geographic location of package liquor store dealer permit holders, the area of ~~a consolidated~~ **the** city **of Indianapolis** is the area of ~~the entire~~ **Marion** County.

SECTION 195. IC 8-1-2-84 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 84. (a) With the consent and approval of the commission and with the authority of their stockholders as provided in this chapter, but not otherwise, any two (2) or more public utilities furnishing a like service or product and doing business in the same municipality or locality within Indiana, or any two (2) or more public utilities whose lines intersect or parallel each other within Indiana, may be merged and may enter into contracts with each other which will enable such public utilities to operate their plants or lines in connection with each other. Before any merger shall become effective there shall be filed with the commission proof that the voting stockholders have authorized or consented to such merger. If the law under which the company is incorporated or reorganized so provides, then the authorization and consent of the holders of the majority of the voting stock shall be shown. In all other cases the consent of the holders of three-fourths (3/4) of the outstanding voting stock of the company shall be shown. Such authority and consent may be shown by filing with the commission a certified copy of the minutes of a stockholders' meeting or by filing with the commission a written consent of such holders or both. In case of such merger, union, or consolidation, dissenting stockholders shall apply to the commission within sixty (60) days after approval by the commission to have the value of their stock assessed and determined. Stockholders not so applying shall be held to have assented. Upon the determination of the value of the stock of such dissenting stockholder, the corporation in which they are stockholders may within sixty (60) days pay the dissenting stockholders for their stock the appraised value thereof, or may elect to abandon the merger, union, or consolidation by filing with the commission notice of such election.

(b) It shall not be necessary for any public utility merging, uniting, or consolidating to comply with such provisions of any law governing the procedure in the merger, union, or consolidation of corporations as are in conflict with the provisions of this chapter. This chapter shall not create any new right of merger or enlarge any such right but is intended only to prescribe and simplify the proceedings in mergers which are

authorized by other statutes.

(c) Any such public utility may purchase or lease the used and useful property, plant, or business, or any part thereof, of any other such public utility at a price and on terms approved by the commission. Whenever, in the case of any such purchase, the amount to be paid by the purchaser for the property, plant, or business to be purchased shall be an amount in excess of five percent (5%) of the book cost to the purchaser of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such purchase, or whenever, in the case of any such lease, the book cost to the lessor of the property, plant, or business to be leased shall be an amount in excess of five percent (5%) of the book cost to the lessee of all the properties, plants, and business owned by the lessee at the time application is made to the commission for approval of such lease, there shall be obtained from the holders of three-fourths (3/4) of the voting stock of such purchaser or lessee their consent, authority, and approval to such purchase or lease.

(d) Any such public utility may purchase or lease the used and useful property, plant, or business, or any part thereof, of a municipally owned utility, as used in this chapter, owned or operated by ~~a~~ **the** city ~~having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000),~~ **of Fort Wayne,** with the approval of the commission at a price or rental and on terms approved by the commission.

(e) Any such public utility may sell or lease its used or useful property, plant, or business, or any part thereof, to any other such public utility at a price and on terms approved by the commission. Whenever in the case of any such sale or lease the book cost to the seller or lessor of such property, plant, or business to be sold or leased shall be an amount in excess of five percent (5%) of the book cost to such seller or lessor of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such sale or lease, there shall be obtained from the holders of three-fourths (3/4) of the voting stock of such seller or lessor their consent, authority, and approval to such sale or lease. Whenever in the case of any such sale or lease the book cost to the seller or lessor of such property, plant, or business to be sold or leased shall be an amount in excess of twenty percent (20%) of the book cost to such seller or lessor of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such sale or lease, dissenting stockholders of such seller or lessor shall, if the sale or lease is consummated, be paid for their stock the appraised value thereof as determined by the commission. Dissenting stockholders in such a case shall, within sixty (60) days after publication of notice of the approval by the commission of such sale or lease, apply to the commission to have the value of their stock assessed and determined.

Stockholders not so applying shall be held to have assented. Such publication of notice shall be given by the seller or lessor to its stockholders by publishing such notice once each week for three (3) successive weeks in a newspaper of general circulation printed in the English language and published in Marion County, Indiana. Upon determination of the value of the stock of such dissenting stockholders such seller or lessor may within sixty (60) days either pay the dissenting stockholders for their stock the appraised value thereof or elect to abandon the sale or lease by filing with the commission notice of its election to abandon.

(f) No such public utility shall encumber its used and useful property or business or any part thereof without the approval of the commission and the consent, authority, and approval of the owners of three-fourths (3/4) of its voting stock.

(g) Any public utility corporation upon the order of a majority of its board of directors and with the approval of the commission may acquire, purchase, or lease any real or personal estate or other property of any other public utility not used and useful in the public service of such other public utility.

(h) Any public utility corporation, upon the order of a majority of its board of directors and with the approval of the commission, may sell and convey or lease to any other public utility corporation any of its real or personal estate or other property not used and useful in its public service.

SECTION 196. 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 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 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~~ **Marion** County ~~containing a consolidated city~~ and in portions of counties that are adjacent to ~~the~~ **Marion** 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 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 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~~ **the** city ~~having a population of more than fifty thousand (50,000) but less than fifty-five thousand (55,000).~~ **of Elkhart.** 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ 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 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 197. 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~~ **Vermillion** County. ~~having a population of more than sixteen thousand seven hundred (16,700) 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 the withdrawn utility.

SECTION 198. IC 8-1-11.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) In addition to the other executive departments of ~~a consolidated~~ **the** city **of Indianapolis,** there is hereby created in any such city a department of public utilities, which shall have as its head and be under the general supervision and control of a board of seven (7) members, to be known as the "Board of Directors for Utilities," to be appointed annually by the board herein provided for and designated as the "Board of Trustees for Utilities."

(b) Said board of trustees for utilities shall consist of five (5) members.

(c) All such trustees and all successors thereof shall hold over after the expiration of their terms until their respective successors have been duly appointed and have qualified.

(d) At the expiration of the respective terms of each of the members of the board of trustees, the said board of trustees shall nominate the successors thereof to membership on such board, each of which nominees shall be appointed by the mayor of the ~~consolidated~~ city **of Indianapolis** within ten (10) days after receiving such nominations, and such succeeding members shall serve for a term of four (4) years. In the event any person who has been appointed at any time as a member of such board of trustees shall fail to qualify within ten (10) days after the mailing to ~~him~~ **the person** of notice of ~~his~~ **the person's** appointment; or if any member after qualifying shall die, resign, vacate such office by becoming a nonresident of such city, or be removed as

hereinafter provided; new members of such board of trustees shall be chosen to fill such vacancy in the same manner as is provided for the member as to whom such vacancy occurs, and the member so chosen shall serve for the remainder of the term for which the member whose place is so filled was appointed.

(e) No person shall be appointed as trustee who is less than thirty-five (35) years of age, and who has not been a resident of such city for at least five (5) years immediately preceding ~~his~~ **the person's** appointment. If any such trustee shall cease to be a legal resident of said city, ~~his~~ **the person's** membership on said board shall thereby terminate and become vacant.

(f) Each member of such board of trustees for utilities, before entering upon ~~his~~ **the member's** duties, shall take and subscribe an oath of office in the usual form, to be indorsed upon the certificate of ~~his~~ **the member's** appointment, which shall be promptly filed with the clerk of the city-county council.

(g) A majority of all the members of said board of trustees for utilities shall be necessary to constitute a quorum.

(h) Said board of trustees shall elect one (1) member thereof as president, one (1) as vice-president, and one (1) as secretary, who shall serve from the date of their election until one (1) year from the first day of January next following their election and until their successors are elected and have qualified.

(i) Said board of trustees shall keep a record of their proceedings. The expense of the meetings and proceedings of said board and of keeping a record thereof and the salary of the members thereof shall be paid upon a written request of the presiding officer and secretary thereof by the board of directors for utilities out of the funds belonging to said utility district. Each member of said board of trustees for utilities shall receive as compensation for ~~his~~ **the member's** services as such a salary in the sum of fifty dollars ($50) per year.

(j) The board of trustees for utilities shall meet annually on the first Monday of December of each year, at the principal office of said department of public utilities, for the purpose of transacting any business pertaining to their duties, and for the purposes of electing officers of such board of trustees and of selecting and appointing members of the board of directors for utilities, who shall serve for one (1) year from the first day of January following and until their successors are appointed and qualified.

(k) All persons so selected and appointed as such directors and all the successors thereof appointed at any time shall be chosen by a majority vote of all the members of said board of trustees. Said board of trustees shall have power to remove summarily and at any time any director and in such event, or if a vacancy occurs in said board of directors from any cause, said board of trustees shall appoint a successor in like manner who shall serve for the balance of the term for

which the member whose place is so filled was appointed.

(l) No person shall be appointed a member of said board of directors for utilities unless ~~he~~ **the person** is a bona fide resident of said city and has been such for five (5) years immediately preceding such appointment, and is at least thirty-five (35) years of age. If any such director shall cease to be a legal resident of said city during the term for which ~~he~~ **the director** was appointed, ~~his~~ **the director's** membership on such board shall thereby terminate and become vacant.

(m) Each member of said board of directors for utilities before entering upon ~~his~~ **the member's** duties shall take and subscribe an oath, to be indorsed upon the certificate of ~~his~~ **the member's** appointment, which shall be promptly filed with the clerk of the city-county council.

(n) Each of said members of said board of directors, before entering upon ~~his~~ **the member's** duties, shall execute a bond payable to the state of Indiana, with surety to be approved by the mayor of said city, in the penal sum of fifteen thousand dollars ($15,000), conditioned upon the faithful performance of the duties of ~~his~~ **the member's** office and the accounting for all moneys and property that may come into his hands or under ~~his~~ **the member's** control. The cost of all such bonds shall be paid by the department of public utilities of said city.

(o) Any trustee may be removed from office for neglect of duty, incompetency, disability to perform ~~his~~ **the trustee's** duties, or other good cause, by an order and judgment of the circuit or superior court of the county in which such city is located, in the following manner, to wit: An original complaint may be filed by either the mayor, or by a majority of the city-county council against any such trustee setting forth the charges preferred, and the cause shall be placed on the advanced calendar and be tried as other civil causes are tried, by the court, without the intervention of a jury. If such charges be sustained, the court shall declare such office vacant. The judgment of said court shall be final and no appeal shall lie therefrom by any party.

(p) Said board of trustees shall have power to adopt rules, regulations, and by-laws for their own governance, and may meet regularly or specially as often as necessary to transact any business or duties imposed upon them under this chapter or any other statute.

(q) In the event such city shall acquire in any manner herein provided more than one (1) such public utility and the property thereof, said board of trustees may add to such board of directors from time to time one (1) or more additional members, increasing such board to not exceed a total of eleven (11) members; which members shall be appointed and shall serve under all the provisions herein governing the appointment, terms, and duties of such board of directors for utilities.

SECTION 199. IC 8-1-11.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. This chapter being necessary for and intended to secure efficient and economical

management and operation of utility properties in ~~any consolidated~~ **the** city **of Indianapolis** taking advantage of the provisions hereof, the said board of directors shall have full power to transact all the business pertaining to said management and operation of each and all such utilities, including the issuance of bonds, mortgages, and other forms of indebtedness, free from all control and supervision of the department of local government finance of Indiana. This chapter shall be liberally construed to effectuate the purpose hereof, and if any one (1) or more sections, clauses, phrases, or parts thereof, of this chapter shall be held invalid, the remaining sections, clauses, phrases, or parts thereof, shall not be affected thereby, and the legislature declares that it would have enacted all other parts of said chapter even if any or all of the aforesaid portions thereof had not been included therein.

SECTION 200. IC 8-1-11.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. ~~Any consolidated~~ **The** city **of Indianapolis** shall have the power to purchase the whole or any part of the property of a public utility, when but only when its city-county council by an ordinance signed and approved by the mayor, and its board of trustees for utilities of its department of public utilities by a resolution, have each determined and declared it expedient so to do; which officials are hereby duly empowered so to do; in which event such city may acquire such property, notwithstanding a portion of it may be located anywhere outside of the corporate limits of such city, for the price and upon the terms and conditions stated in such ordinance and resolution, but not otherwise. The power hereby conferred shall include the power to purchase the capital stock of the corporation owning such property, or sufficient of such stock to enable such city to cause the liquidation of such corporation, payment of its debts, and vesting of title to its remaining property in such city; and in the event of purchase of such stock, such city, by its board of directors for utilities of its department of public utilities, is empowered to vote such stock so as to cause the liquidation of such corporation, the payment of its debts, and the vesting of title to its remaining property in the city. Funds with which to pay such purchase-price may be obtained from the sale of revenue bonds issued and sold under the authority of IC 8-1-11.1 or under any other statute relevant thereto.

SECTION 201. IC 8-1-11.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. ~~When any consolidated~~ **If the** city **of Indianapolis** shall have thus acquired utility property, the control and operation of such utility property shall be in the board of directors for utilities of the department of public utilities of such city under IC 8-1-11.1 or under any other statutes relating to such matters; subject, however, to all valid terms and conditions upon which such utility property shall have been so purchased.

SECTION 202. IC 8-1-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies

only to a subject area located entirely or partially within:

(1) a city; or

(2) ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 203. IC 8-1-32-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) Notwithstanding IC 8-1-2-103(a), if a health agency determines that an area located within a city or within ~~a~~ **Marion** County: ~~having a consolidated city:~~

(1) is served by private water wells;

(2) suffers from a health hazard due to the presence of at least one (1) contaminant; and

(3) incorporates at least a portion of at least one (1) census track or block having a median household income of less than two hundred percent (200%) of the most recently determined federal income poverty level;

the health agency may direct the nearest public utility that is authorized to provide water utility service within the municipality to prepare and provide to the commission an estimate of the cost of extending water utility service to the subject area and request the commission to approve the project.

(b) The costs estimated under subsection (a) may include the following:

(1) Installing the mains and connecting service lines on properties within the subject area.

(2) Abandoning and plugging existing wells in accordance with IC 25-39-2-14 and rules adopted under IC 25-39 on properties within the subject area.

(3) Restoration of areas disturbed by the project.

(4) Other reasonable costs of extending water utility service to the subject area.

SECTION 204. 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~~ **Vanderburgh** County, ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000),~~ 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 205. 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 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~~ **the** city ~~having a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000).~~ **of Mishawaka.** 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and~~

(2) ~~in a~~ **Baugo** Township ~~having a population of more than seven thousand five hundred (7,500) but less than nine thousand (9,000) located in a 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);~~ **in Elkhart County.** ~~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 206. IC 8-1.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to each:

(1) municipality; and

(2) county: ~~that:~~

(A) ~~does not have a consolidated city;~~ **other than Marion County;** and

(B) **that** receives notification from the department of environmental management that the county will be subject to storm water regulation under 327 IAC 15-13;

that adopts the provisions of this chapter by ordinance.

SECTION 207. IC 8-1.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "board" means the following:

(1) For ~~a consolidated~~ **the** city **of Indianapolis,** the board of public works established by IC 36-3-5-6.

(2) For all other municipalities, the:

(A) board of directors described in section 4 of this chapter; or

(B) board that controls the third class city's municipally owned utilities under IC 8-1.5-3-3(a) if the city has adopted an ordinance under IC 8-1.5-3-3(a) that provides for the control of any or all of the city's storm water facilities by the board that controls the city's municipally owned utilities.

(3) For a county:

(A) the county executive; and

(B) the county surveyor.

SECTION 208. IC 8-1.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter, "department" means the following:

(1) For ~~a consolidated~~ **the** city **of Indianapolis,** the department of public works.

(2) For all other municipalities, the department of storm water management established under section 4 of this chapter.

(3) For a county, the department of storm water management established under section 4.5 of this chapter.

SECTION 209. IC 8-1.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to all municipalities except ~~a consolidated~~ **the** city **of Indianapolis.**

(b) If the legislative body of a municipality adopts the provisions of this chapter by ordinance, a department of storm water management is established and is controlled by a board of directors.

(c) Except as provided in subsections (f) and (g), the board consists of three (3) directors. The executive of the municipality shall appoint the directors, not more than two (2) of whom may be of the same political party.

(d) Except as provided in subsections (f) and (g), the legislative body shall prescribe, by ordinance, the terms of the directors. However, the legislative body must prescribe the initial terms of the directors so that they will be staggered.

(e) The executive may remove a director at any time when, in the judgment of the executive, it is for the best interest of the department.

(f) If a second class city has a department of public sanitation under IC 36-9-25, the executive of the city may appoint the members of the board of sanitary commissioners as the board of directors of the department of storm water management. The terms of the members of the board of directors are the same as the terms of the members of the board of sanitary commissioners under IC 36-9-25-4.

(g) If a third class city:

(1) has a board that controls the city's municipally owned utilities under IC 8-1.5-3-3(a); and

(2) has adopted an ordinance under IC 8-1.5-3-3(a) that provides for the control of any or all of the city's storm water facilities by the board that controls the city's municipally owned utilities;

the members of the board that controls the city's municipally owned utilities shall serve as the board of directors of the department of storm water management, subject to any transition procedure specified in the ordinance under IC 8-1.5-3-3(b). The terms of the members of the board of directors are the same as the terms of the members of the board that controls the city's municipally owned utilities under IC 8-1.5-3-3(a), subject to the completion of any transition procedure specified in the ordinance under IC 8-1.5-3-3(b).

(h) A member of the board of directors of the department of storm water management who:

(1) is appointed under subsection (f); or

(2) is a member of the board under subsection (g) and receives a salary as a member of the board that controls the third class city's municipally owned utilities;

is not entitled to a salary for serving as a member of the board of directors of the department of storm water management. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of official duties.

SECTION 210. IC 8-1.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) The ordinance adopting the provisions of this chapter creates a special taxing district that includes the following:

(1) For ~~a consolidated~~ **the** city **of Indianapolis,** all of the territory of ~~the~~ **Marion** County. ~~containing the consolidated city~~.

(2) For all other municipalities, all territory within the corporate boundaries of the municipality.

(3) For a county, all the territory in the county that is not located in a municipality.

(b) All the territory within the district constitutes a special taxing district for the purpose of providing for the collection and disposal of storm water of the district in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for purposes of storm water collection and disposal. All territory in the district and all territory added to the district is considered to have received a special benefit from the storm water collection and disposal facilities of the district equal to or greater than the special taxes imposed on the territory under this chapter in order to pay all or part of the costs of such facilities.

SECTION 211. IC 8-1.5-5-32, AS ADDED BY P.L.154-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 32. (a) This section applies to excluded cities and towns in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) A municipality to which this section applies may withdraw from the district established by the ~~consolidated~~ city **of Indianapolis** if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the ~~consolidated~~ city **of Indianapolis.**

(2) The department of public works of the ~~consolidated~~ city **of Indianapolis.**

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the ~~consolidated~~ city **of Indianapolis** not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the ~~consolidated~~ city **of Indianapolis,** the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the municipality is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the ~~consolidated~~ city **of Indianapolis** from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 212. 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) ~~consolidated city;~~ ~~or~~ **The city of Indianapolis.**

(2) **The** city ~~having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000);~~ **of South Bend.**

~~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 213. IC 8-10-5-2, AS AMENDED BY P.L.49-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Any municipal corporation, county, or any combination of a municipal corporation, municipal corporations, county, or counties may create a port authority and there may be created a port authority in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ Such authority may operate in addition to any municipal authority that may be created under this chapter. A municipal corporation shall act by ordinance, and a county shall act by resolution of the county commissioners in authorizing the creation of a port authority. A port authority created hereunder shall be a body

corporate and politic which may sue and be sued, plead and be impleaded, and shall have the powers and jurisdiction enumerated in this chapter. The exercise by such port authority of the powers conferred upon it shall be deemed to be essential governmental functions of the state of Indiana, but no port authority shall be immune from liability by reason thereof.

(b) In the exercise of the powers and authorities herein granted said port authority shall have power to make and enter into any and all contracts that may be necessary to effectuate the purposes of this chapter. Except as otherwise expressly provided by this chapter, a contract made by a port authority is not subject to ratification by any other board, body, or officer.

SECTION 214. IC 8-10-5-5 IS AMENDED TO READ AS 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~~ **Lake** 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 ~~a~~ **the** city ~~having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **of Hammond.** 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 215. 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~~ **Lake** 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~~ **the** city ~~having a population of:~~

~~(1) more than seventy-five thousand (75,000) but less than ninety thousand (90,000); or~~

~~(2) more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).~~ **of Hammond or the city of East Chicago.**

SECTION 216. IC 8-10-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **the** city ~~having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).~~ **of East Chicago.**

SECTION 217. IC 8-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter:

(1) Primary highway system special account means the account of the state known as the "primary highway system special account" to which is credited monthly fifty-five percent (55%) of the money deposited in the highway, road and street fund.

(2) Local road and street account means the account of the state known as the "local road and street account" to which is credited monthly forty-five percent (45%) of the money deposited in the highway, road and street fund.

(3) The term "department" refers to the Indiana department of transportation created under IC 8-23-2.

(4) The term "primary highways" shall mean that portion of the federal-aid highway system designated by the department and approved by the United States department of transportation as being the state "primary highway system".

(5) The term "construction" shall mean both construction and reconstruction to a degree that new, supplementary, or substantially improved traffic service is provided, and significant geometric or structural improvements are effected.

(6) "Arterial road system" shall mean the system of roads including bridges in each county of Indiana, under the jurisdiction of the board of county commissioners, or successor body, including a department of transportation of ~~a consolidated~~ **the** city **of Indianapolis** designated as such by the board under IC 8-23-4-3, but not including local county roads.

(7) "Local county roads" shall mean all county roads and bridges which are not designated as being in the arterial road system.

(8) "Arterial street system" means the system of streets, including bridges in each city or town in Indiana, under the jurisdiction of municipal street authorities or successor bodies, including a department of transportation of ~~a consolidated~~ **the** city **of**

Indianapolis, designated as such by the board under IC 8-23-4-4, but not including local streets.

(9) "Local streets" shall mean all city and town streets and bridges which are not designated as being in the arterial street system in each city or town.

(10) "Resurfacing" means the placement of additional pavement layers (including protective systems for bridge decks) over the existing (or restored or rehabilitated) roadway or bridge deck surface to provide additional strength or to improve serviceability for a substantial time period.

(11) "Restoration and rehabilitation" means work required to return the existing structure (roadway pavement or bridge deck) to a suitable condition for an additional stage of construction (bridge deck protective system or resurfacing) or to a suitable condition to perform satisfactorily for a substantial time period.

SECTION 218. IC 8-14-2-4, AS AMENDED BY P.L.182-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The auditor of state shall establish a special account to be called the "local road and street account" and credit this account monthly with forty-five percent (45%) of the money deposited in the highway, road and street fund.

(b) The auditor shall distribute to units of local government money from this account each month. Before making any other distributions under this chapter, the auditor shall distribute E85 incentive payments to all political subdivisions entitled to a payment under section 8 of this chapter.

(c) After distributing E85 incentive payments required under section 8 of this chapter, the auditor of state shall allocate to each county the remaining money in this account on the basis of the ratio of each county's passenger car registrations to the total passenger car registrations of the state. The auditor shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this

section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to ~~counties containing a consolidated city~~ **Marion County** shall be credited or allocated to the department of transportation of the ~~consolidated~~ city **of Indianapolis.**

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account.

SECTION 219. 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:~~ **any of the following:**

(1) ~~more than fifty thousand (50,000) but less than fifty-five thousand (55,000);~~ **Warrick County.**

(2) ~~more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000);~~ **Dubois County.**

(3) ~~more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000);~~ **Gibson County.**

(4) ~~more than twenty-nine thousand (29,000) but less than thirty thousand (30,000);~~ **Daviess County.**

(5) ~~more than twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200);~~ **Posey County.**

(6) ~~more than eighteen thousand three hundred (18,300) but less than nineteen thousand three hundred (19,300);~~ **Perry County.**

(7) ~~more than twenty thousand three hundred (20,300) but less than twenty thousand five hundred (20,500);~~ **Spencer County.**

(8) ~~more than twelve thousand (12,000) but less than thirteen thousand five hundred (13,500);~~ **Pike County.**

(9) ~~more than ten thousand (10,000) but less than ten thousand seven hundred (10,700); or~~ **Martin County.**

(10) ~~more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000).~~ **Crawford County.**

SECTION 220. 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~~ **Steuben** County. ~~having a population of more than thirty-three thousand two hundred (33,200) but less than thirty-three thousand six hundred (33,600).~~

(2) ~~A~~ **LaGrange** County. ~~having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950).~~

(3) ~~A~~ **LaPorte** County. ~~having a population of more than one~~

~~hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).~~

(4) ~~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).~~

(5) ~~A~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(6) ~~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).~~

(7) ~~A~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

SECTION 221. 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 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~~ **Perry** Township ~~having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).~~ **in Marion County.**

(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 222. 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 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~~ **Perry** Township ~~having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).~~ **in Marion County.**

(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, 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 223. 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 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~~ **Perry** Township ~~having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).~~ **in Marion County.**

(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 224. 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~~ **Perry** Township ~~having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).~~ **in Marion County.**

(3) Imposing user fees on motor vehicles for use of Interstate Highway 69.

(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 225. 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 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:~~ **cities:**

(A) ~~More than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000).~~ **The city of Lafayette.**

(B) ~~More than fifty-nine thousand (59,000) but less than fifty-nine thousand seven hundred (59,700).~~ **The city of Terre Haute.**

(C) ~~More than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).~~ **The city of Michigan City.**

(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 226. IC 8-18-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. The toll road authority in ~~a~~ **Marion** County ~~having a consolidated city~~ may not construct or finance unless that action is first approved by:

(1) the city-county legislative body; and

(2) the legislative body of the unit involved.

SECTION 227. IC 8-22-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. "Executive" means:

(1) board of commissioners, of a county ~~not having a consolidated city;~~ **other than Marion County;**

(2) mayor of the ~~consolidated~~ city **of Indianapolis;** ~~of a county having a consolidated city;~~

(3) mayor, of a city;

(4) president of the town council, of a town; or

(5) chief executive officer, of any other political subdivision.

SECTION 228. IC 8-22-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. "Fiscal body" means county council, city-county council of ~~a consolidated~~ **the** city **of Indianapolis** and **Marion** County, common council of a city, town

council of a town, or governing body of any other eligible entity.

SECTION 229. 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 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~~ **St. Joseph** County ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ 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~~ **Clark** County. ~~having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).~~

(2) ~~A~~ **Putnam** County. ~~having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seventy-five (36,075).~~

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 (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 230. IC 8-22-2-2, AS AMENDED BY P.L.134-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This subsection applies only in ~~counties~~ **Marion County or a county** that ~~contain a consolidated city or~~ **contains** at least one (1) second class city. To be eligible to be a member of the board of aviation commissioners, a person must:

(1) be at least eighteen (18) years of age;

(2) be a resident of the county in which the eligible entity is located;

(3) not be actively engaged or employed in commercial aeronautics;

(4) not hold any other governmental office (by appointment or election) that has statutory fiscal or management review of the board's actions; and

(5) not serve as a member of any other agency, board, commission, department, or other governmental entity that:

(A) is located within the jurisdiction of the department of aviation; and

(B) has statutory fiscal or management review of the board's actions.

(b) This subsection does not apply to **Marion County or** a county ~~if the county~~ **that** contains a ~~consolidated city or a~~ second class city. To be eligible to be a member of the board of aviation commissioners, a person must:

(1) be at least eighteen (18) years of age;

(2) be a resident of the county in which the eligible entity is located; and

(3) not be actively engaged or employed in commercial aeronautics in a county that the board serves.

SECTION 231. 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) Airport Authority".

SECTION 232. 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) 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~~ **the** city ~~that has a population of more than sixteen thousand six hundred (16,600) but less than seventeen thousand four hundred (17,400)~~ **of Frankfort** 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 233. 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~~ **Marion** County. ~~having a consolidated city.~~

(b) The board consists of members appointed as follows:

(1) The mayor of the ~~consolidated~~ city **of Indianapolis** shall appoint five (5) members. Each member appointed under this subdivision must be a resident of ~~the~~ **Marion** County. ~~having the consolidated city.~~

(2) The majority leader of the legislative body of ~~the~~ **Marion** County ~~having the consolidated city~~ shall appoint one (1) member. The member appointed under this subdivision must be a resident of ~~the~~ **Marion** 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~~ **Hendricks** County. ~~is adjacent to the Marion County having the consolidated city.~~

(B) ~~The~~ **Hancock** County. ~~has a population of:~~

~~(i) more than one hundred thousand (100,000) but less than one hundred five thousand (105,000);~~

~~(ii) more than fifty-five thousand (55,000) but less than sixty-five thousand (65,000); or~~

~~(iii) more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).~~

(C) ~~The authority owns real property in the~~ **Hamilton** 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~~ **either of the following townships** located in ~~the~~ **Marion** County: ~~having the consolidated city; and~~

(1) Decatur Township.

(2) ~~has a population of:~~ **Wayne Township.**

~~(A) less than twenty-five thousand (25,000); or~~

~~(B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).~~

(d) A member of the board appointed under ~~subsection (b)(3)(B)(i)~~ **subsection (b)(3)(A)** must be a resident of ~~a~~ **Guilford** Township **in Hendricks County.**

~~(1) located in the county making the appointment; and~~

~~(2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).~~

(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.

(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~~ **Marion** County. ~~having the consolidated city.~~

SECTION 234. IC 8-22-3-4.3, AS ADDED BY P.L.134-2005,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.3. (a) This section applies only to the board of an airport authority that:

(1) is not located in ~~a~~ **Marion** County; ~~containing a consolidated city;~~

(2) is established by a city; and

(3) has entered into a federal interstate compact.

(b) The board of an airport authority described in subsection (a) consists of members appointed as follows:

(1) Four (4) members appointed by the executive of the city in which the airport is located. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) One (1) member appointed by the executive of the county in which the airport is located.

(3) One (1) member appointed by the executive of the county (other than the county in which the airport is located) that is closest geographically to the airport.

(4) One (1) member appointed by the governor.

(c) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(d) 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.

(e) A board member may be reappointed to successive terms.

(f) A board member may be impeached under the procedure provided for the impeachment of county officers.

SECTION 235. IC 8-22-3-5, AS AMENDED BY P.L.134-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This subsection applies only in ~~counties~~ **Marion County or a county** that ~~contain a consolidated city or~~ **contains** at least one (1) second class city. To be eligible to be a member of the board, a person must have the following qualifications:

(1) Be at least eighteen (18) years old.

(2) Except as provided in section 4.1 of this chapter, be a resident of the county in which the eligible entity is located.

(3) Not be actively engaged or employed in commercial aeronautics.

(4) Not hold any other governmental office (by appointment or election) that has statutory fiscal or management review of the board's actions.

(5) Not serve as a member of any other agency, board, commission, department, or other governmental entity that:

(A) is located within the jurisdiction of the authority; and

(B) has statutory fiscal or management review of the authority's actions.

(b) This subsection does not apply to ~~a~~ **Marion** County ~~if the~~ **or a** county **that** contains ~~a consolidated city or~~ a second class city. To be eligible to be a member of the board, a person must:

(1) be at least eighteen (18) years of age;

(2) be a resident of the county in which the eligible entity is located; and

(3) not be actively engaged or employed in commercial aeronautics in a county that the board serves.

SECTION 236. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.6. (a) This section applies only to an airport authority established for ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) The ~~legislative body of the consolidated city~~ **city-county council** and the governing body of the airport authority may adopt substantially similar ordinances providing that the fire department of the airport authority is consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** and that the fire department of the ~~consolidated~~ city **of Indianapolis** shall provide fire protection services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the ~~legislative body of the consolidated city~~ **city-county council** and the governing body of the airport authority in the ordinances.

(c) The ~~legislative body of the consolidated city~~ **city-county council** and the governing body of the airport authority may adopt substantially similar ordinances providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the ~~consolidated~~ city **of Indianapolis** and that the law enforcement department of the ~~consolidated~~ city **of Indianapolis** shall provide law enforcement services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the ~~legislative body of the consolidated city~~ **city-county council** and the governing body of the airport authority in the ordinances.

SECTION 237. IC 8-22-3-16, AS AMENDED BY P.L.146-2008, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) The board may issue general obligation bonds of the authority for the purpose of procuring funds to pay the cost of acquiring real property, or constructing, enlarging, improving, remodeling, repairing, or equipping buildings, structures, runways, or other facilities, for use as or in connection with or for administrative purposes of the airport. The issuance of the bonds must be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds and for the time and character of notice and the mode of making sale. If one (1) airport is owned by the authority, an ordinance authorizing the issuance of bonds for a separate second airport is subject to approval as provided in this section. The

bonds bear interest and are payable at the times and places that the board determines but running not more than twenty-five (25) years after the date of their issuance, and they must be executed in the name of the authority by the president of the board and attested by the secretary who shall affix to each of the bonds the official seal of the authority. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the president of the board.

(b) The issuance of general obligation bonds must be approved by resolution of the following body:

(1) When the authority is established by an eligible entity, by its fiscal body.

(2) When the authority is established by two (2) or more eligible entities acting jointly, by the fiscal body of each of those entities.

(3) When the authority was established under IC 19-6-2 (before its repeal), by the mayor of the ~~consolidated~~ city **of Indianapolis,** and if a second airport is to be funded, also by the city-county council.

(4) When the authority was established under IC 19-6-3 (before its repeal), by the county council.

(c) The airport director shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of the bonds, the airport director shall cause notice of the sale to be published once each week for two (2) consecutive weeks in two (2) newspapers of general circulation published in the district, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest bidder, in accordance with the procedures for selling public bonds. After the bonds have been properly sold and executed, the airport director shall deliver them to the treasurer of the authority and take a receipt for them, and shall certify to the treasurer the amount which the purchaser is to pay for them, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and airport director or superintendent shall report their actions to the board.

(d) The provisions of IC 6-1.1-20 and IC 5-1 relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice of them;

(2) the giving of notice of determination to issue bonds;

(3) the giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation;

(4) the approval of the appropriation by the department of local government finance;

(5) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds, in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds, in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a); and

(6) the sale of bonds at public sale for not less than par value;

are applicable to proceedings under this chapter for the issuance of general obligation bonds.

(e) Bonds issued under this chapter are not a corporate obligation or indebtedness of any eligible entity but are an indebtedness of the authority as a municipal corporation. An action to question the validity of the bonds issued or to prevent their issue must be instituted not later than the date set for sale of the bonds, and all of the bonds after that date are incontestable.

SECTION 238. IC 8-22-3-18.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18.1. (a) The board may:

(1) finance capital improvements, including the acquisition of real estate;

(2) refund any bonds; or

(3) pay any loan contract;

by borrowing money and issuing revenue bonds from time to time under this section.

(b) The issuance of revenue bonds must be authorized by ordinance of the board in at least one (1) series, may bear a date or dates, may mature at a time or times not exceeding forty (40) years from their respective dates, may bear interest, may be in a denomination or denominations, may be in a form, either coupon or registered, may carry registration and conversion privileges, may be executed in a manner, may be payable in a medium of payment and at a place or places, may be subject to terms of redemption, with or without a premium, may be declared or become due before the maturity date, may provide for the replacement of mutilated, destroyed, stolen, or lost bonds, may be authenticated in a manner and upon compliance with conditions, and may contain other terms and covenants that the ordinance of the board provides. Notwithstanding the form or tenor of the bonds, and in the absence of express recitals on their faces that the bonds are nonnegotiable, the bonds are negotiable instruments.

(c) The issuance of revenue bonds must be approved as follows:

(1) When the authority is established by an eligible entity, by the entity's executive.

(2) When the authority is established by at least two (2) eligible entities acting jointly, by the executive of each of those entities.

(3) When the authority was established under IC 19-6-2 (before its repeal on April 1, 1980), by the executive of the ~~consolidated~~

city **of Indianapolis.**

(4) When the authority was established under IC 19-6-3 (before its repeal on April 1, 1980), by the county fiscal body.

For purposes of this subsection, the entire legislative body of a town is considered the executive of the town.

(d) The bonds must be executed in the name of the authority by the president of the board and attested by the secretary, and interest coupons may be executed by placing on the interest coupons the facsimile signature of the president of the board. The bonds are valid and binding obligations of the authority for all purposes, notwithstanding that before delivery of the bonds any of the persons whose signatures appear on the bonds have ceased to be officers of the entity or authority, as if the persons had continued to be officers of the entity and authority until after delivery. The validity of the authorization and issuance of the bonds is not dependent on or affected in any way by proceedings taken for the improvement for which the bonds are to be issued, or by contracts made in connection with the improvement. An ordinance authorizing revenue bonds must provide that a revenue bond contain a recital that the bond is issued under this chapter, and a bond containing the recital under authority of an ordinance is considered valid and issued in conformity with this chapter.

(e) At the discretion of the board, the revenue bonds shall be sold either under the procedures for selling public bonds or at a negotiated sale. The bonds may be sold in installments at different times, or an entire issue or series may be sold or exchanged at one (1) time. Any issue or series of the bond may be sold in part or sold in part in installments at different times or at one (1) time.

(f) The bonds are special obligations of the authority and are payable solely from and secured by a lien upon the revenues of all or part of the facilities of the authority, as shall be more fully described in the ordinance of the board authorizing the issuance of the bonds, and, subject to the Constitution and to the prior or superior rights of any person, the board may by ordinance pledge and assign for the security of the bonds all or part of the gross or net revenues of the enterprise.

(g) All bonds of the same issue shall be equally and ratably secured, without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien upon the revenues in accordance with this section and the ordinance authorizing the issuance of the bonds.

(h) This chapter does not alter the rights granted to or the agreements made with the holders of any notes, bonds, or other obligations of the board outstanding on April 1, 1980.

(i) The bonds, and interest on the bonds, are not a debt of the authority or the board, nor a charge, a lien, or an encumbrance, legal or equitable, upon property of the board, or upon income, receipts, or

revenues of the board other than those revenues of the facilities that have been pledged to the payment of the bonds. Every bond must recite in substance that the bond, including interest, is payable solely from the revenues pledged to the bond's payment, and that the board is under no obligation to pay the bond, except from those revenues.

(j) The bonds and the income from the bonds are exempt from taxation, except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

(k) In order that the payment of the revenue bonds and the interest on the bonds be adequately secured, the board and its officers, agents, and employees shall:

(1) pay or cause to be paid punctually the principal of every bond, and the interest on every bond, on the date or dates and at the place or places and in the manner and out of the funds mentioned in the bonds and in the attached coupons, in accordance with the ordinance authorizing their issuance;

(2) operate the facilities of the authority, the revenues of which are pledged to the bonds, in an efficient and economical manner and establish, levy, maintain, and collect fees, tolls, rentals, rates, and other charges that may be necessary or proper, which must be at least sufficient after making due and reasonable allowance for contingencies and for a margin of error in the estimates:

(A) to pay all current expenses of operation, maintenance, and repair of the facilities;

(B) to pay the interest on and principal of the bonds as the bonds become due and payable;

(C) to comply in all respects with the terms of the ordinance authorizing the issuance of bonds or any other contract or agreement with the holders of the bonds; and

(D) to meet any other obligations of the board that are charges, liens, or encumbrances upon the revenues of the facilities;

(3) operate and maintain the facilities and every part of the facilities in good working order and condition;

(4) preserve the security of the bonds and the rights of the holders, and warrant and defend the rights against all claims and demands of all persons;

(5) pay the lawful claims for labor, materials, and supplies, which, if unpaid, might by law become a lien or charge upon the revenues or part of the revenues, superior to the lien of the bonds, or that might impair the security of the bonds, to the end that the priority and security of the bonds be fully preserved;

(6) hold in trust the revenues pledged to the payment of the bonds for the benefit of the holders of the bonds and apply the revenues only as provided by the ordinance authorizing the issuance of the bonds or, if the ordinance is modified, as provided in the ordinance as modified; and

(7) keep proper books of record and accounts of the facilities (separate from all other records and accounts) in which complete and correct entries are made of all transactions relating to the facilities or part of the facilities, the revenues of which are pledged and that, together with all other books and papers of the board, are at all times subject to the inspection of the holder or holders of not less than ten percent (10%) of the bonds then outstanding or the holder's or the holders' representative duly authorized in writing.

None of the duties in this subsection require the expenditure in any manner or for any purpose by the board of any funds other than revenues received or receivable from the enterprise or facilities.

(l) The board may insert provisions in an ordinance or a resolution authorizing the issuance of revenue bonds, which becomes a part of the contract with the holders of the revenue bonds, as to:

(1) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds, or any notes, bonds, or other obligations payable from the revenues to finance the improving of the facilities may be applied;

(2) limitations on the issuance of additional bonds, or additional notes, bonds, or other obligations to finance the improving of the facilities, including liens;

(3) limitations on the right of the board to restrict and regulate the use of the facilities;

(4) the amount and kind of insurance to be maintained on the facilities and the use and disposition of insurance money;

(5) pledging all or part of the revenues of the facilities to which the board's right exists;

(6) covenanting against pledging all or part of the revenues of the facilities to which its right exists;

(7) events of default and terms and conditions upon which the bonds become or may be declared due before maturity and as to the terms and conditions upon which declaration and its consequences may be waived;

(8) the rights, liabilities, powers, and duties arising upon the breach by it of any covenants, conditions, or obligations;

(9) the vesting in a trust or trustees the right to enforce covenants made to secure, to pay, or in relation to the bonds, as to the powers and duties of the trustee or trustees, and the limitation of liabilities, and as to the terms and conditions upon which the holders of the bonds or any proportion or percentage of the holders of the bonds may enforce any covenants made or duties imposed under this chapter;

(10) a procedure by which the terms of an ordinance authorizing revenue bonds, or any other contract with bondholders, such as an indenture of trust or similar instrument, may be amended or

abrogated and as to the amount of bonds, the holders of which must consent to them and the manner in which such consent may be given;

(11) the execution of all instruments necessary or convenient in the exercise of the powers granted by this chapter or in the performance of the duties of the board and the officers, agents, and employees of them;

(12) refraining from pledging, claiming, or taking the benefit or advantage of any stay or extension law whenever enacted, which may affect the duties or covenants of the board in relation to the bonds, or the performance or the lien of the bonds;

(13) the purchase out of funds available, including the proceeds of revenue bonds, of outstanding notes, bonds, or obligations and the price or prices at which and the manner in which purchases may be made; and

(14) other acts and things that may be necessary, convenient, or desirable in order to secure the bonds, or that may tend to make the bonds more marketable.

This section does not authorize the board to make covenants, to perform an act, or to do anything that requires the expenditure by the board of funds other than revenues received or receivable from the facilities.

(m) In the event that the board defaults in the payment of the principal or interest on any of the revenue bonds after the bonds become due, whether at maturity or upon call for redemption, and the default continues for a period of thirty (30) days, or in the event that the board or the board's officers, agents, or employees fail or refuse to comply with this chapter or default in an agreement made with the holders of the bonds, any holder or holders of revenue bonds, or a trustee for the holder or holders of the bonds, has the right to apply in an appropriate judicial proceeding to the circuit or superior court of the county in which the district is situated, in which the facilities are located, or in any court of competent jurisdiction, for the appointment of a receiver of the facilities, whether or not the holder, holders, or trustee is seeking or has sought to enforce any other right or to exercise any remedy in connection with the bonds. Upon application, the circuit or superior court may appoint, and if the application is made by the holders of twenty-five percent (25%) in principal amount of the bonds then outstanding or by a trustee for holders of the bonds in that amount shall appoint, a receiver for the enterprise.

(n) The receiver appointed shall, directly or by the receiver's agents and attorneys, enter into and upon and take possession of the facilities, the revenues of which are pledged, and every part of the facilities, and may exclude the board, the board's officers, agents, and employees, and all persons claiming under them. The receiver may have, hold, use, operate, manage, and control the facilities in the name of the board or

otherwise, as the receiver considers best, and may exercise all rights and powers of the board with respect to the facilities as the board itself might do. The receiver shall maintain, restore, and insure the facilities, shall make all necessary repairs, shall establish, levy, maintain, and collect fees, tolls, rentals, and other charges in connection with the facilities that the receiver considers necessary or proper and reasonable, and shall collect and receive all revenues, deposit the revenues in a separate account, and apply the revenues in the manner that the court directs.

(o) Whenever all that is due upon the revenue bonds and interest on the bonds, and upon other notes, bonds, or other obligations, and interest on the notes, bonds, or obligations, having a charge, lien, or encumbrance on the revenues of the facilities and under the terms of covenants or agreements with bondholders has been paid or deposited, and all defaults have been cured and made good, the court may in its discretion, and after notice and hearing that the court considers reasonable and proper, direct the receiver to surrender possession of the facilities to the board, with the right of the holders of the bonds to secure the appointment of a receiver upon subsequent default remaining in force.

(p) The receiver shall act under the direction and supervision of the court making the appointment and is at all times subject to the orders and decrees of the court, including possible removal. Nothing contained in this section limits or restricts the jurisdiction of the court to enter other or further orders and decrees as the court considers necessary or appropriate for the exercise by the receiver of functions specifically set forth.

(q) Subject to contractual limitations binding upon the holders or a trustee of an issue of revenue bonds, including but not limited to the restrictions of the exercise of a remedy to a specified proportion or percentage of the holders, a holder or trustee of the bonds may, for the equal benefit and protection of all holders of revenue bonds similarly situated:

(1) by mandamus or other suit, action, or proceeding at law or in equity enforce rights against the board and any of the board's officers, agents, and employees and require and compel the board or the board's officers, agents, or employees to perform and carry out duties and obligations under this chapter and covenant agreements with bondholders;

(2) by action or suit in equity require the board to account as if the board were the trustee of an express trust;

(3) by action or suit in equity enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders; or

(4) bring suit upon the bonds.

No remedy conferred by this chapter upon a holder or trustee of revenue bonds is intended to be exclusive of any other remedy, but

each remedy is in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by this chapter or by any other law. No waiver of a default or breach of duty or contract, whether by a holder or trustee of revenue bonds extends to or affects a subsequent default or breach of duty or contract or impairs any rights or remedies on them. No delay or omission of a bondholder or trustee extends to or affects a subsequent default or breach of duty or contract or impairs any rights or remedies. No delay or omission of a bondholder or trustee to exercise a right or power accruing upon default impairs the right or power or may be construed to be a waiver of the default or acquiescence in it. Every substantive right and every remedy conferred upon the holders of revenue bonds may be enforced and exercised from time to time and as often as is expedient. In case any suit, action, or proceeding to enforce a right or exercise a remedy is brought or taken and then discontinued or abandoned, or is determined adversely to the holder or trustee of the revenue bonds, then the board and the holder or trustee shall be restored to their former positions and rights and remedies as if no suit, action, or proceeding had been brought or taken.

(r) Refunding or refunding and improvement revenue bonds may be issued in accordance with the provisions for the refinancing or refinancing and improving of any of the facilities for which revenue bonds or a loan contract have been issued or made under this section or section 19 of this chapter.

(s) This section constitutes full authority for the issuance of revenue bonds. No procedure, proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, by a board, an officer, a commission, a department, an agency, or an instrumentality of the state, or by an eligible entity is required to issue revenue bonds or to do any act or perform anything under this chapter, except as presented by this chapter. The powers conferred by this chapter are in addition to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred in another section of this chapter or by any other statute.

SECTION 239. IC 8-22-3-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 28. (a) The acquisition, establishment, construction, improvement, equipment, maintenance, control, and operation of airports and landing fields for aircraft under this chapter is a governmental function of general public necessity and benefit, and is for the use and general welfare of all the people of Indiana, as well as of the people residing in the district.

(b) Notwithstanding any other statute, the leasehold estate of any lessee created pursuant to a lease by the board of its aviation related property or facilities, together with any permanent structure erected on the property by the lessee is exempt from property taxation.

(c) This subsection applies to property, facilities, or permanent

structures leased by the board of an airport authority established for ~~a~~ **Marion** County. ~~containing a consolidated city.~~ Notwithstanding subsection (a), any property, facilities, or permanent structures subject to a lease entered into or renewed after July 1, 1995, is not entitled to a property tax exemption if the property, facility, or structure is not used for aviation related purposes.

SECTION 240. 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~~ **Marion** County. ~~having a consolidated city.~~

(2) ~~Each~~ **The** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

(3) ~~Each~~ **Vigo** County. ~~having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).~~

(4) ~~Each~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(5) ~~Each~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(6) ~~Each~~ **Delaware** County. ~~having a population of more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).~~

(7) ~~Each~~ **The** city ~~having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000).~~ **of Anderson.**

SECTION 241. IC 8-22-3.5-2, AS AMENDED BY P.L.182-2009(ss), SECTION 272, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "commission" refers to the following:

(1) With respect to ~~a~~ **Marion** County, ~~having a consolidated city,~~ the metropolitan development commission acting as the redevelopment commission of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

(2) With respect to ~~a~~ **the** city ~~described in section 1(2) of this chapter,~~ **of Gary,** the board of the airport authority for the city.

(3) With respect to ~~a~~ **Vigo** County, ~~described in section 1(3) of this chapter,~~ the board of an airport authority that is jointly established by the county and a municipality under IC 8-22-3.

(4) With respect to ~~a~~ **Allen County or Vanderburgh** County, ~~described in section 1(4) or 1(5) of this chapter,~~ the board of an airport authority that is jointly established by the county and a municipality under IC 8-22-3.

(5) With respect to ~~a~~ **Delaware** County, ~~described in section 1(6) of this chapter,~~ the board of an airport authority that is established by the county.

(6) With respect to ~~a~~ **the** city ~~described in section 1(7) of this chapter,~~ **of Anderson,** the board of aviation commissioners for the city.

SECTION 242. IC 8-22-3.5-2.5, AS AMENDED BY P.L.182-2009(ss), SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" refers to any of the following:

(1) ~~A consolidated~~ **The** city **of Indianapolis.**

(2) ~~A~~ **The** city ~~described in section 1(2) of this chapter.~~ **of Gary.**

(3) A city in ~~a~~ **Vigo** County. ~~described in section 1(3) of this chapter.~~

(4) ~~A~~ **Allen** County. ~~described in section 1(4) of this chapter.~~

(5) A city located in ~~a~~ **Allen** County. ~~described in section 1(4) of this chapter.~~

(6) ~~A~~ **Vanderburgh** County. ~~described in section 1(5) of this chapter.~~

(7) A city located in ~~a~~ **Vanderburgh** County. ~~described in section 1(5) of this chapter.~~

(8) ~~A~~ **Delaware** County. ~~described in section 1(6) of this chapter.~~

(9) ~~A~~ **The** city ~~described in section 1(7) of this chapter.~~ **of Anderson.**

SECTION 243. IC 8-22-3.5-3, AS AMENDED BY P.L.182-2009(ss), SECTION 274, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) As used in this chapter, "qualified airport development project" means an airport development project that has a cost of the project (as defined in IC 4-4-10.9-5) greater than **the following:**

(1) Five hundred million dollars ($500,000,000), if the project is to be located in ~~a~~ **Marion** County. ~~having a consolidated city; or~~

(2) Two hundred fifty thousand dollars ($250,000), if the project is to be located in **any of the following:**

(A) ~~a~~ **The** city ~~described in section 1(2) or 1(7) of this chapter; or~~ **of Gary or the city of Anderson.**

(B) ~~in a~~ **Allen County, Delaware County, Vanderburgh County, or Vigo** County. ~~described in section 1(3), 1(4), 1(5), or 1(6) of this chapter.~~

Except as provided by subsection (b), the term includes any portion or expansion of the original qualified airport development project used by one (1) or more successor tenants.

(b) For purposes of section 9 of this chapter, the definition of "qualified airport development project" does not include any portion of, or expansion of, the original qualified airport development project used

by a successor tenant unless the commission adopts a resolution to amend the definition to include that portion or expansion.

SECTION 244. IC 8-22-3.5-5, AS AMENDED BY P.L.182-2009(ss), SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) The commission may designate an area within the jurisdiction of a board of aviation commissioners under IC 8-22-2 or an airport authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the following:

(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the board of aviation commissioners or airport authority should be declared an airport development zone.

(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

(b) If the airport development zone will be located in: ~~a consolidated~~

(1) the city **of Indianapolis;** or ~~in a~~

(2) Allen County, Delaware County, Vanderburgh County, or Vigo County;

~~described in section 1(3), 1(4), 1(5), or 1(6) of this chapter,~~ the resolution adopted under subsection (a) must also include a finding that there has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

(1) financial and economic data; and

(2) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(c) If the airport development zone will be located in a city described in:

(1) section 1(2) of this chapter, the resolution adopted under subsection (a) must also include findings stating that the most recent federal decennial census for the city indicates the following:

(A) The unemployment rate for the city is at least thirteen percent (13%).

(B) The population of the city has decreased by at least ten percent (10%) as compared to the population reported in the preceding federal decennial census for the city.

(C) The median per capita income for city residents does not exceed eighty percent (80%) of the median per capita income for all residents of the United States.

(D) At least twenty-five percent (25%) of the population of the city is below the federal income poverty level (as defined in IC 12-15-2-1); or

(2) section 1(7) of this chapter, the resolution adopted under subsection (a) must also include findings stating the following:

(A) There has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

(i) financial and economic data; and

(ii) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(B) The city has Interstate Highway 69 serving the airport and the city's residents and facilitating commerce and free travel within and through the midwestern United States.

(d) The resolution adopted under subsection (a) must describe the boundaries of the area. The description may be by reference to the area's location in relation to public ways or streams, or otherwise, as determined by the commission.

(e) If the airport development zone will be located in a county described in section 1(4), 1(5), or 1(6) of this chapter, the resolution adopted under subsection (a) and any qualified airport development project to be located in the airport development zone, must be approved by the executive of:

(1) the county, if the entire airport development zone or qualified airport development project will be located outside the boundaries of any municipality located in the county;

(2) a municipality located in the county, if the entire airport development zone or qualified airport development project will be located within the boundary of the municipality; or

(3) the county and a municipality located in the county, if the airport development zone or qualified airport development project will be located within the boundary of the county and in part within the boundary of the municipality.

SECTION 245. IC 8-22-3.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) As used in this section, "state income tax liability" means a tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax); or

(2) any other tax imposed by this state and based on or measured by either gross income or net income.

(b) The attraction or retention of qualified airport development projects to ~~a consolidated~~ **the** city ~~within Indiana~~ **of Indianapolis** is a governmental function of general public benefit for all the citizens of Indiana.

(c) As an incentive to attract or retain qualified airport development projects to Indiana, for a period of thirty-five (35) years, beginning January 1, 1991, persons that locate and operate a qualified airport

development project in an airport development zone in ~~a consolidated~~ **the** city **of Indianapolis** shall not incur, notwithstanding any other law, any state income tax liability as a result of:

(1) activities associated with locating or retaining the qualified airport development project in the ~~consolidated~~ city **of Indianapolis;**

(2) the construction, modification, alteration, or completion of the qualified airport development project;

(3) the employment of personnel or the ownership or rental of property at or in conjunction with the qualified airport development project; or

(4) the operation of, or the activities at or in connection with, the qualified airport development project.

(d) The department of state revenue shall adopt rules under IC 4-22-2 to implement this section.

SECTION 246. 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) **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **of Gary;**

(2) **Vigo** County; ~~having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);~~ or

(3) **Allen** 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 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 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 247. 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~~ **The** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

(2) ~~A~~ **Vigo** County. ~~having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).~~

(3) ~~A~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

SECTION 248. IC 8-23-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. "Executive" has the meaning set forth in IC 36-1-2-5. However, for ~~a consolidated~~ **the** city **of Indianapolis,** the term means the city-county council.

SECTION 249. IC 8-23-7-22, AS AMENDED BY P.L.163-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways

within a specified period. The specified period may not exceed five (5) years.

(b) Before the governor, the department, or an operator may carry out any of the following activities under this section, the general assembly must enact a statute authorizing that activity:

(1) Determine that a highway that is in existence or under construction on July 1, 2011, should become a tollway.

(2) Carry out construction for Interstate Highway 69 in ~~a~~ **Perry** Township ~~having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).~~ **in Marion County.**

(3) Impose tolls on motor vehicles for use of Interstate Highway 69.

(c) 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 governor, the department, or an operator to determine that all or part of the following projects should become a tollway:

(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 250. IC 8-23-7-23, AS AMENDED BY P.L.163-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) Subject to subsection (c), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a toll road. An order under this section does not become effective unless the authority adopts a resolution to accept the designated state highway, or part of the highway, as a toll road project under the conditions contained in the order. An order issued by the department under this section must set forth the conditions upon which the transfer of the state highway, or part of the highway, to the authority must occur, including the following:

(1) The consideration, if any, to be paid by the authority to the department.

(2) A requirement that the authority:

(A) enter into a contract or lease with the department with respect to the toll road project under IC 8-9.5-8-7 or IC 8-9.5-8-8; or

(B) enter into a public-private agreement with an operator with respect to the toll road under IC 8-15.5.

(b) To complete a transfer under this section, the department must, with the governor's approval, execute a certificate describing the real and personal property constituting or to be transferred with the state highway that is to become a toll road project. Upon delivery of the certificate to the authority, the real and personal property described in the certificate is under the jurisdiction and control of the authority.

(c) Before the authority or an operator may carry out any of the following activities under this section, the general assembly must enact a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in ~~a~~ **Perry** Township ~~having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).~~ **in Marion County.**

(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 251. IC 9-13-2-63 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 63. "Fiscal body" means the following:

(1) County council, for a county ~~not having a consolidated city~~. **other than Marion County.**

(2) City-county council, for ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~having a consolidated city.~~

(3) Common council, for a city other than ~~a consolidated~~ **the** city **of Indianapolis.**

(4) Town council, for a town.

SECTION 252. 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~~ **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)~~ 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 253. IC 9-22-1-23, AS AMENDED BY P.L.191-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~containing a consolidated city.~~ If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 254. IC 9-22-1-27, AS AMENDED BY P.L.191-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by a city, county, or town.

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;

shall be deposited in the city's, county's, or town's abandoned vehicle fund by the fiscal officer of the city, county, or town.

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of ~~a consolidated~~ **the** city **of Indianapolis** may transfer money from the fund.

SECTION 255. IC 9-23-2-2, AS AMENDED BY P.L.42-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) An application for a license under this chapter must:

(1) be accompanied by the fee required under IC 9-29-8;

(2) be on a form prescribed by the secretary of state;

(3) contain the information the secretary of state considers necessary to enable the secretary of state to determine fully the following information:

(A) The qualifications and eligibility of the applicant to receive the license.

(B) The location of each of the applicant's places of business in Indiana.

(C) The ability of the applicant to conduct properly the business for which the application is submitted; and

(4) contain evidence of a bond required in subsection (e).

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The secretary of state may not issue a license to a dealer who transacts business in this manner who does not have an established place of business in Indiana.

(d) This subsection applies to an application for a license as a dealer in ~~a~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.** The application must include an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the secretary of state may not issue a license until the applicant files the affidavit.

(e) This subsection does not apply to a person listed in the categories set forth in section 1(a)(10) through 1(a)(12) of this chapter and that was licensed under this chapter before July 1, 2009. A licensee shall maintain a bond satisfactory to the secretary of state in the amount of twenty-five thousand dollars ($25,000), which must:

(1) be in favor of the state; and

(2) secure payment of fines, penalties, costs, and fees assessed by the secretary of state after notice, opportunity for a hearing, and opportunity for judicial review, in addition to securing the payment of damages to a person aggrieved by a violation of this chapter by the licensee after a judgment has been issued.

(f) Service shall be made in accordance with the Indiana Rules of Trial Procedure.

(g) Instead of meeting the requirement in subsection (e), a licensee may submit to the secretary of state evidence that the licensee is a member of a risk retention group regulated by the Indiana department of insurance.

SECTION 256. IC 9-23-2-4, AS AMENDED BY P.L.184-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the secretary of state within ten (10) days and remit the fee required under IC 9-29-8. The secretary of state shall endorse that change on the license if the secretary of state determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or other computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary of state within ten (10) days upon any change in the name, address, or telephone number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in ~~a~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.** A dealer who wants to change a location must submit to the secretary of state an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The secretary of state may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite license issued under section 7 of this chapter does not constitute a change of location.

SECTION 257. IC 10-14-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 21. (a) If the governor considers it to be in the public interest, on terms and conditions as the governor considers necessary to promote the public welfare and protect the interests of the state, the governor may:

(1) authorize a department or an agency of the state to lease or lend real or personal property of the state to the President of the United States, the heads of the armed forces, or the Federal Emergency Management Agency; and

(2) enter into a contract on behalf of the state for the:

(A) lease or loan to a political subdivision of the state of real or personal property of the state; or

(B) temporary transfer or employment of personnel of the state to or by a political subdivision of the state.

(b) The president of the county fiscal body and the president of the county executive, ~~if the~~ **for a** county ~~does not contain a consolidated city;~~ **other than Marion County,** or **for Marion County,** the county executive, ~~if the county contains a consolidated city, of each county of the state~~ and the executive of each city and town in the state may, in accordance with the emergency management program and emergency operations plan of the county in which the city or town is located, do the following:

(1) Enter into a contract or lease with the state, accept any loan, or employ personnel. A political subdivision may equip, maintain, use, and operate any property and employ necessary personnel in accordance with the purposes for which the contract is executed.

(2) Do all things and perform acts that the governor considers necessary to effectuate the purpose of the contract.

SECTION 258. IC 11-8-8-2, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "local law enforcement authority" means the:

(1) chief of police of ~~a consolidated~~ **the** city **of Indianapolis;** or

(2) sheriff of a county ~~that does not contain a consolidated city.~~ **other than Marion County.**

SECTION 259. IC 11-8-8-7, AS AMENDED BY P.L.119-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during

a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex

or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);
(2) is released from a secure private facility (as defined in IC 31-9-2-115);
(3) is released from a juvenile detention facility;
(4) is transferred to a community transition program;
(5) is placed on parole;
(6) is placed on probation;
(7) is placed on home detention; or
(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);
(2) is released from a secure private facility (as defined in IC 31-9-2-115);
(3) is released from a juvenile detention facility;
(4) is transferred to a community transition program;
(5) is placed on parole;
(6) is placed on probation;
(7) is placed on home detention; or
(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that

county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The **Marion County** sheriff ~~of a county containing a consolidated city~~ shall provide the police chief of the ~~consolidated~~ city **of Indianapolis** with all photographic and computer equipment necessary to enable the police chief ~~of the consolidated city~~ to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the **Marion County** sheriff ~~of a county containing a consolidated city~~ shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

SECTION 260. IC 11-10-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) All teachers employed by the department are subject to all provisions of law concerning the minimum salary of teachers and membership in any teachers' retirement fund plan. The commissioner or the commissioner's designated representative shall annually determine the salary schedule of the largest school corporation of the county in which each correctional institution is located.

(b) Except as provided in subsections (e) through (f), from the information described in subsection (a), the commissioner shall prescribe, subject to approval by the state personnel department and the budget agency, a salary schedule for each correctional institution, using a daily rate of pay for each teacher, which must be equal to that of the

largest school corporation in the county in which the correctional institution is located.

(c) The commissioner shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the schedule established under subsection (b).

(d) Hours of work for all teachers shall be set in accordance with IC 4-15-2 **(repealed).**

(e) If the school corporation in which the correctional institution is located becomes the largest school corporation in the county in which the correctional institution is located, the daily rate of pay for each teacher must be equal to that of the school corporation in which the correctional institution is located without regard to whether the school corporation in which the correctional institution is located remains the largest school corporation in the county.

(f) Using a daily rate of pay for each teacher, the salary schedule for each correctional institution located in: ~~a county having a population of:~~

(1) ~~more than seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500);~~ **Parke County;** or

(2) ~~more than one hundred thousand (100,000) but less than one hundred five thousand (105,000);~~ **Hendricks County;**

must be equal to that of the school corporation in which the correctional institution is located.

SECTION 261. IC 11-12-2-2, AS AMENDED BY P.L.44-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council. A community corrections advisory board consists of:

(1) the county sheriff or the sheriff's designee;

(2) the prosecuting attorney or the prosecuting attorney's designee;

(3) the director of the county office of the division of family resources or the director's designee;

(4) the executive of the most populous municipality in the county or the executive's designee;

(5) two (2) judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designees;

(6) one (1) judge having juvenile jurisdiction, appointed by the circuit court judge;

(7) one (1) public defender or the public defender's designee, if available, or one (1) attorney with a substantial criminal defense practice appointed by the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council;

(8) one (1) victim, or victim advocate if available, appointed by

the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council;

(9) one (1) ex-offender, if available, appointed by the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council; and

(10) the following members appointed by the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council:

(A) One (1) member of the county fiscal body or the member's designee.

(B) One (1) probation officer.

(C) One (1) educational administrator.

(D) One (1) representative of a private correctional agency, if such an agency exists in the county.

(E) One (1) mental health administrator, or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.

(F) Four (4) lay persons, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(b) Designees of officials designated under subsection (a)(1) through (a)(7) and (a)(10)(A) serve at the pleasure of the designating official.

(c) Members of the advisory board appointed by the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council, shall be appointed for a term of four (4) years. The criminal defense attorney, the ex-offender, and the victim or victim advocate shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may fill the position of the judge having juvenile court jurisdiction by self appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

(d) Two (2) or more counties, by resolution of their county executives or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council, may combine to apply for financial aid under this chapter. If counties so combine, the counties may establish one (1) community corrections advisory board to serve these counties. This board must contain the representation prescribed in subsection (a), but the members may come from the participating counties as determined by agreement of the county executives or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council.

(e) The members of the community corrections advisory board shall, within thirty (30) days after the last initial appointment is made, meet

and elect one (1) member as chairman and another as vice chairman and appoint a secretary-treasurer who need not be a member. A majority of the members of a community corrections advisory board may provide for a number of members that is:

(1) less than a majority of the members; and

(2) at least six (6);

to constitute a quorum for purposes of transacting business. The affirmative votes of at least five (5) members, but not less than a majority of the members present, are required for the board to take action. A vacancy in the membership does not impair the right of a quorum to transact business.

(f) The county executive and county fiscal body shall provide necessary assistance and appropriations to the community corrections advisory board established for that county. Appropriations required under this subsection are limited to amounts received from the following sources:

(1) Department grants.

(2) User fees.

(3) Other funds as contained within an approved plan.

Additional funds may be appropriated as determined by the county executive and county fiscal body.

SECTION 262. IC 11-12-2-3, AS AMENDED BY P.L.108-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) A community corrections advisory board shall:

(1) formulate:

(A) the community corrections plan and the application for financial aid required by section 4 of this chapter; and

(B) the forensic diversion program plan under IC 11-12-3.7;

(2) observe and coordinate community corrections programs in the county;

(3) make an annual report to the county fiscal body, county executive, or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the city-county council, containing an evaluation of the effectiveness of programs receiving financial aid under this chapter and recommendations for improvement, modification, or discontinuance of these programs;

(4) ensure that programs receiving financial aid under this chapter comply with the standards adopted by the department under section 5 of this chapter; and

(5) recommend to the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ to the city-county council, the approval or disapproval of contracts with units of local government or nongovernmental agencies that desire to participate in the community corrections plan.

Before recommending approval of a contract, the advisory board must

determine that a program is capable of meeting the standards adopted by the department under section 5 of this chapter.

(b) A community corrections advisory board shall do the following:

(1) Adopt bylaws for the conduct of its own business.

(2) Hold a regular meeting at least one (1) time every three (3) months and at other times as needed to conduct all necessary business. Dates of regular meetings shall be established at the first meeting of each year.

(3) Comply with the public meeting and notice requirements under IC 5-14-1.5.

(c) A community corrections advisory board may contain an office as designated by the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council.

(d) Notwithstanding subsection (a)(4), the standards applied to a court alcohol and drug program or a problem solving court that provides services to a forensic diversion program under IC 11-12-3.7 must be the standards established under IC 12-23-14 or IC 33-23-16.

SECTION 263. IC 11-12-2-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) The director, if any, of the community corrections program shall be appointed by the community corrections advisory board, subject to the approval of the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council. A director may be removed for cause by a majority vote of the community corrections advisory board, subject to the approval of the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ of the city-county council.

(b) The community corrections advisory board may establish personnel policies, procedures, and salary classification schedules for its employees. Employees of a community corrections program are county employees. The policies, procedures, and schedules established under this subsection may not be inconsistent with those established for other county employees.

SECTION 264. IC 11-12-2-4, AS AMENDED BY P.L.105-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) A county or group of counties seeking financial aid under this chapter must apply to the commissioner in a manner and form prescribed by the commissioner. The application must include a community corrections plan that has been approved by the community corrections board and the county executive or, in ~~a~~ **Marion** County, ~~having a consolidated city,~~ by the city-county council. No county may receive financial aid until its application is approved by the commissioner.

(b) A community corrections plan must comply with rules adopted under section 5 of this chapter and must include:

(1) a description of each program for which financial aid is sought;

(2) the purpose, objective, administrative structure, staffing, and duration of the program;

(3) a method to evaluate each component of the program to determine the overall use of department approved best practices for the program;

(4) the program's total operating budget, including all other sources of anticipated income;

(5) the amount of community involvement and client participation in the program;

(6) the location and description of facilities that will be used in the program; and

(7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program.

(c) A community corrections plan must be annually updated, approved by the county executive or, in ~~a city having a consolidated city,~~ **Marion County,** by the city-county council, and submitted to the commissioner.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.

SECTION 265. IC 12-15-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter, "hospital" refers to an acute care hospital provider that:

(1) is licensed under IC 16-21;

(2) qualifies as a disproportionate share hospital under IC 12-15-16; and

(3) is the sole disproportionate share hospital in a city located in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

SECTION 266. 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:~~ **any of the following:**

(A) ~~more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand~~

~~(200,000);~~ **Elkhart County.**

(B) ~~more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000);~~ **Vanderburgh County.**

(C) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000);~~ **St. Joseph County.**

(D) ~~more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or~~ **Allen County.**

(E) ~~more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ **Lake County.**

(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 267. IC 12-20-20-2, AS AMENDED BY P.L.73-2005, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) If money is not available for the payment of township assistance claims under section 1 of this chapter, the township board shall appeal to borrow money under IC 12-20-24.

(b) This subsection does not apply to ~~a~~ **Marion** County. ~~having a consolidated city.~~ If the township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners may borrow money or otherwise provide the money. If the county commissioners determine to borrow the money or otherwise provide the money, the county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following:

(1) A temporary loan against taxes levied and in the process of collection.

(2) The sale of county township assistance bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of township assistance claims.

(c) This subsection applies only to ~~a~~ **Marion** County. ~~having a consolidated city.~~ If a township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners shall borrow money or otherwise provide the money. The county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following methods:

(1) A temporary loan against taxes levied and in the process of

collection.

(2) The sale of county township assistance bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of township assistance claims.

SECTION 268. IC 12-24-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **the** city ~~having a population of more than thirty-nine thousand one hundred (39,100) but less than forty-six thousand (46,000).~~ **of Richmond.**

SECTION 269. IC 12-29-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Except as provided in subsection (b), in situations described in section 2(a)(2) or 2(a)(4) of this chapter, the county's maximum appropriation for part of the total operating budget of the centers is determined in the same manner as in situations described in section 2(a)(1) or 2(a)(3) of this chapter.

(b) The amount derived from the calculation under subsection (a) represents the combined maximum appropriation to all centers serving the particular county. Except for ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the allotment to each center shall be determined in the following manner:

(1) To determine the allotment to each center serving the total population of the county under the situation described in section 2(a)(2) of this chapter, the amount actually appropriated shall be apportioned according to the proportion of the county's population residing in the primary service area of each center, which is certified by the division of mental health and addiction to serve the county, to the total population of the county.

(2) To determine the allotment to each center in the situation described in section 2(a)(4) of this chapter, the amount actually appropriated shall be apportioned according to the proportion of the county's population residing in the primary service area of each center, which is certified by the division of mental health and addiction to serve the county, to the population of the county served by all centers.

SECTION 270. IC 12-30-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 17. (a) This section applies to a county ~~that does not have a consolidated city.~~ **other than Marion County.**

(b) The amount to be charged for the care and maintenance of each patient or resident in the county home shall be fixed as provided by law and may not exceed the maximum amount established by law.

SECTION 271. IC 12-30-3-18, AS AMENDED BY P.L.145-2006, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section applies to ~~a~~

Marion County. ~~having a consolidated city.~~

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to be made to patients and residents of a county home and the provisions of any other laws regarding those rates, including laws concerning county institutions, relief of poor persons, township trustees, county offices of the division of family resources, and boards of commissioners, do not apply. However, a rate established under this section must be based on a fair and reasonable estimate of the cost of the care and may not anticipate any profit from rendering the care.

SECTION 272. IC 12-30-4-11, AS AMENDED BY P.L.73-2005, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) Each township trustee as the administrator of township assistance shall pay to the county the amount fixed for each individual admitted into the county home or other charitable institution from the township, except those otherwise able to pay the cost of their care from their own resources or from other assistance awards. Except as provided in subsection (b), the amount that may be charged to the township may not exceed one hundred dollars ($100) per month per individual.

(b) This subsection applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ The amount charged the township per individual may not exceed forty-eight dollars ($48) per month or twelve dollars ($12) per week.

(c) Each township shall levy a tax sufficient to meet those expenses.

(d) Payment and settlement shall be made in July and December of each year for the preceding year.

SECTION 273. IC 12-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to ~~a~~ **Allen** County ~~that meets~~ **if** the following conditions **are met:**

~~(1) Has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

~~(2)~~ **(1) 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)~~ **(2) 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~~ **St. Joseph** County ~~that meets the following conditions:~~

~~(1) Has a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

~~(2)~~ **if 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 274. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 74. "Executive" means the:

(1) board of commissioners of a county ~~not having a consolidated city;~~ **other than Marion County;**

(2) mayor of the ~~consolidated~~ city **of Indianapolis** for ~~a~~ **Marion** County; ~~having a consolidated city;~~

(3) mayor of a city; or

(4) president of the town council of a town.

SECTION 275. IC 13-11-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 86. "Fiscal body" means:

(1) the county council, for a county ~~not having a consolidated city;~~ **other than Marion County;**

(2) the city-county council of ~~a consolidated~~ **the** city **of Indianapolis** and **Marion** County;

(3) the common council of a city;

(4) the town council of a town;

(5) the township board of a township; or

(6) the board of directors of a conservancy district.

SECTION 276. 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~~ **Floyd** County. ~~having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).~~

(2) ~~A~~ **Clark** County. ~~having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).~~

(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 277. IC 13-17-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) After December 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~~ **Floyd** County. ~~having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).~~

(2) ~~A~~ **Clark** County. ~~having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).~~

(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 278. 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:

(1) 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);~~ **Lake County;** or

(B) ~~more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000);~~ **Porter**

County; and

(2) **the county** 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 279. IC 13-17-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) For the maintenance of the quality of the air resource, a county may adopt and enforce ordinances controlling air pollution.

(b) In a county ~~not having a consolidated city,~~ **other than Marion County,** the ordinances may not include municipalities with an air pollution ordinance under air pollution control laws.

(c) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ a county air pollution ordinance may apply throughout the entire county, including territory inside the corporate boundaries of excluded cities.

SECTION 280. IC 13-17-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. A town, city, or county within an air quality basin may administer its air pollution control program in cooperation with one (1) or more towns, cities, or counties of Indiana in accordance with IC 36-1-7. However, ~~a~~ **Marion** County ~~having a consolidated city~~ is not required to enter into an agreement under IC 36-1-7 to regulate air pollution inside an excluded city in the county.

SECTION 281. IC 13-17-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. ~~A~~ **Marion** County ~~having a consolidated city~~ may, subject to department approval, establish an air permit program that complies with:

(1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549);

(2) regulations implementing Title V of the Clean Air Act Amendments of 1990 (40 CFR 70 et seq.); and

(3) rules adopted by the board.

SECTION 282. IC 13-18-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies only in ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(b) Except as provided in subsection (c), the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(c) The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters is permitted if:

(1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (d); and

(2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(d) In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards and if:

(1) the local health department adopts procedural rules for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or both, for noncompliance, to ensure that:

(A) required maintenance is performed on the systems; and

(B) the systems do not discharge effluent that violates water quality standards;

(2) the local health department certifies, with respect to the system for which the permit is issued, that:

(A) the system is capable of operating properly;

(B) the system does not discharge effluent that violates water quality standards;

(C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of:

(i) soil characteristics;

(ii) size; or

(iii) topographical conditions;

of the property;

(D) the system:

(i) was properly installed by a qualified installer; and

(ii) provides the best available technology for residential discharging onsite sewage disposal systems; and

(E) the local health department has:

(i) investigated all technologies available for repair of the sewage disposal system that fails to meet public health and environmental standards other than the use of an onsite residential sewage discharging disposal system; and

(ii) determined that an onsite residential sewage discharging disposal system is the only possible technology that can be used to effect a repair of the sewage disposal system that fails to meet public health and environmental standards without causing unreasonable economic hardship to the system owner; and

(3) the system for which the permit is issued cannot be connected

to a sanitary sewer because:

(A) there is not a sanitary sewer connection available;

(B) the sanitary sewer operator refuses connection; or

(C) unreasonable economic hardship would result to the system owner because of:

(i) the connection requirements of the sanitary sewer operator; or

(ii) the distance to the sanitary sewer.

SECTION 283. IC 13-20-11-1, AS AMENDED BY P.L.159-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. The department shall designate employees of the department as landfill inspectors. However, the department may not designate a landfill inspector for ~~a~~ **Marion** County. ~~that has a consolidated city.~~

SECTION 284. IC 13-20-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

SECTION 285. IC 13-20-22-1, AS AMENDED BY P.L.131-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Unless the legislative body of ~~a~~ **Marion** County ~~having a consolidated city~~ elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county ~~are~~ **is** exempt until December 2, 2008, from regulation or control under this chapter.

(b) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents ($0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:

(A) fifty cents ($0.50) a ton; and

(B) if the solid waste management board has adopted rules under subsection (c), an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123); fifty cents ($0.50) for each load delivered by the motor vehicle.

(c) The solid waste management board may adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

If rules are adopted under this subsection, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

(d) Revenue from fees collected under subsection (b)(1) and (b)(2)(A) shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection (b)(2)(B) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs incurred by counties, municipalities, and townships shall be distributed to solid waste management districts pro rata on the basis of the district's population.

(e) If solid waste has been subject to a fee under this section, the total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

(f) A fee may not be imposed upon material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 286. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

SECTION 287. 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~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ is 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~~ **St. Joseph** County ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ 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~~ **St. Joseph** County ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ 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~~ **Marion** 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~~ **Lake** County **is** 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 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 288. 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~~ **Lake** 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~~ **St. Joseph** County ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ has joined in a joint district, the 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 289. IC 13-21-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) In:

(1) a joint district; or

(2) **Lake County, as** a single district; ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);~~

the board appointed under section 5 of this chapter may elect from the board's membership an executive committee having an odd number of members.

(b) An executive committee elected under subsection (a) for a joint district has only the powers invested in the committee by resolution of the board. An executive committee may exercise any powers of the board under this article that are delegated to the executive committee by resolution of the board.

(c) The board of the joint district may appoint one (1) or more alternates from among the membership of the board to:

(1) participate; and

(2) exercise the power to vote;

with the executive committee if a member of the executive committee is absent.

(d) A meeting of an executive committee may serve as the regularly scheduled monthly meeting of a board as required under IC 13-21-5-2.

SECTION 290. 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~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(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 property.

SECTION 291. 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~~ **LaPorte** County. ~~having a population of more than one hundred ten thousand (110,000) 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~~ **Lake** 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 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 (1) calendar year.

SECTION 292. 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~~ **Gibson** County ~~having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000)~~ 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 293. IC 13-21-3-20, AS AMENDED BY P.L.113-2010, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 20. (a) Notwithstanding this chapter, IC 13-21-5, and IC 13-21-13, and except as provided in subsection (b), unless the legislative body of ~~a~~ **Marion** County ~~having a consolidated city~~ elects

by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this article, the management of solid waste activities and the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt from regulation or control under this article.

(b) The exemption under subsection (a) does not apply to IC 13-20-22-1.

SECTION 294. 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~~ **LaPorte** County ~~with a population of more than one hundred ten thousand (110,000) 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.

(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 295. IC 14-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) The commission may design and implement a plan for the establishment and development of park, exposition, educational, athletic, and recreational projects to be located within one (1) mile of the banks of

the White River in ~~a consolidated city and~~ **Marion** County. The projects may include any of the following:

(1) Parks.

(2) Recreational facilities.

(3) Exposition facilities.

(4) Zoos, aquariums, aviaries, or other facilities for animal life.

(5) Facilities for entertainment, meetings, industrial and trade shows, athletic events, and other displays and events of cultural, educational, entertainment, and recreational value.

(6) Other facilities that the commission considers appropriate to the general public welfare and to the cultural, recreational, educational, or civic well-being of the public.

(b) In designing and implementing this plan, the commission may employ the architects, engineers, surveyors, planners, advisors, and consultants that the commission considers appropriate. The commission may seek and accept the advice and comments of other persons and entities, including political subdivisions and public agencies, that the commission considers appropriate.

SECTION 296. IC 14-13-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This section applies to a marina located in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) The state may not give money or other consideration to a marina unless the marina fulfills the following conditions:

(1) Provides a boat ramp without charge for access by Indiana residents to the waters served by the marina.

(2) Provides access to marina property without charge for fishing by Indiana residents in the waters served by the marina.

(3) Dedicates at least eight percent (8%) of the total number of parking spaces at the marina for parking of vehicles, including boat trailers, by Indiana residents without charge.

SECTION 297. 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:~~ **the following counties:**

(1) ~~more than twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500); or~~ **White County.**

(2) ~~more than twenty thousand (20,000) but less than twenty thousand three hundred (20,300).~~ **Carroll County.**

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 principal body of water flowing into the lakes.

SECTION 298. IC 14-25-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Whenever the department designates a restricted use area, the department shall approve an order to that effect and adopt a rule under IC 4-22-2.

(b) In addition to the publication of notice provided for in IC 4-22-2, the department shall, for the purposes of this chapter only, do the following:

(1) Give notice by publication one (1) time each week for three (3) consecutive weeks in all of the newspapers of general circulation in the area to be designated as a restricted use area.

(2) Give ten (10) days written notice to all public utilities privately or publicly owned engaged in furnishing water to residents of the restricted use area.

(3) Give ten (10) days written notice to:

(A) the executive of each city and town;

(B) the president of each county executive in a county ~~that does not have a consolidated city;~~ **other than Marion County;** and

(C) the county executive in ~~a~~ **Marion** County; ~~that has a consolidated city;~~

in the restricted use area.

(4) Have the notice posted at least ten (10) days before the hearing as follows:

(A) At the door of the courthouse.

(B) At the city or town hall if there is a city or town hall in the restricted use area.

(C) In at least three (3) other public places.

(c) Proof of the notice shall be made at the hearing by the affidavits of the publishers of the newspapers and of the persons who posted and sent the other notices required by this section.

SECTION 299. IC 14-26-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) As used in this chapter, "public freshwater lake" means a lake that has been used by the public with the acquiescence of a riparian owner.

(b) The term does not include the following:

(1) Lake Michigan.

(2) A lake lying wholly or in part within the corporate boundaries of any of the three (3) cities having the largest population in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(3) A privately owned body of water:

(A) used for the purpose of; or

(B) created as a result of;

surface coal mining.

SECTION 300. IC 14-26-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) This section applies to a private lake that lies wholly or in part within any of the three (3) cities having the largest population in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) Sand mining may be conducted at the lake only if approved by resolution of the legislative body of the city after a public hearing.

(c) A sand mining operation at the lake:

(1) is subject to and shall be conducted in accordance with the regulations and permit process of the United States Army Corps of Engineers and the United States Environmental Protection Agency; and

(2) is subject to local supervision and monitoring by the city engineer of the city in which the lake lies.

(d) A person performing the sand mining is liable for any damages directly attributable to the sand mining operation to any real property located within a one (1) mile radius of the lake.

(e) After mining operations are completed, the lake may not be used as a sanitary landfill or as a hazardous waste site.

SECTION 301. 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~~ **Noble** County. ~~having a population of more than forty-six thousand two hundred fifty (46,250) but less than forty-seven thousand (47,000).~~

SECTION 302. 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~~ **The** city ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000).~~ **of Evansville.**

(2) ~~The~~ **Vanderburgh** County. ~~in which a city described in subdivision (1) exists.~~

SECTION 303. IC 14-32-4-18, AS AMENDED BY P.L.129-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) The supervisors of a district:

(1) may employ necessary personnel, subject to IC 36-2-5-3 and IC 36-2-5-7; and

(2) shall:

(A) determine the qualifications and duties of the personnel; and

(B) provide supervision to personnel.

(b) In any district except a district containing ~~a consolidated~~ **the** city **of Indianapolis,** an employee of the district:

(1) is considered to be an employee of the county in which the employee works, except as provided in subsection (c); and

(2) is eligible for and shall be included in all fringe benefit programs provided for employees of the county.

(c) An employee of a district whose position is funded entirely from sources outside the county in which the employee works solely on the basis of the funding of the employee's position is not considered an employee of the county.

SECTION 304. 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~~ **Hendricks** County. ~~having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).~~

(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.

(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 305. 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~~ **Starke** County. ~~having a population of more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).~~

(b) This article governs conservancy districts located wholly within ~~a~~ **Starke** County ~~having a population of more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000)~~ generally except when this article conflicts with a section of this chapter.

SECTION 306. IC 14-33-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to districts:

(1) established after July 1, 1983; and

(2) containing all or part of ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(b) Each year the board shall submit two (2) copies of the estimated budget formulated by the district for the next budget year to the fiscal body of ~~the county described in subsection (a)~~ **Allen County** at least ten (10) days before the board holds the public hearing on the estimated budget under IC 6-1.1-17-3.

(c) The fiscal body:

(1) shall hold a public hearing on the budget; and

(2) may lower but may not increase any item in the estimated budget.

Notice of the hearing shall be published in accordance with IC 5-3-1, except that notice must be published at least five (5) days before the hearing date.

(d) The county fiscal body shall deliver two (2) copies of the budget approved under subsection (c) to the board at least two (2) days before the date fixed for the public hearing on the budget held by the board under IC 6-1.1-17-3. The board may not approve a total budget in excess of the amount approved by the county fiscal body.

SECTION 307. IC 14-33-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to two (2) districts:

(1) where at least part of the external boundaries of the two (2) districts coincide;

(2) that are located in ~~a~~ **Lake** County; ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);~~ and

(3) where the territory of each district contains part of the same town.

SECTION 308. IC 14-33-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies only to a district located in whole or in part in ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 309. IC 16-19-3-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 27. (a) The state department of health shall:

(1) study the use of:

(A) effluent filters;

(B) recirculation media filters;

(C) aeration treatment units;

(D) drip irrigation;

(E) graveless trenches; and

(F) new technologies;

for residential septic systems that will cause systems to perform

satisfactorily as alternatives to currently operating systems that do not perform satisfactorily because of soil characteristics, lot sizes, topographical conditions, or high water tables; and

(2) take all actions necessary to develop plans and specifications for use of the technologies listed in subdivision (1) in residential septic systems.

(b) The executive board shall adopt reasonable rules under IC 4-22-2 to:

(1) promulgate the plans and specifications developed under subsection (a); and

(2) allow for the issuance of operating permits for:

(A) residential septic systems that are installed in compliance with the plans and specifications promulgated under subdivision (1); and

(B) onsite residential sewage discharging disposal systems in ~~a~~ **Allen** County ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000)~~ that comply with IC 13-18-12-9.

SECTION 310. IC 16-20-1-30, AS ADDED BY P.L.220-2011, SECTION 311, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 30. (a) In ~~a~~ **Allen** County, ~~having a population of more than two hundred seventy thousand (270,000) and less than four hundred thousand (400,000), as reported by the 1980 decennial census,~~ employees who were employees of a city-county health department under IC 16-1-7-16 (before its repeal) on December 31, 1985, are entitled to the benefits relating to vacation, sick leave, insurance, and clothing allowance permitted under IC 16-1-7-16 (before its repeal).

(b) The benefits provided under subsection (a) are subject to satisfactory job performance.

SECTION 311. 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~~ **Tippecanoe** County ~~having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000)~~ may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive in ~~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)~~ 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~~ **Tippecanoe** County ~~having a population of more than one hundred forty-eight thousand (148,000) but less than~~

~~one hundred seventy thousand (170,000)~~ is void.

SECTION 312. 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 313. 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~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(2) ~~A~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(3) ~~A~~ **Floyd** County. ~~having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).~~

(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~~ **Allen** 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 314. IC 16-20-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section 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).~~

(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 315. 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~~ **Tippecanoe** County. ~~having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).~~

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in ~~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)~~ is void.

SECTION 316. 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 317. 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 **the following:**

(1) ~~more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000); or~~ **The city of West Lafayette.**

(2) ~~more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000).~~ **The city of Lafayette.**

(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 318. 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~~ **Jackson** County. ~~having a population of more than forty-one thousand (41,000) 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:

(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 319. 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~~ **Knox** County. ~~having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600).~~

(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 than the members of the county executive, is two (2) years.

SECTION 320. 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 **Rush County.** ~~counties having a population of more than eighteen thousand (18,000) but less than eighteen thousand three hundred (18,300).~~

(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 321. 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 (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.

(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) but less than fourteen thousand nine hundred (14,900);~~ **Newton County;**

(2) ~~more than twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500);~~ **White County;** or

(3) ~~more than thirty-three thousand eight hundred (33,800) but less than thirty-four thousand three hundred (34,300);~~ **Clinton County;**

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 322. 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:~~ **any of the following counties:**

(1) ~~eighteen thousand (18,000) but less than eighteen thousand three hundred (18,300);~~ **Rush County.**

(2) ~~twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500); and~~ **Randolph County.**

(3) ~~forty-one thousand (41,000) but less than forty-three thousand (43,000).~~ **Jackson County.**

(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 323. IC 16-22-3-27.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 27.5. (a) This section applies in a county when:

(1) the board has authorized the hospital to enter into a lease or sublease contract or a loan agreement with the state authority under this chapter; and

(2) the lease or sublease contract or the loan agreement provides that a portion of the lease or loan payment is to be paid from taxes.

(b) The county council or the city-county council in the case of ~~a~~ **Marion** County ~~with a consolidated city~~ shall annually levy a tax that is sufficient to produce each year along with other available funds an amount that is sufficient to pay the portion of the lease or loan payment that is required to be paid from taxes.

(c) The board shall transfer the following to a fund to be used to pay

the portion of the lease or loan payment that is not required to be paid from taxes:

(1) Any net revenue of the hospital that is required to be used for the lease or loan payment.

(2) Any net revenue of the hospital that is required to be retained as a reserve for a purpose that the board determines if the board determines that the money is not needed in reserve for additional construction, equipment, betterment, maintenance, or operation.

(d) In fixing and determining the levy that is necessary for the lease or loan payment that is payable from taxes, the county council shall consider the amounts that have been transferred from the net revenues of the hospital under subsection (c).

(e) If funds other than taxes are not available to pay the portion of the lease or loan payment that is required to come from taxes, a county is not relieved from the county's obligation to pay from taxes any lease or loan payment that is payable from taxes.

(f) The tax levy provided in this section is reviewable in the manner that other tax levies are reviewable to ascertain that the levy is sufficient to produce the amount of the lease or loan payment that is required to be paid from taxes.

(g) One-half (1/2) of the annual lease or loan payment shall be paid semiannually to the state authority after the semiannual settlement of tax collections.

SECTION 324. IC 16-22-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) There is created in ~~a~~ **Marion** County ~~containing a consolidated city~~ a distinct municipal corporation known as "The Health and Hospital Corporation of _____ **Marion** County".

(b) The municipal corporation, in its corporate name, may do the following:

(1) Sue and be sued in a court of competent jurisdiction.

(2) Enter into contracts.

(3) Acquire and dispose of real, personal, and mixed property by deed, purchase, gift, grant, devise, lease, condemnation, or otherwise.

(4) Make and adopt appropriate ordinances, regulations, orders, rules, and resolutions.

(5) Do all things reasonable or necessary to carry out the work and perform the corporation's duties under this chapter.

SECTION 325. IC 16-22-8-9, AS AMENDED BY P.L.184-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) The executive of the ~~consolidated~~ city **of Indianapolis** shall appoint three (3) board members, not more than two (2) of whom may belong to the same political party. One (1) member must be a licensed physician.

(b) The board of commissioners of the county in which the

corporation is established shall appoint two (2) board members who may not belong to the same political party.

(c) The city-county legislative body shall appoint two (2) board members who may not belong to the same political party. One (1) member shall be appointed for a two (2) year term, and one (1) member shall be appointed for a four (4) year term.

(d) Except as provided in subsection (c), a board member serves a term of four (4) years from the beginning of the term for which the member was appointed until a successor has qualified for the office. Board members are eligible for reappointment.

SECTION 326. IC 16-22-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a county containing~~ any of the following:

(1) A **county containing a** second class city.

(2) ~~A consolidated city.~~ **Marion County.**

SECTION 327. 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~~ **the** city ~~having a population~~ of

~~(A) more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000); or~~

~~(B) more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000);~~ **Evansville or the city of South Bend;**

(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 328. 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~~ **the** city ~~having a population~~ of

~~(A) more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); or~~

~~(B) more than fifty-nine thousand (59,000) but less than fifty-nine thousand seven hundred (59,700);~~ **Anderson or the city of Terre Haute;**

(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 329. 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~~ **German** Township ~~having a population of more than eight thousand (8,000) but less than ten thousand (10,000) located~~ in ~~a~~ **Marshall** County; ~~having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);~~

(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 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 330. IC 16-23.5-1-3, AS ADDED BY P.L.2-2007, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. "Board of commissioners" includes, in the case of ~~a~~ **Marion** County, ~~having a consolidated city,~~ the city-county council.

SECTION 331. IC 16-23.5-1-6, AS ADDED BY P.L.2-2007, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. "County council" includes, in the case of ~~a~~ **Marion** County, ~~having a consolidated city,~~ the city-county council.

SECTION 332. IC 16-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The county executive of ~~a~~ **St. Joseph** County ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ 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 333. 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:~~ **the following counties:**

(1) ~~more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or~~ **Allen County.**

(2) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ **St. Joseph County.**

(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 334. IC 16-24-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) This section applies to ~~a county having a population of any of~~ the following **counties:**

(1) ~~More than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~ **Vanderburgh 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 eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).~~ **Elkhart County.**

(4) ~~More than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).~~ **Delaware County.**

(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 335. 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.~~ **Marion County.**

(2) ~~Having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~ **Allen County.**

(3) ~~Having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ **St. Joseph County.**

(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 336. 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) Allen County.

(2) St. Joseph County.

(3) Vanderburgh County.

(4) Madison County.

(b) This chapter applies to ~~a~~ **the** 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 337. IC 16-41-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter, "governing body" means the following:

(1) County executive of a county.

(2) City-county fiscal and legislative body of ~~a consolidated~~ **the** city **of Indianapolis.**

(3) Fiscal and legislative body of a city.

(4) Town fiscal and legislative body.

SECTION 338. 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~~ **Kosciusko** County. ~~with a population of more than seventy-four thousand (74,000) 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 (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 339. IC 20-23-4-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) A county committee for the reorganization of school corporations consists of nine (9) members. In a county that has a county superintendent:

(1) the superintendent is an ex officio member of the committee; and

(2) the remaining members of the committee are appointed by the judge of the circuit court of the county.

In a county that does not have a county superintendent, all the members of the committee are appointed by the judge of the circuit court of the county. Appointments under this subsection are subject to subsections (f) through (h).

(b) Before the time specified in this section, the judge of the circuit court shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county to advise the judge in the selection of the members of the county committee. Except as provided in subsection (c), the judge must give at least ten (10) days notice of the convention by publication in:

(1) one (1) newspaper of general circulation published in the affected area; or

(2) if a newspaper is not published in the affected area, in a newspaper having a general circulation in the affected area.

(c) In ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ the judge of the circuit court shall publish the notice

referred to in subsection (b) in two (2) newspapers of general circulation published in the affected area or having a general circulation in the affected area. The notice must specify:

(1) the date, time, place, and purpose of the county convention; and

(2) that the county convention is open to all residents of the county.

(d) At the county convention, the judge of the circuit court shall:

(1) explain or have explained; and

(2) afford an opportunity for attendees to discuss;

the provisions of this chapter.

(e) Not later than ten (10) days after the date of the county convention, the judge of the circuit court shall select the appointive members of the county committee.

(f) In a county that has a county board of education, one (1) member of the county committee must be a township trustee recommended by the county board of education.

(g) In a county in which there is a board of school trustees or a board of school commissioners, one (1) member of the county committee:

(1) must be a member of:

(A) the board of school trustees; or

(B) the board of school commissioners; and

(2) may not be a township trustee.

(h) One (1) member of the county committee must be:

(1) a superintendent of schools;

(2) a principal of:

(A) a school city;

(B) a school town; or

(C) a consolidated school or corporation; or

(3) a superintendent of a community school corporation.

(i) The members of the county committee not referred to in subsections (f) through (h):

(1) may not be members of or employed by:

(A) a board of school trustees; or

(B) a board of school commissioners;

(2) may not be members of or employed by a:

(A) local; or

(B) county;

board of education;

(3) may not be:

(A) township trustees; or

(B) employees of township trustees; and

(4) are appointed without regard to political affiliation.

(j) The judge of the circuit court shall give written notice immediately to each person selected for appointment to the county

committee. Each person selected shall notify the judge of the circuit court in writing not later than ten (10) days after receipt of the notice whether the person accepts the appointment. If a person:

(1) refuses an appointment; or

(2) fails to notify the judge of the circuit court of the person's acceptance or refusal of an appointment;

the judge shall select a qualified replacement for appointment to the county committee.

(k) Not later than thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership:

(1) a chairperson;

(2) a treasurer; and

(3) a secretary.

The secretary may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

(l) The chairperson and the members of the county committee serve without compensation. Subject to approval by the state board, the chairperson of the county committee shall:

(1) secure necessary office space and equipment;

(2) engage necessary clerical help; and

(3) receive reimbursement for any necessary expenses incurred by the chairperson with respect to duties in connection with the county committee.

(m) Members of the county committee hold office for terms of four (4) years until the reorganization program in the county is completed, subject to replacement as prescribed in this chapter. An appointed member who ceases to be a resident of the county may not continue to serve on a county committee.

(n) An individual appointed member of a county committee or the appointed members as a group are not disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the judge of the circuit court, other than county residence, if they met the qualifications at the time of their appointments.

(o) Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the judge of the circuit court.

(p) Meetings of the county committee shall be held:

(1) upon call of the chairperson; or

(2) by a petition to hold a meeting signed by a majority of the members of the committee.

(q) A majority of the committee constitutes a quorum.

SECTION 340. IC 20-23-4-34, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 34. (a) This section applies to a community

school corporation located in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices on the election ballot.

SECTION 341. IC 20-23-4-36, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 36. (a) This section applies to a school corporation located in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the governing body offices on the election ballot.

SECTION 342. 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~~ **Tippecanoe** County. ~~having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).~~

(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 343. IC 20-23-5-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. As used in this chapter, "school corporation" means:

(1) a school corporation created under IC 20-23-4; and

(2) any other school corporation established under any other statute of the state of Indiana, which has common boundaries with any school corporation or corporations formed under IC 20-23-4.

The term does not include any public school corporation located in whole or any part in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 344. IC 20-23-7-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to a metropolitan or consolidated school corporation located in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The same method used to cast votes for other offices for which candidates have qualified to be on the election ballot shall be used for the school board offices on the election ballot.

SECTION 345. 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 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~~ **the** city ~~having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000),~~ **of Anderson,** the governing body described in a plan may have up to nine (9) members.

SECTION 346. IC 20-23-8-13, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) This section applies to a school corporation located in ~~a~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

(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 347. 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~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

SECTION 348. 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 **in the city of Hammond** under IC 20-23-4, ~~that:~~

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

~~(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.

SECTION 349. 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~~ **the** city ~~having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).~~ **of Lake Station.**

SECTION 350. 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~~ **Allen County or St. Joseph** 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 thousand (200,000) but less than three hundred thousand (300,000);~~ and

(2) has at least twenty thousand (20,000) students.

SECTION 351. 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~~ **Vanderburgh** County, ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000),~~ 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 established school corporation.

SECTION 352. 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~~ **the** city ~~that has a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand eight hundred (50,800);~~ **of Mishawaka;** 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 353. 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~~ **the** city ~~that has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).~~ **of East Chicago.**

SECTION 354. IC 20-24-1-9, AS AMENDED BY P.L.91-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. "Sponsor" means, for a charter school, one (1) of the following:

(1) A governing body.

(2) A state educational institution that offers a four (4) year baccalaureate degree.

(3) The executive (as defined in IC 36-1-2-5) of ~~a consolidated~~ **the** city **of Indianapolis.**

(4) The charter board.

(5) A nonprofit college or university that provides a four (4) year educational program for which it awards a baccalaureate or more advanced degree, including the following:

Anderson University
Bethel College
Butler University
Calumet College of St. Joseph
DePauw University
Earlham College
Franklin College
Goshen College

Grace College
Hanover College
Holy Cross College
Huntington University
Indiana Tech
Indiana Wesleyan University
Manchester College
Marian University
Martin University
Oakland City University
Rose-Hulman Institute of Technology
Saint Joseph's College
Saint Mary-of-the-Woods College
Saint Mary's College
Taylor University
Trine University
University of Evansville
University of Indianapolis
University of Notre Dame
University of Saint Francis
Valparaiso University
Wabash College.

SECTION 355. IC 20-24-3-5, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies only to a sponsor that is the executive of ~~a consolidated~~ **the** city **of Indianapolis.**

(b) Before issuing a charter, the sponsor must receive the approval of a majority of the members of the legislative body (as defined in IC 36-1-2-9) of the ~~consolidated~~ city **of Indianapolis** for the establishment of a charter school. The sponsor may issue charters for charter schools located in the ~~consolidated~~ city **of Indianapolis.**

SECTION 356. IC 20-24-3-5.5, AS ADDED BY P.L.91-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.5. (a) This section applies to a sponsor that is not the executive of ~~a consolidated~~ **the** city **of Indianapolis.**

(b) Before issuing a charter, the sponsor must conduct a public hearing concerning the establishment of the proposed charter school. At the public hearing, the governing body of the school corporation in which the proposed charter school will be located must be given an opportunity to comment on the effect of the proposed charter school on the school corporation, including any foreseen negative impacts on the school corporation.

SECTION 357. IC 20-24-7-4, AS AMENDED BY P.L.91-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not

more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to a sponsor that is a state educational institution described in IC 20-24-1-7(2). In a calendar year, a state educational institution may receive from the organizer of a charter school sponsored by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year from basic tuition support (as defined in IC 20-43-1-8).

(c) This subsection applies to the executive of ~~a consolidated~~ **the** city **of Indianapolis** that sponsors a charter school. In a calendar year, the executive may collect from the organizer of a charter school sponsored by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year for basic tuition support.

(d) This subsection applies to a sponsor that is a nonprofit college or university that is approved by the state board of education. In a calendar year, a private college or university may collect from the organizer of a charter school sponsored by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year for basic tuition support.

(e) This subsection applies to the charter board. In a calendar year, the charter school board may collect from the organizer of a charter school sponsored by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year for basic tuition support.

(f) A sponsor's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor shall use its funding provided under this section exclusively for the purpose of fulfilling sponsoring obligations.

(g) Except for oversight services, a charter school may not be required to purchase services from its sponsor as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(h) A charter school may choose to purchase services from its sponsor. In that event, the charter school and sponsor shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the sponsor and any service fees to be charged to the charter school. A sponsor may not charge more than market rates for services provided to a charter school.

(i) Not later than ninety (90) days after the end of each fiscal year, each sponsor shall provide to each charter school it sponsors an itemized accounting of the actual costs of services purchased by the

charter school from the sponsor. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

SECTION 358. IC 20-25-1-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This article applies to a common school corporation that:

(1) is located in whole or in part in the most populous township in ~~a~~ **Marion** County; ~~having a population of more than seven hundred thousand (700,000);~~ and

(2) serves the largest geographical territory of any school corporation in the township.

SECTION 359. IC 20-25-5-9, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. As used in this chapter, "school corporation" means a public school corporation of the state located in whole or in part in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 360. 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~~ **Lake County or St. Joseph** 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 thousand (200,000) but less than three hundred thousand (300,000);~~

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 361. 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:~~ **the following:**

(1) ~~more than twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200); or~~ **Posey County.**

(2) ~~more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~ **Porter County.**

(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 362. IC 21-17-5-5, AS AMENDED BY P.L.30-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies only to a police officer who meets the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) A police officer appointed under this chapter may exercise the powers granted under this chapter upon any real property owned or occupied by the educational institution employing the police officer, including the streets passing through and adjacent to the educational institution. An institution may extend a police officer's territorial jurisdiction in accordance with subsection (c).

(c) An institution may extend a police officer's territorial jurisdiction to the entire state, or to any part of the state, if:

(1) the board of trustees adopts a resolution specifically describing the territorial jurisdiction of a police officer appointed under this chapter; and

(2) the board of trustees notifies the:

(A) superintendent of the state police department; and

(B) sheriff of the county in which the institution is primarily

located (or the chief of police of the ~~consolidated~~ city **of Indianapolis,** if the institution is primarily located in ~~a consolidated~~ **the** city **of Indianapolis);**

of the boundaries of the extended territorial jurisdiction.

The institution shall provide the persons described in subdivision (2)(A) and (2)(B) with notice of the extended jurisdiction every two (2) years, by January 31 of the second year.

(d) If a police officer appointed under this section exercises the officer's police powers outside of the county in which the institution is primarily located, the officer shall notify the sheriff (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the chief of police) as soon as practicable.

SECTION 363. IC 21-39-4-6, AS AMENDED BY P.L.30-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) A police officer may exercise the powers granted under this chapter as follows:

(1) A police officer may exercise the officer's powers upon real property owned or occupied by the state educational institution employing the police officer, including the streets passing through and adjacent to the state educational institution.

(2) This subdivision applies only to a police officer who meets the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer. An institution may extend a police officer's territorial jurisdiction to the entire state, or to any part of the state, if:

(A) the board of trustees adopts a resolution specifically describing the territorial jurisdiction of a police officer appointed under this chapter; and

(B) the board of trustees notifies the:

(i) superintendent of the state police department; and

(ii) sheriff of the county in which the institution is primarily located (or the chief of police of the ~~consolidated~~ city **of Indianapolis,** if the institution is primarily located in ~~a consolidated~~ **the** city **of Indianapolis);**

of the boundaries of the extended territorial jurisdiction.

The institution shall provide the persons described in clause (B)(i) and (B)(ii) with notice of the extended jurisdiction every two (2) years, by January 31 of the second year.

(b) If a police officer appointed under this section exercises the officer's police powers outside of the county in which the institution is primarily located, the officer shall notify the sheriff (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the chief of police) as soon as practicable.

SECTION 364. 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~~ **Lake County or Porter** 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 thousand (145,000) but less than one hundred forty-eight thousand (148,000);~~

must obtain a unified license bond as provided in this chapter. This 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 365. IC 23-2-6-28, AS AMENDED BY P.L.27-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 28. (a) The commissioner may make investigations in or outside Indiana that the commissioner finds necessary or appropriate to:

(1) determine whether any person has violated or is about to violate this chapter or any rule or order of the commissioner; or

(2) aid in the enforcement of this chapter.

(b) The commissioner may charge as costs of an investigation or examination all reasonable expenses, including a per diem prorated on the salary of the commissioner or an employee. All reasonable expenses of investigation, examination, or hearing shall be paid by the party under investigation or examination.

(c) The commissioner may publish information concerning any violation of this chapter or any rule or order of the commissioner. The commissioner shall upon request make available for inspection and copying under IC 5-14-3 information concerning any violation of this chapter or any rule or order of the commissioner.

(d) For purposes of an investigation or a proceeding under this chapter, the commissioner or an officer or employee designated by rule or order may do any of the following:

(1) Administer oaths and affirmations.

(2) Subpoena witnesses and compel the attendance of witnesses.

(3) Take evidence.

(4) Require the production of books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner finds to be relevant or material to the investigation or proceeding.

(e) If a person does not give testimony or produce the documents required by the commissioner or the commissioner's designee under an administrative subpoena, the commissioner or the designee may petition for a court order compelling compliance with the subpoena or

the giving of the required testimony.

(f) A petition for an order of compliance under subsection (e) may be filed in any of the following:

(1) The circuit or superior court of ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(2) The circuit or superior court where service may be obtained on the person refusing to comply with the subpoena if the person is within Indiana.

(3) The appropriate court of the state having jurisdiction over the person refusing to comply with the subpoena if the person is outside Indiana.

(g) Costs of investigations, examinations, and hearings and civil penalties recovered under this chapter shall be deposited in the securities division enforcement account established under IC 23-19-6-1(f). With the approval of the budget agency, the funds in the securities division enforcement account may be used to augment and supplement the funds appropriated for the administration of this chapter.

SECTION 366. IC 25-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) Towns and cities may tax, license, and regulate transient merchants and charge a fee for the transaction of business by them. Towns and cities may provide for punishment of violators, subject to the limitations of IC 36-1-3.

(b) This subsection does not apply to ~~a~~ **Marion** County. ~~having a consolidated city.~~ A city or town license may not be in lieu of a county license. This chapter does not supersede any ordinance regulating transient merchants.

(c) This subsection applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~ A transient merchant is not required to obtain a county transient merchant license under this chapter. A transient merchant may not transact business in a municipality located wholly or partially within the county unless the transient merchant and the owner of the property to be offered for sale (or sold if the property is not owned by the vendor) have first obtained a license from the fiscal officer of the municipality under this chapter.

SECTION 367. IC 25-37-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) This section applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) A veteran who holds an honorable discharge from the armed forces of the United States is exempt from the payment of a fee for a transient merchant license issued under this chapter by a municipality located wholly or partially within the county.

(c) Upon the presentation of the veteran's certificate and papers of discharge and proof of the veteran's identity, the official designated by the municipality shall issue a transient merchant license to the veteran.

A person licensed under this section shall comply with all ordinances of the county or municipality governing transient merchants.

SECTION 368. IC 25-37-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. ~~A~~ **Parke** County ~~having a population of more than seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500)~~ may require that the holder of a registered retail merchant's certificate under IC 6-2.5-8 obtain a transient merchant license.

SECTION 369. 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) The city of Gary.

(2) The city of Hammond.

(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

(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 370. IC 28-7-1-0.5, AS AMENDED BY P.L.35-2010, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Automated teller machine" (ATM) means a piece of

unmanned electronic or mechanical equipment that performs routine financial transactions for authorized individuals.

(2) "Branch office" means an office, agency, or other place of business at which deposits are received, share drafts are paid, or money is lent to members of a credit union. The term does not include:

(A) the principal office of a credit union;

(B) the principal office of a credit union affiliate;

(C) a branch office of a credit union affiliate;

(D) an automated teller machine; or

(E) a night depository.

(3) "Credit union" is a cooperative, nonprofit association, incorporated under this chapter, for the purposes of educating its members in the concepts of thrift and to encourage savings among its members. A credit union should provide a source of credit at a fair and reasonable rate of interest and provide an opportunity for its members to use and control their own money in order to improve their economic and social condition.

(4) "Department" refers to the department of financial institutions.

(5) "Surplus" means the credit balance of undivided earnings after losses. The term does not include statutory reserves.

(6) "Unimpaired shares" means paid in shares less any losses for which no reserve exists and for which there is no charge against undivided earnings.

(7) "Related credit union service organization" means, in reference to a credit union, a credit union service organization (as defined and formed under Part 712 of the regulations of the National Credit Union Administration, 12 CFR 712) in which the credit union has invested under section 9(a)(4) of this chapter.

(8) "Premises" means any office, branch office, suboffice, service center, parking lot, real estate, or other facility where the credit union transacts or will transact business.

(9) "Furniture, fixtures, and equipment" means office furnishings, office machines, computer hardware, computer software, automated terminals, and heating and cooling equipment.

(10) "Fixed assets" means:

(A) premises; and

(B) furniture, fixtures, and equipment.

(11) "Audit period" means a twelve (12) month period designated by the board of directors of a credit union.

(12) "Community" means:

(A) a second class city;

(B) a third class city;

(C) a town;

(D) a county other than ~~a~~ **Marion** County; ~~containing a consolidated city;~~

(E) a census tract;
(F) a township; or
(G) any other municipal corporation (as defined in IC 36-1-2-10).

(13) "Control of a related interest" refers to a situation in which an individual directly or indirectly, or through or in concert with one (1) or more other individuals, possesses any of the following:

(A) The ownership of, control of, or power to vote at least twenty-five percent (25%) of any class of voting securities of the related interest.

(B) The control in any manner of the election of a majority of the directors of the related interest.

(C) The power to exercise a controlling influence over the management or policies of the related interest. For purposes of this clause, an individual is presumed to have control, including the power to exercise a controlling influence over the management or policies of a related interest, if the individual:

(i) is an executive officer or a director of the related interest and directly or indirectly owns, controls, or has the power to vote more than ten percent (10%) of any class of voting securities of the related interest; or

(ii) directly or indirectly owns, controls, or has the power to vote more than ten percent (10%) of any class of voting securities of the related interest and no other person owns, controls, or has the power to vote a greater percentage of that class of voting securities.

(14) "Executive officer" includes any of the following officers of a credit union:

(A) The chairman of the board of directors.
(B) The president.
(C) A vice president.
(D) The cashier.
(E) The secretary.
(F) The treasurer.

(15) "Immediate family", for purposes of section 17.1 of this chapter, means the spouse of an individual, the individual's minor children, and any of the individual's children, including adults, residing in the individual's home.

(16) "Officer" means any individual who is not solely a director or committee member and participates or has the authority to participate in major policymaking functions of a credit union, regardless of whether:

(A) the individual has an official title;

(B) the individual's title designates the individual as an assistant; or

(C) the individual is serving without salary or other compensation.

(17) "Related interest", with respect to an individual, means:

(A) a partnership, a corporation, or another business organization that is controlled by the individual; or

(B) a political campaign committee:

(i) controlled by the individual; or

(ii) the funds or services of which benefit the individual.

(18) Except as provided in section 9(a)(4) of this chapter, "capital and surplus" means the sum of:

(A) undivided profits;

(B) reserve for contingencies;

(C) regular reserve; and

(D) allowance for loan and lease losses.

SECTION 371. IC 31-9-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. "Center", for purposes of IC 31-31-9, means any secure juvenile detention center that operates in ~~a~~ **Marion** County ~~containing a consolidated city~~ except for a center operated by the federal government. The term includes a juvenile detention facility.

SECTION 372. IC 31-9-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. "Council", for purposes of IC 31-31-9, refers to the city-county council of ~~the consolidated city within the~~ **Marion** County.

SECTION 373. IC 31-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies only to the following:

(1) ~~A~~ **The** judicial circuit ~~in which there is located a consolidated city and~~ **of Marion County if** the judges of the superior court and the judge of the circuit court determine that the social conditions in the county and the number of domestic relations cases in the courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

(2) ~~A~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) in which~~ **if** the judge of the circuit court determines that the social conditions in the county and the number of domestic relations cases in the county's courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

SECTION 374. IC 31-12-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. For:

(1) ~~any~~ **the** judicial circuit ~~in which there is located a consolidated city,~~ **of Marion County,** the judges described in section 1(1) of

this chapter may establish a bureau of the courts; and

(2) ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ the judge of the circuit court may establish a bureau of the court;

known as the "Domestic Relations Counseling Bureau".

SECTION 375. 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~~ **LaPorte** County. ~~having a population of more than one hundred ten thousand (110,000) 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 376. IC 31-31-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 377. IC 31-31-9-8, AS AMENDED BY P.L.142-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) The advisory board consists of the following seven (7) members:

(1) Two (2) members, appointed by the executive committee, who are not members of the same political party.

(2) Two (2) members, appointed by the mayor of the ~~consolidated~~ city **of Indianapolis,** who are not members of the same political party.

(3) Three (3) members, appointed by the council, not more than two (2) of whom may be members of the same political party.

(b) Members of the advisory board must be residents of the county who have demonstrated an interest in and knowledge of the juvenile justice system.

SECTION 378. IC 31-33-3-1, AS AMENDED BY P.L.146-2008, SECTION 574, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) A community child protection team is established in each county. The community child protection team is a countywide, multidisciplinary child protection team. The team must include the following thirteen (13) members who reside in, or provide services to residents of, the county in which the team is to be formed:

(1) The director of the local office that provides child welfare services in the county or the local office director's designee.

(2) Two (2) designees of the juvenile court judge.

(3) The county prosecuting attorney or the prosecuting attorney's designee.
(4) The county sheriff or the sheriff's designee.
(5) Either:
(A) the president of the county executive in a county ~~not containing a consolidated city~~ **other than Marion County,** or the president's designee; or
(B) the executive of ~~a consolidated~~ **the** city ~~in a county containing a consolidated city~~ **of Indianapolis** or the executive's designee.
(6) A director of a court appointed special advocate or guardian ad litem program or the director's designee in the county in which the team is to be formed.
(7) Either:
(A) a public school superintendent or the superintendent's designee; or
(B) a director of a local special education cooperative or the director's designee.
(8) Two (2) persons, each of whom is a physician or nurse, with experience in pediatrics or family practice.
(9) Two (2) residents of the county.
(10) The chief law enforcement officer of the largest law enforcement agency in the county (other than the county sheriff) or the chief law enforcement officer's designee.

(b) The director of the local office serving the county shall appoint, subject to the approval of the director of the department, the members of the team under subsection (a)(7), (a)(8), and (a)(9).

SECTION 379. IC 32-21-2-3, AS AMENDED BY P.L.143-2009, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:
(1) acknowledged by the grantor; or
(2) proved before a:
(A) judge;
(B) clerk of a court of record;
(C) county auditor;
(D) county recorder;
(E) notary public;
(F) mayor of a city in Indiana or any other state;
(G) commissioner appointed in a state other than Indiana by the governor of Indiana;
(H) minister, charge d'affaires, or consul of the United States in any foreign country;
(I) clerk of the city-county council for ~~a consolidated~~ **the** city **of Indianapolis,** city clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or
(K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. The conveyance must include the mailing address to which statements should be mailed under IC 6-1.1-22-8.1. If the mailing address for statements under IC 6-1.1-22-8.1 is not a street address or a rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address for statements mailed under IC 6-1.1-22-8.1. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

SECTION 380. IC 32-24-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter, "fiscal officer" means:

(1) the city controller of ~~a consolidated~~ **the** city **of Indianapolis** or **a** second class city;
(2) the city clerk-treasurer of a third class city; or
(3) the town clerk-treasurer of a town.

SECTION 381. 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~~ **Union** Township ~~with a population of more than three thousand one hundred (3,100) but less than three thousand eight hundred (3,800) located~~ in ~~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) 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 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 382. 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.

(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~~ **Union** Township ~~with a population of more than three thousand one hundred (3,100) but less than three thousand eight hundred (3,800) located~~ in ~~a~~ **Marshall** County. ~~having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900).~~ 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 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 383. 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.

(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~~ **Union** Township ~~with a population of more than three thousand one hundred (3,100) but less than three thousand eight hundred (3,800) located~~ in ~~a~~ **Marshall** County. ~~having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900).~~ 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 384. IC 33-23-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. The commission on courts shall do the following:

(1) Review and report on all requests for new courts or changes in jurisdiction of existing courts. A request for review under this subdivision must be received by the commission not later than July 1 of each year. A request received after July 1 may not be considered unless a majority of the commission members agrees to consider the request.

(2) Conduct research concerning requests for new courts or changes in jurisdiction of existing courts. The research may include conducting surveys sampling members of the bar, members of the judiciary, and local officials to determine needs and problems.

(3) Conduct public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts. The commission shall hold at least one (1) public hearing on each request presented to the commission.

(4) Review and report on any other matters relating to court administration that the commission determines appropriate, including the following:

(A) Court fees.

(B) Court personnel, except constables that have jurisdiction in ~~a~~ **Marion** County. ~~that contains a consolidated city.~~

(C) Salaries of court officers and personnel, except constables that have jurisdiction in ~~a~~ **Marion** County. ~~that contains a consolidated city.~~

(D) Jury selection.

(E) Any other issues relating to the operation of the courts.

(5) Submit a report in an electronic format under IC 5-14-6 before November 1 of each year to the general assembly. The report must include the following:

(A) A recommendation on all requests considered by the commission during the preceding year for the creation of new courts or changes in the jurisdiction of existing courts.

(B) If the commission recommends the creation of new courts or changes in jurisdiction of existing courts, the following:

(i) A draft of legislation implementing the changes.

(ii) A fiscal analysis of the cost to the state and local governments of implementing recommended changes.

(iii) Summaries of any research supporting the recommended changes.

(iv) Summaries of public hearings held concerning the recommended changes.

(C) A recommendation on any issues considered by the commission under subdivision (4).

SECTION 385. IC 33-24-5-2, AS AMENDED BY P.L.1-2006, SECTION 502, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), the sheriff of the supreme court or a county police officer shall:

(1) attend the court in term time;

(2) execute the orders of the court;

(3) preserve order within the court;

(4) execute all process issued out of the court; and

(5) execute all civil process issued out of the court.

(b) This subsection applies only if a consolidated law enforcement department is established under IC 36-3-1-5.1. The ordinance adopted by the legislative body of the ~~consolidated~~ city **of Indianapolis** shall determine whether:

(1) the orders of the court; and

(2) all criminal process issued out of the court;

shall be executed by an officer of the sheriff's department or an officer of the consolidated law enforcement department.

SECTION 386. IC 33-26-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "qualifying county" means ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000).~~

SECTION 387. IC 33-34-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) There are established township small claims courts in ~~each~~ **Marion** County. ~~containing a consolidated city.~~

(b) The name of each court shall be the "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

SECTION 388. IC 33-35-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. The city court of each of the four (4) cities having the largest populations and the town court of the town having the largest population in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ have concurrent civil jurisdiction with the circuit court of the county where the amount in

controversy does not exceed three thousand dollars ($3,000). The court has jurisdiction in any action where the parties or the subject matter are in the county in which the city or town is located. However, the city or town court does not have jurisdiction in:

(1) actions for slander or libel;

(2) matters relating to decedents' estates, appointment of guardians, and all related matters;

(3) dissolution of marriage actions; or

(4) injunction or mandate actions.

SECTION 389. IC 33-35-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) The bailiff of a city court must be a police officer of the city assigned to the court by the chief of police, under direction of the board of public safety. However, the judge of the city court may appoint another person to serve as bailiff.

(b) The bailiff shall give bond payable to the city in the penal sum of one thousand dollars ($1,000), with surety to be approved by the mayor, conditioned on the faithful and honest discharge of the bailiff's duties. The bond shall be filed in the office of the controller or clerk-treasurer.

(c) The bailiff shall do the following:

(1) Be present at the sessions of the court, maintaining order and performing all other duties subject to the order of the court.

(2) Take charge of all executions issued by the court and see to the collection of the executions.

(3) Keep, in books to be furnished by the controller or clerk-treasurer, an accurate account and docket of all executions that come into the bailiff's hands, showing the:

(A) names of the defendants;

(B) date and number of the execution;

(C) amount of fines, fees, or penalties imposed; and

(D) disposition of the execution.

(4) Make and deliver a written report to the clerk of the court on Tuesday of each week, showing all money collected by the bailiff during the previous week, giving the:

(A) names of the defendants;

(B) number of executions; and

(C) amount of fines, fees, or penalties collected;

and pay the money to the clerk, taking the clerk's receipt for the payments.

(d) The salary of the bailiff shall be fixed as salaries of other police officers are fixed.

(e) The bailiff of a city court of the three (3) cities having the largest populations in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ shall be appointed by the judge of the court. The bailiff shall

serve and execute all processes issued by the court and is entitled to receive a salary fixed by the common council of the city. In addition, the bailiff may collect a fee from a defendant for the bailiff's own use on all execution sales of property under an execution or attachment as follows:

(1) On the first fifty dollars ($50), ten percent (10%).

(2) On more than fifty dollars ($50) and not more than three hundred dollars ($300), five percent (5%).

(3) On all sums over three hundred dollars ($300), three percent (3%).

(4) Any additional sum necessarily expended by the bailiff in collecting the judgment.

A bailiff may use the bailiff's private vehicle in the performance of the bailiff's duties and is entitled to receive a sum for mileage equal to the sum paid per mile to state officers and employees. The payment to the bailiff is subject to the approval of the judge. The judge shall include in the budget for the court sufficient money to provide for the anticipated claims of the bailiff. The common council shall make annual appropriations that are necessary to carry out this subsection.

SECTION 390. IC 33-35-3-9, AS AMENDED BY P.L.1-2007, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies after June 30, 2005.

(b) A clerk of a city court in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ shall deposit all court costs collected by the clerk in accordance with IC 33-37-7-12. The fees received by the controller from the clerk shall be paid into the city treasury at the time of the semiannual settlement for city revenue.

(c) If the party instituting an action or a proceeding recovers judgment, the judgment must also include as costs an amount equal to the small claims costs fee, the small claims garnishee service fee, and the small claims service fee prescribed under IC 33-37-4-5 (before its repeal) or IC 33-37-4-6.

(d) Money paid in advance for costs remaining unexpended at the time a civil action or proceeding is terminated, whether by reason of small claims costs fee, small claims service fee, and additional fees dismissal or otherwise, must be returned to the party or parties making payment. However, this section does not apply to civil actions or proceedings instituted by or on behalf of the state or any of the state's political subdivisions.

SECTION 391. IC 33-35-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Special judges of a city court are entitled to the compensation allowed special judges in the circuit court, to be paid out of the city treasury on the certificate of the regular judge and the warrant of the city controller or

clerk-treasurer.

(b) A city court judge may not receive any fees or compensation other than the judge's salary, as established under subsection (e).

(c) A city court judge of each of the three (3) cities having the largest populations in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ is entitled to receive, for additional services that this article requires to be performed, three thousand five hundred dollars ($3,500) per year in addition to the salary otherwise provided. The fiscal body of the city shall appropriate the money necessary to pay the additional compensation.

(d) A town court judge is entitled to receive the compensation that is prescribed by the fiscal body of the town.

(e) A city court judge is entitled to receive compensation that is prescribed by the fiscal body of the city.

SECTION 392. IC 33-35-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) City courts of the three (3) cities having the largest populations in ~~counties having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ **Lake County** shall keep the following books of record on the civil side of the court:

(1) A loose leaf minute book, similar to that kept by the circuit court, each case to be numbered consecutively in order of its filing.

(2) Index and cross-index book, containing the names of all parties to each action with the number of the case opposite the name.

(3) A fee book as is provided for city courts.

(4) An order book in which all orders of a cause are written consecutively when final judgment or order is entered.

(b) The case should bear the same number as originally given to the case when filed and must be arranged in the order book consecutively according to the original number given to the case when filed. All orders, proceedings, records of issuing execution, returns of execution, and satisfactions of execution shall be grouped together, if practical, on one (1) page or on consecutive pages when there is not sufficient room to group it on one (1) page. All costs in a cause shall be taxed on the margin of the page containing the final order or judgment. All orders not connected with a specific case, such as general appointments made by the judge, shall be entered in the minute book under a separate number and recorded in the record book under that number.

SECTION 393. IC 33-35-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) All judgments, decrees, orders, and proceedings of city and town courts have the same force as those of the circuit court. A judgment becomes a lien on real estate when a transcript of the judgment is filed with the clerk of the

circuit court.

(b) All orders of sale and executions affecting real estate from the city court of the three (3) cities having the largest populations in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ shall be issued by the clerk of the circuit court to the sheriff upon the filing of a certified copy of the judgment. When the copy is filed, the court rendering the judgment has no further jurisdiction of the case except to furnish a transcript for appeal. The life of a lien may be continued in force when the action is started in the city court, as though the action were filed in the circuit court, by filing with the clerk of the circuit court a certificate, certified to by the judge of the city court and containing:

(1) the names of the parties to the suit;

(2) the nature of the action;

(3) the description of the property affected; and

(4) the amount in controversy.

The judge shall enter minutes on the docket showing the issuing of the certificates.

SECTION 394. IC 33-35-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) A party in a civil action who desires to take an appeal from the city court of the three (3) cities having the largest populations in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ shall file a bond, to the approval of the city court, within thirty (30) days after the date of rendition of final judgment, and the motion to correct errors within ten (10) days after the rendition of final judgment. The transcript and motion shall be filed in the court to which the appeal is taken within thirty (30) days after the motion has been signed by the court.

(b) All errors saved shall be reviewed as far as justice warrants, and for that purpose, a complete transcript of all the evidence is not required. An error occurring during the trial, not excepted to at the time, may be made available upon appeal by setting it forth in a motion for a new trial. Upon application within the time fixed, either of the parties to the suit may obtain either:

(1) a correct statement, to be prepared by the party requesting the signing of the same, of the facts in a narrative form appearing on the trial and of all questions of law involved in the case and the decisions of the court upon the questions of law; or

(2) a correct stenographic report;

and the expense of procuring the correct statement or correct stenographic report shall be paid by the party requesting the correct statement or correct stenographic report.

(c) The appeal shall be:

(1) submitted on the date filed in the court to which the appeal is

taken;

(2) advanced on the docket of that court; and

(3) as determined at the earliest practical date, without any extension of time for filing of briefs;

but the court to which an appeal is taken may, on application, hear oral arguments.

(d) If judgment is affirmed on appeal, it may be increased by ten percent (10%), in addition to any interest that may be allowed, if the appeal is found to be frivolous.

(e) A change of venue may be taken from the judge to whom the case is appealed as provided by law for taking changes of venue from the judge of the circuit court.

(f) The court to which an appeal is taken shall render its opinion in abbreviated form by simply citing the controlling authorities in the case, unless it appears that some new question of practice, procedure, or law is involved that would warrant a more extensive opinion.

SECTION 395. 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~~ **St. Joseph** County ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ 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 396. IC 33-40-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) In ~~a~~ **Lake** County ~~with a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000) in which~~ **if** a county public defender service is not provided, a supplemental public defender services fund must be established in each city for providing funding for a public defender to represent indigent defendants in a city court.

(b) Sections 2 through 9 of this chapter apply to the locally established supplemental public defender services fund established under subsection (a). However, funds otherwise required to be delivered to the county fiscal officer for maintaining a supplemental public defender services fund under this chapter shall be deposited with the local fiscal officer.

SECTION 397. IC 33-40-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter does not apply to ~~a county that:~~ **the following:**

(1) ~~contains a consolidated city;~~ **Marion County.**

(2) ~~has a population of:~~

~~(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);~~ **Allen County.**

~~(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); or~~ **(3) St. Joseph County.**

~~(C) more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000); or~~ **(4) Vanderburgh County.**

~~(3) has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);~~ **(5) Lake County,** except as provided in sections 5 and 11 of this chapter.

SECTION 398. IC 34-11-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: **Sec. 14. (a) This section applies to a cause of action filed after March 31, 2012.**

(b) The findings of the general assembly in IC 1-1-3.5-7 apply in this section to the extent that the use of a population parameter or the naming of a particular political subdivision in a statute is alleged to violate a constitutional provision.

(c) As used in this section, "constitutional provision" refers to either of the following:

(1) Article 4, Section 22 of the Constitution of the State of Indiana.

(2) Article 4, Section 23 of the Constitution of the State of Indiana.

(d) An action seeking a judgment that a statute violates a constitutional provision must be commenced not later than two (2) years after the effective date of:

(1) the enactment of the statute; or

(2) the amendment to the statute;

that is the basis of the allegation that the statute violates a constitutional provision.

SECTION 399. IC 34-30-2-153.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 153.4. IC 36-3-5-2.6 (Concerning the personal liability of the controller of ~~a consolidated~~ **the** city **of Indianapolis.)**

SECTION 400. IC 34-35-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) Whenever a change of venue is taken from the county in any civil action pending in any circuit, superior, or probate court of Indiana, if the parties to the action agree in open court within three (3) days from the date of the filing of the affidavit or motion for change of venue from the county to which county the change of venue of the

action shall be changed, it is the duty of the court to send, transfer, and venue the action to the agreed upon county.

(c) In the absence of an agreement described in subsection (b), the nonmoving party shall, within two (2) days after receipt of notice of the filing of change of venue from the county, submit to the moving parties the names of two (2) counties which must be selected from the adjoining counties or the five (5) nonadjoining counties, the county seats of which are nearest measured along the most direct improved and main traveled highways to the county seat of the county from which the change of venue is sought.

(d) If the venue of the action has already been changed from an adjoining county, the name of the adjoining county shall not be included in the written list to be submitted by the nonmoving party under subsection (c).

(e) The moving party shall strike one (1) of the two (2) counties submitted within two (2) days after receipt of the names of the counties, and the action shall be sent to the county remaining.

(f) If the nonmoving party fails or refuses to name the counties as provided in this section, the court shall, not later than two (2) days after the deadline has expired, name the counties. If the moving party fails or refuses to strike off the name of one (1) of the named counties within the time limit provided in this section, the clerk of the court shall strike off the names for the party within two (2) days.

SECTION 401. IC 35-33.5-2-1, AS AMENDED BY P.L.105-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) A prosecuting attorney or, if the prosecuting attorney is unavailable, a chief deputy prosecuting attorney specifically authorized by the prosecuting attorney may submit an application for a warrant or an extension to a circuit or superior court where:

(1) the county that the prosecuting attorney represents is located; and

(2) the communication subject to the warrant is anticipated to be sent or received.

The prosecuting attorney or authorized chief deputy prosecuting attorney may not delegate the responsibility of applying for a warrant or an extension to another deputy prosecuting attorney.

(b) One (1) of the following persons must serve as a coapplicant for a warrant or an extension under subsection (a):

(1) The superintendent of the state police department.

(2) The police chief of ~~a consolidated~~ **the** city **of Indianapolis** where the communication subject to the warrant is anticipated to be sent or received.

(3) The sheriff of ~~the~~ **Marion** County ~~containing a consolidated city~~ where the communication subject to the warrant is anticipated to be sent or received.

(c) Only the state police department may install equipment used to intercept an electronic communication under this chapter.

(d) The state police department may:

(1) operate or monitor equipment used to intercept an electronic communication; or

(2) if the interception of an electronic communication is performed on behalf of another law enforcement agency, permit the law enforcement agency to operate or monitor the equipment under the supervision of the department.

(e) The superintendent of the state police department may terminate an interception under this chapter if the superintendent of the state police department determines that there is probable cause to believe that the allegations concerning the offense that are the basis of the interception are without merit. If an interception of an electronic communication is terminated under this subsection, the law enforcement agency that is the co-applicant for the interception shall reimburse the state police department for the department's expenses incurred in connection with the application for interception, including the costs of removing equipment related to the interception.

(f) If the interception of an electronic communication is performed on behalf of another law enforcement agency, the law enforcement agency shall reimburse the department for the department's expenses in connection with the installation, operation, and maintenance of equipment used to intercept an electronic communication.

SECTION 402. 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:

(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

(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 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~~ **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).~~ 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 discount fee charged by the bank or credit card vendor.

SECTION 403. IC 36-1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. "City" refers to ~~a consolidated~~ **the** city **of Indianapolis** or other incorporated city of any class, unless the reference is to a school city.

SECTION 404. IC 36-1-2-4, AS AMENDED BY P.L.186-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. "Clerk" means **the following:**

(1) **The** clerk of the circuit court, for a county.

(2) **The** county auditor, for a board of county commissioners or county council.

(3) **The** clerk of the city-county council, for ~~a consolidated~~ **the** city **of Indianapolis.**

(4) **The** city clerk, for a second class city.

(5) **The** clerk-treasurer, for a third class city.

(6) **The** clerk-treasurer, for a town. ~~or~~

(7) **The** chief executive officer of a political subdivision not described in subdivisions (1) through (6).

SECTION 405. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. "Executive" means **the following:**

(1) **The** board of commissioners, for a county ~~not having a consolidated city;~~ **other than Marion County.**

(2) **The** mayor of the ~~consolidated~~ city **of Indianapolis,** for ~~a~~ **Marion** County. ~~having a consolidated city;~~

(3) **The** mayor, for a city.

(4) **The** president of the town council, for a town.

(5) **The** trustee, for a township.

(6) **The** superintendent, for a school corporation. ~~or~~

(7) **The** chief executive officer, for any other political subdivision.

SECTION 406. IC 36-1-2-6, AS AMENDED BY P.L.186-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. "Fiscal body" means **the following:**

(1) **The** county council, for a county ~~not having a consolidated city;~~ **other than Marion County.**

(2) **The** city-county council, for ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~having a consolidated city;~~

(3) **The** common council, for a city other than ~~a consolidated~~ **the** city **of Indianapolis.**

(4) **The** town council, for a town.

(5) **The** township board, for a township.

(6) **The** governing body or budget approval body, for any other political subdivision that has a governing body or budget approval body. ~~or~~

(7) **The** chief executive officer of any other political subdivision that does not have a governing body or budget approval body.

SECTION 407. IC 36-1-2-7, AS AMENDED BY P.L.227-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. "Fiscal officer" means **the following:**

(1) **The** auditor, for a county ~~not having a consolidated city;~~ **other than Marion County.**

(2) **The** controller, for ~~a:~~ **the following:**

(A) ~~consolidated~~ **The** city **of Indianapolis.**

(B) **Marion** County, ~~having a consolidated city;~~ except as otherwise provided. ~~or~~

(C) **A** second class city.

(3) **The** clerk-treasurer, for a third class city.

(4) **The** clerk-treasurer, for a town. ~~or~~

(5) **The** trustee, for a township.

SECTION 408. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. "Legislative body" means the **following:**

(1) **The** board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1.

(2) **The** county council, for a county subject to IC 36-2-3.5.

(3) **The** city-county council, for ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~having a consolidated city;~~

(4) **The** common council, for a city other than ~~a consolidated~~ **the** city **of Indianapolis.**

(5) **The** town council, for a town.

(6) **The** township board, for a township.

(7) **The** governing body of any other political subdivision that has

a governing body. ~~or~~

(8) **The** chief executive officer of any other political subdivision that does not have a governing body.

SECTION 409. IC 36-1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24. "Works board" means **the following:**

(1) **The** board of commissioners, for a county ~~not having a consolidated city;~~ **other than Marion County.**

(2) **The** board of public works or board of public works and safety, for a city. ~~or~~

(3) **The** town council, for a town.

SECTION 410. IC 36-1-3.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This section applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County.

(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 legislative body of the ~~consolidated~~ city **of Indianapolis** and **Marion** County:

(1) Powers, duties, functions, and obligations of department of administration (formerly governed by IC 18-4-7 and IC 18-4-18).

(2) Certain powers, duties, functions, and obligations of department of metropolitan development (formerly governed by IC 18-4-8-1 through IC 18-4-8-7, IC 18-4-8-10(3), IC 18-4-8-12, IC 18-4-8-13, IC 18-4-8-14, and IC 19-8-23).

(3) Certain powers, duties, functions, and obligations of department of public safety (formerly governed by IC 18-4-12-1 through IC 18-4-12-7, IC 18-4-12-9 through IC 18-4-12-12, IC 18-4-12-14 through IC 18-4-12-16, IC 18-4-12-18, IC 18-4-12-28 through IC 18-4-12-35, IC 18-4-12-37, IC 18-4-12-38, IC 18-4-12-40, IC 18-4-12-42, IC 18-4-12-45, IC 18-4-12-49 through IC 18-4-12-59, IC 19-1-1, and IC 19-1-6).

(4) Certain powers, duties, functions, and obligations of department of public works (formerly governed by IC 18-4-2-16, IC 18-4-9-2, IC 18-4-9-3, IC 19-2-11, IC 19-2-14.5-1, IC 19-2-14.5-3, IC 19-2-14.5-4, IC 19-2-17, IC 19-2-18, IC 19-2-21, IC 19-2-22, IC 19-2-23, IC 19-4-22, and IC 19-5-10).

(5) Territory of solid waste special service district (formerly governed by IC 19-2-14.5-5 and IC 19-2-14.5-6).

(6) Certain powers, duties, functions, and obligations of Indiana department of transportation (formerly governed by IC 8-17-2, IC 18-4-10-3, IC 18-4-10-14, IC 19-5-3, IC 19-5-4, and IC 19-5-10).

(7) Street vacation procedures (formerly governed by IC 19-5-20).

(8) Certain powers, duties, functions, and obligations of department of parks and recreation (formerly governed by

IC 18-4-13).

SECTION 411. 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 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 412. 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 consolidated city; nor~~ **Marion County.**

(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 413. 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 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 414. 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 415. 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 416. 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 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 417. 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 418. 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 419. IC 36-1-8-14.2, AS AMENDED BY P.L.146-2008, SECTION 686, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14.2. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.
(2) Exemption.
(3) Owner.
(4) Person.
(5) Property taxation.
(6) Real property.
(7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7.

(d) Subject to the approval of a property owner, the governing body of a political subdivision may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7, if the improvements that qualify the real property for an exemption were begun or acquired after December 31, 2001. The ordinance remains in full force and effect until repealed or modified by the governing body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied by the governing body for the political subdivision upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). Except as provided in subsection (j), the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the unit's affordable housing fund established under IC 5-20-5-15.5 and used for any purpose for which the affordable housing fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(i) This section does not apply to ~~a~~ **Marion** County ~~that contains a consolidated city~~ or to a political subdivision of ~~the~~ **Marion** County.

(j) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 420. IC 36-1-11-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.1. (a) In addition to any other reason for disapproving a disposal of property under section 3 of this chapter, the executive of ~~a consolidated~~ **the** city **of Indianapolis** may disapprove a sale of a tract of residential property to any bidder who does not by affidavit declare that:

(1) the bidder will reside on that property for at least one (1) year after the bidder obtains possession of it; and

(2) the bidder is eligible to purchase the property under section 16 of this chapter.

(b) When the executive exercises disapproval under this section, the property may be sold to the highest bidder who also presents an affidavit declaring that:

(1) the bidder will reside on that property for a one (1) year period after the bidder obtains possession; and

(2) the bidder is eligible to purchase the property under section 16 of this chapter.

SECTION 421. 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:~~ **the following cities:**

(1) ~~more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **The city of Gary.**

(2) ~~more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); or~~ **The city of East Chicago.**

(3) ~~more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **The city of Hammond.**

(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 422. 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~~ **Hancock** County ~~having a population of more than fifty-five thousand (55,000) but less than sixty-five thousand (65,000)~~ 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 423. IC 36-1.5-4-1, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Any of the following may reorganize under this chapter:

(1) Two (2) or more counties. A county reorganizing under this subdivision must be adjacent to at least one (1) other county participating in the reorganization.

(2) Two (2) or more townships located entirely within the same county. A township reorganizing under this subdivision must be adjacent to at least one (1) other township participating in the reorganization.

(3) Two (2) or more municipalities. A municipality reorganizing under this subdivision must be adjacent to at least one (1) other municipality participating in the reorganization.

(4) Two (2) or more school corporations. A school corporation reorganizing under this subdivision must be adjacent to at least one (1) other school corporation participating in the reorganization.

(5) Two (2) or more municipal corporations, other than a unit or a school corporation, that have substantially equivalent powers. A municipal corporation reorganizing under this subdivision must be adjacent to at least one (1) other municipal corporation participating in the reorganization.

(6) Two (2) or more special taxing districts that are adjacent to at least one (1) other special taxing district participating in the reorganization.

(7) A township and a municipality that is located in any part of the same township.

(8) A county and one (1) or more townships that are located in the county.

(9) A municipality and a county ~~that does not contain a consolidated~~ **other than the** city **of Indianapolis and Marion County.**

(10) A school corporation and a county or municipality in which a majority of the students of the school corporation have legal settlement (as defined by IC 20-18-2-11).

(11) A municipal corporation, other than a unit or a school corporation, and a county or municipality in which a majority of the population of the municipal corporation resides.

(b) If a political subdivision reorganizes under this article with one (1) or more other political subdivisions:

(1) any political subdivisions that did not participate in the public question on the reorganization are not reorganized under this article;

(2) the reorganization affects only those political subdivisions in which the reorganization is approved as specified in this article; and

(3) the reorganization does not affect the rights, powers, and duties of any political subdivisions in the county in which the reorganization is not approved as specified in this article.

SECTION 424. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties ~~not having a consolidated city.~~ **other than Marion County.**

SECTION 425. 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:~~ **either 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.**

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.

(b) This subsection applies to ~~a~~ **Lake** 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ 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 426. IC 36-2-2-5, AS AMENDED BY P.L.225-2011, SECTION 90, 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 Constitution of the State of Indiana; and

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

(c) Except as provided in subsection (e), 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);~~ **Lake County;** or

(2) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000);~~ **St. Joseph County;**

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.

(e) This subsection applies to a member of the executive who must

reside within the district from which the member was elected. A person who:

(1) has begun a term of office as a member of the executive; and

(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;

may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

SECTION 427. IC 36-2-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties ~~not having a consolidated city.~~ **other than Marion County.**

SECTION 428. 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~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000),~~ the county council has nine (9) members.

SECTION 429. 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);~~ **Lake County;** or

(2) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ **St. Joseph County.**

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~~ **Lake** County. ~~having a population of more 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ 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 430. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to **the following:**

(1) ~~a county having 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); and~~

(2) St. Joseph County.

~~(2)~~ **(3)** Any other county ~~not having a consolidated city;~~ **other than Marion County,** if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

SECTION 431. IC 36-2-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties ~~not having a consolidated city.~~ **other than Marion County.**

SECTION 432. IC 36-2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties ~~not having a consolidated city.~~ **other than Marion County.**

SECTION 433. IC 36-2-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section does not apply to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) Except as provided in section 4.5 of this chapter, the county

executive may allow a claim or order the issuance of a county warrant for payment of a claim only at a regular or special meeting of the executive. The county auditor may issue a county warrant for payment of a claim against the county only if the executive or a court orders ~~him~~ **the county auditor** to do so. However, this subsection does not apply to the issuance of warrants related to management of the common or congressional school fund.

(c) The county executive may allow a claim if the claim:

(1) complies with IC 5-11-10-1.6; and

(2) is placed on the claim docket by the auditor at least five (5) days before the meeting at which the executive is to consider the claim.

(d) A county auditor or member of a county executive who violates this section commits a Class C infraction.

(e) A county auditor who violates this section is liable on ~~his~~ **the county auditor's** official bond for twice the amount of the illegally drawn warrant, which may be recovered for the benefit of the county by a taxpayer of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow ~~him~~ **the person** a reasonable sum, including attorney's fees, out of the money recovered as compensation for ~~his~~ **the person's** trouble and expense in bringing the action. This compensation shall be specified in the court's order.

(f) If, within sixty (60) days after the county executive allows a claim, a taxpayer of the county demands that the executive refund that allowance to the county, and the executive refuses to do so, the taxpayer may bring an action to recover an illegal, unwarranted, or unauthorized allowance for the benefit of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow ~~him~~ **the person** a reasonable sum, including attorney's fees, out of the money recovered as compensation for ~~his~~ **the person's** trouble and expense in bringing the action. This compensation shall be specified in the court's order.

SECTION 434. IC 36-2-6-22, AS AMENDED BY P.L.146-2008, SECTION 690, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Property taxation.

(6) Real property.

(7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is not located in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(d) Subject to the approval of a property owner, the fiscal body of a county may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed in the same manner as property taxes and shall be based on the assessed value of the real property described in subsection (d). Except as provided in subsection (i), the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be distributed in the same manner as if they were property taxes being distributed to taxing units in the county.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(i) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 435. IC 36-2-7-10, AS AMENDED BY P.L.45-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars ($6) for the first page and two dollars ($2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars ($15) for the first page and five dollars ($5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen

(14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar ($1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar ($1) for each cross-reference of a recorded document.

(5) One dollar ($1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars ($2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars ($5) for acknowledging or certifying to a document.

(7) Five dollars ($5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars ($3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars ($3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents ($0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents ($2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in ~~a~~ **Marion** County ~~containing a consolidated city that~~ **if the county** has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(c) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and IC 36-2-7.5-6(c)(1) (after June 30, 2011), and fifty cents ($0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than ~~a~~ **Marion** County. ~~containing a consolidated city.~~ The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county

recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

SECTION 436. IC 36-2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The county auditor and county treasurer may pay salaries and wages to county officers and employees monthly, twice each month, every two (2) weeks, or weekly.

(b) The manner of payment of salaries and wages under this section must be authorized by the legislative body of ~~a~~ **Marion** County ~~having a consolidated city~~ or by the executive of any other county.

SECTION 437. IC 36-2-9-1, AS AMENDED BY P.L.227-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties except ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 438. IC 36-2-9.5-1, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 439. IC 36-2-9.5-7, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The county auditor shall:

(1) keep a separate account for each item of appropriation made by the legislative body of the ~~consolidated~~ city **of Indianapolis;** and

(2) in each warrant the county auditor draws on the county or city treasury, specifically indicate the item of appropriation the warrant is drawn against.

(b) The county auditor may not permit an item of appropriation to be:

(1) overdrawn; or

(2) drawn on for a purpose other than the specific purpose for which the appropriation was made.

(c) A county auditor who knowingly violates this section commits a Class A misdemeanor.

SECTION 440. IC 36-2-9.5-9, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section does not apply to:

(1) funds received from the state or the federal government for:

(A) township assistance;

(B) unemployment relief; or

(C) old age pensions; or

(2) other funds available under:

(A) the federal Social Security Act; or

(B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county or city treasury to:

(1) the state; or

(2) a township or municipality in the county;

money may be paid from the county or city treasury only upon a warrant drawn by the county auditor.

(c) A warrant may be drawn on the county or city treasury only if:

(1) the legislative body of the ~~consolidated~~ city **of Indianapolis** made an appropriation of the money for the calendar year in which the warrant is drawn; and

(2) the appropriation is not exhausted.

(d) Notwithstanding subsection (c), an appropriation by the legislative body is not necessary to authorize the drawing of a warrant on and payment from the county or city treasury for:

(1) money that:

(A) belongs to the state; and
(B) is required by statute to be paid into the state treasury;
(2) money that belongs to a school fund, whether principal or interest;
(3) money that:
(A) belongs to a township or municipality in the county; and
(B) is required by statute to be paid to the township or municipality;
(4) money that:
(A) is due a person;
(B) is paid into the county or city treasury under an assessment on persons or property of the county in territory less than that of the whole county; and
(C) is paid for construction, maintenance, or purchase of a public improvement;
(5) money that is due a person and is paid into the county treasury to redeem property from a tax sale or other forced sale;
(6) money that is due a person and is paid to the county or city under law as a tender or payment to the person;
(7) taxes erroneously paid;
(8) money paid to a cemetery board under IC 23-14-65-22;
(9) money distributed under IC 23-14-70-3; or
(10) payments under a statute that expressly provides for payments from the county or city treasury without appropriation by the legislative body.

(e) A county auditor who knowingly violates this section commits a Class A misdemeanor.

SECTION 441. IC 36-2-13-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15.3. (a) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(b) This section applies only:
(1) to ~~a~~ **Ohio** County; ~~having a population of less than six thousand (6,000);~~ and
(2) if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:
(1) sentenced under this article for a felony or a misdemeanor;
(2) subject to lawful detention in a county jail for a period of more than six (6) hours;
(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and
(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county

for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) fifty dollars ($50);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 442. IC 36-2-14-16, AS AMENDED BY P.L.2-2007, SECTION 385, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) This section applies to each **of the following counties:**

(1) Marion County.

(2) Lake County. ~~having a population of more than four hundred thousand (400,000).~~

(b) For purposes of this section, a body is unclaimed if:

(1) a person cannot be located to take custody of the body; or

(2) there is a person to take custody of the body, but that person cannot or will not assume financial responsibility for disposition of the body.

(c) Except as provided in IC 21-44-2, the coroner may order the burial or cremation of any unclaimed body left in the coroner's custody.

(d) If the deceased died without leaving money or other means necessary to defray the funeral expenses, the coroner may contract with a funeral director licensed under IC 25-15 to dispose of the body. The necessary and reasonable expenses for disposing of the body shall be paid by the county auditor upon the order of the coroner.

SECTION 443. IC 36-2-14-23, AS AMENDED BY P.L.3-2008, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) Each coroner shall successfully complete the training course offered under section 22.3(a) of this chapter within six (6) months after taking office.

(b) Each deputy coroner shall successfully complete the training

course offered under section 22.3(a) of this chapter within one (1) year after beginning employment with a coroner's office.

(c) Each coroner and each deputy coroner shall successfully complete the annual training course offered under section 22.3(b) of this chapter each year after the year in which the coroner or deputy coroner received the training required by section 22.3(a) of this chapter.

(d) After a coroner or deputy coroner has:

(1) successfully completed the training course as required under subsection (a) or (b); and

(2) successfully completed the annual training course as required under subsection (c);

the coroner or deputy coroner shall present a certificate or other evidence to the county executive, or in the case of ~~a~~ **Marion** County, ~~that contains a consolidated city,~~ the city-county council, that the coroner or deputy coroner has successfully completed the training required under subsection (a), (b), or (c).

(e) If a coroner or deputy coroner does not present a certificate or other evidence to the county executive, or in the case of ~~a~~ **Marion** County, ~~that contains a consolidated city,~~ the city-county council, that the coroner or deputy coroner has successfully completed the training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to withhold the paycheck of the coroner or deputy coroner until the coroner or deputy coroner satisfies the respective training requirements under subsections (a), (b), and (c), unless the county executive or city-county council adopts a resolution finding that:

(1) the failure of the coroner or deputy coroner to complete the respective training requirements under subsections (a), (b), and (c) is the result of unusual circumstances;

(2) the coroner or deputy coroner is making reasonable progress, under the circumstances, toward completing the respective training requirements under subsections (a), (b), and (c); and

(3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or deputy coroner would be unjust.

(f) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (e) and a coroner or deputy coroner later presents a certificate or other evidence to the county executive or city-county council that the coroner or deputy coroner has successfully completed training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to release all of the coroner's or deputy coroner's paychecks that were withheld from the coroner or deputy coroner.

SECTION 444. IC 36-2-14-24, AS ADDED BY P.L.157-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

APRIL 1, 2012]: Sec. 24. (a) Except as provided in subsection (b), if a coroner does not release a written report required under section 10 of this chapter or a full copy of an autopsy report required under section 18 of this chapter as required by law, the county executive, or in the case of ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the city-county council, shall order the auditor to withhold the paycheck of the coroner until the coroner properly releases the written report or full autopsy report, unless the county executive or city-county council adopts a resolution finding that:

(1) the failure of the coroner or deputy coroner to release the written report or full autopsy report is the result of unusual circumstances;

(2) the coroner or deputy coroner is making reasonable progress, under the circumstances, toward completing and releasing the written report or full autopsy report; and

(3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or deputy coroner would be unjust.

(b) A county auditor may not withhold the paycheck of a coroner if a coroner is legally prohibited from releasing a written report or from releasing a full autopsy report. However, a coroner is required to release a written report or full autopsy report as soon as possible after the legal prohibition on releasing the written report or full autopsy report ceases to exist.

(c) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (a) and a coroner properly releases the written report or full autopsy report, the county executive or city-county council shall order the auditor to release all of the coroner's paychecks that were withheld from the coroner.

SECTION 445. IC 36-3-1-0.3, AS ADDED BY P.L.220-2011, SECTION 647, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 0.3. The general assembly finds the following:

(1) ~~A consolidated~~ **The** city **of Indianapolis** faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in ~~a consolidated~~ **the** city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, ~~a consolidated~~ **the** city **of Indianapolis** has unique overlapping territories of county and city government and an absence of unincorporated areas within its county.

(3) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in ~~a consolidated~~ **the** city **of Indianapolis** through consolidation of

certain county, city, and township functions.

(4) Consolidation of certain county, city, and township services and operations will serve the public purpose by allowing the ~~consolidated~~ city **of Indianapolis** to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

(C) provide uniform oversight and accountability for the budgets for local governmental services; and

(D) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(5) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of ~~a consolidated~~ **the** city **of Indianapolis** and is of public utility and benefit.

(6) The public purpose of those parts of P.L.227-2005 relating to ~~a consolidated~~ **the** city **of Indianapolis** is to provide ~~a consolidated~~ **the** city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 446. IC 36-3-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies ~~in each~~ **to Marion** County. ~~having a first class city.~~

SECTION 447. IC 36-3-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) ~~When a first class city becomes a consolidated city, the first class city is abolished as a separate entity, and~~ The territory of the **city of Indianapolis as a** consolidated city includes:

(1) all the territory that comprised the **city of Indianapolis as a** first class city before it became a consolidated city; and

(2) all other territory in the county except territory of an excluded city.

However, certain departments and special taxing districts of the consolidated city may have jurisdiction as provided by law over more or less territory than that inside the boundaries of the consolidated city.

(b) The consolidated city is known as **"The** City of _____," ~~with the name of the first class city inserted in the blank.~~ **Indianapolis.**

~~(c) Unless the executive and legislative body of the consolidated city are elected during the interim period and take office on the date prescribed by section 2(3) of this chapter, the members of the interim government prescribed by section 3 of this chapter continue in office as officers of the consolidated city until an executive and a legislative body of the consolidated city are elected and qualified.~~

SECTION 448. IC 36-3-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) ~~When a first class city becomes a consolidated city,~~ The following special service

districts of the ~~consolidated~~ city **of Indianapolis** are created:

(1) Fire special service district.

(2) Police special service district.

(3) Solid waste collection special service district.

(b) The territory of each special service district includes all the territory that comprised the district as of August 31, 1981, subject to IC 36-3-2-3(b).

(c) ~~When a first class city becomes a consolidated city,~~ All of the following special taxing districts existing in the city **of Indianapolis before consolidation** continue as special taxing districts of the **city of Indianapolis as a** consolidated city including the following territory:

(1) Flood control district, including all the territory in the county.

(2) Park district, including all the territory in the county.

(3) Redevelopment district, including all the territory in the consolidated city.

(4) Sanitary district, including all the territory that comprised the district as of August 31, 1981.

(5) Waste disposal district, including all the territory that comprised the district as of August 31, 1981.

In addition, a metropolitan thoroughfare district, including all the territory in the county, is created as a special taxing district of the ~~consolidated~~ city **of Indianapolis.**

(d) The territory of each special taxing district is subject to IC 36-3-2-3(b).

SECTION 449. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6.1. (a) This section applies only in ~~a~~ **Marion** County. ~~containing a consolidated city.~~ If the requirements of subsection (g) are satisfied, the fire departments of the following are consolidated into the fire department of ~~a consolidated~~ **the** city **of Indianapolis** (referred to as "the consolidated fire department"):

(1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the ~~consolidated~~ city **of Indianapolis.**

(2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) If the requirements of subsection (g) are satisfied, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the ~~consolidated~~ city **of Indianapolis.**

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis,** all of the property, equipment, records, rights, and contracts of the department

consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** are:

(1) transferred to; or

(2) assumed by;

the ~~consolidated~~ city **of Indianapolis** on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the ~~consolidated~~ city **of Indianapolis** and the trustee and legislative body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis,** the employees of the fire department consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The ~~consolidated~~ city **of Indianapolis** shall assume all agreements with labor organizations that:

(1) are in effect on the effective date of the consolidation; and

(2) apply to employees of the department consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of ~~a consolidated~~ **the** city **of Indianapolis,** the indebtedness related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the ~~consolidated~~ city **of Indianapolis.** Indebtedness related to fire protection services that is incurred by the ~~consolidated~~ city **of Indianapolis** before the effective date of the consolidation shall remain the debt of the ~~consolidated~~ city **of Indianapolis** and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of ~~a consolidated~~ **the** city **of Indianapolis,** the merit board and the merit system of the fire department that is consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township

trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the ~~consolidated~~ city **of Indianapolis.** A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the ~~consolidated~~ city **of Indianapolis.** If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the ~~consolidated~~ city **of Indianapolis,** approving the consolidation of the fire department of the township into the fire department of the ~~consolidated~~ city **of Indianapolis,** the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the ~~consolidated~~ city **of Indianapolis** in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the ~~consolidated~~ city **of Indianapolis** in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of ~~a consolidated~~ **the** city **of Indianapolis** under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of ~~a consolidated~~ **the** city **of Indianapolis** under this section;

remains a member of the 1937 fund. The firefighter shall receive

credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the ~~consolidated~~ city **of Indianapolis** by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the ~~consolidated~~ city **of Indianapolis** for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the ~~consolidated~~ city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The ~~consolidated~~ city **of Indianapolis** is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the ~~consolidated~~ city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the ~~consolidated~~ city **of Indianapolis** may adopt an ordinance to adjust the membership of the ~~consolidated~~ city's local board to reflect the consolidation.

(7) The ~~consolidated~~ city **of Indianapolis** may levy property taxes within the ~~consolidated~~ city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses

for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the ~~consolidated~~ city **of Indianapolis** at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under ~~IC 36-3-1-6~~ **section 6 of this chapter** may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the ~~consolidated~~ city **of Indianapolis** on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the ~~consolidated~~ city **of Indianapolis** on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the ~~consolidated~~ city **of Indianapolis** on the effective date of the consolidation may be levied by the ~~consolidated~~ city **of Indianapolis** within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the ~~consolidated~~ city **of Indianapolis** shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 450. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, the ~~consolidated~~ city **of Indianapolis,** through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service

district and in those townships in ~~the~~ **Marion** County that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 451. IC 36-3-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) A municipality, other than ~~a first class~~ **the** city **of Indianapolis** having a population of more than five thousand (5,000) in ~~the~~ **Marion** County is known as an excluded city and ~~does~~ **is** not ~~become~~ part of the **city of Indianapolis as a** consolidated city under this chapter. In addition, a municipality that had qualified as an excluded city before January 1, 1973, under IC 18-4-1-2(d) (repealed September 1, 1981), is considered an excluded city. Any other municipality is known as an included town and ~~does become~~ **is** part of the **city of Indianapolis as a** consolidated city under this chapter.

(b) This article applies to any part of an included town that is inside the ~~county~~ boundaries **of Marion County,** even though part of ~~it~~ **the town** is outside ~~those~~ **the** boundaries **of Marion County.**

SECTION 452. IC 36-3-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) When ~~a first class~~ **the** city ~~becomes~~ **of Indianapolis became** a consolidated city, the agencies of the ~~first class~~ city ~~are~~ **as a first class city were** abolished and their functions ~~are~~ assigned to agencies of the consolidated city as provided by this title. When these functions ~~are~~ **were** transferred in this manner, the property, records, personnel, rights, and liabilities related to the functions ~~are~~ **were** likewise transferred, except that the city-county legislative body may, by ordinance, provide that they be transferred to a different agency.

(b) Notwithstanding subsection (a), these obligations ~~are~~ **were** transferred as follows when ~~a first class~~ **the** city ~~becomes~~ **of Indianapolis became** a consolidated city:

(1) Bonds and other indebtedness of a special taxing district, to the special taxing district that continues to have the function of the district on account of which the bonds and indebtedness were issued.

(2) Bonds and other indebtedness relating to a function transferred to a special service district, to the consolidated city.

(3) Any other bonds and other indebtedness of, or assumed by, the **city of Indianapolis as a** first class city, to the **city of Indianapolis as a** consolidated city.

SECTION 453. IC 36-3-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) When ~~a first class city becomes~~ **the city of Indianapolis became** a consolidated city, every ordinance of:

(1) the **city as a** first class city;

(2) ~~the~~ **Marion** County;

(3) a mass transportation authority of ~~the~~ **Marion** County; or

(4) any other municipal corporation the functions of which are transferred to the consolidated city by this title;

becomes an ordinance of the **city of Indianapolis as a** consolidated city and shall be enforced only by the consolidated city.

(b) Such an ordinance continues to apply only in the territory in which it applied before becoming an ordinance of the consolidated city, subject to subsection (c).

(c) Such an ordinance may be codified, amended, or repealed by the city-county legislative body in the same manner as other ordinances under this title.

SECTION 454. IC 36-3-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. If any annexation proceedings concerning territory inside ~~the~~ **Marion** County ~~are~~ **were** pending when ~~a~~ **the city of Indianapolis as a** first class city ~~becomes~~ **became** a consolidated city, the annexation proceedings shall be continued as if this chapter did not apply. However, if the annexation later ~~takes~~ **took** effect, the following provisions apply:

(1) If the annexation is by the **city of Indianapolis as a** first class city, it has the effect of expanding the special service districts created by section 6 of this chapter.

(2) If the annexation is by another municipality in ~~the~~ **Marion** County, ~~it has~~ the **annexation had the** effect of expanding the municipality as an excluded city or included town.

SECTION 455. IC 36-3-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. Political subdivisions in ~~the~~ **Marion** County ~~are~~ **were** not affected when ~~a first class~~ **the** city ~~becomes~~ **of Indianapolis became** a consolidated city, except to the extent that this title limits their functions or transfers ~~them~~ **those functions** to the consolidated city. Such a political subdivision continues to have:

(1) the power to levy and collect property taxes in furtherance of functions not transferred to the consolidated city; and

(2) if applicable, the power to adopt and enforce ordinances prescribing a penalty for violation.

In addition, an excluded city or included town continues to have the right to receive distributions of revenues collected by the state, in the manner prescribed by statute, including distributions from the motor vehicle highway account, the cigarette tax fund, alcoholic beverage fees, and other tax revenues.

SECTION 456. IC 36-3-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. This chapter does not alter the status, boundaries, or ordinances of political subdivisions in ~~a~~ **Marion** County. ~~where a first class city became a consolidated city before September 1, 1981.~~ The status, boundaries, and ordinances remain as they existed on August 31, 1981, until altered according to

the applicable law.

SECTION 457. IC 36-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to political subdivisions in ~~a~~ **Marion** county. ~~having a consolidated city.~~

SECTION 458. IC 36-3-2-11, AS AMENDED BY P.L.146-2008, SECTION 702, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.
(2) Exemption.
(3) Owner.
(4) Person.
(5) Property taxation.
(6) Real property.
(7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in ~~a~~ **Marion** County. ~~with a consolidated city.~~

(d) Subject to the approval of a property owner, the legislative body of the ~~consolidated~~ city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount that is:

(1) agreed upon by the property owner and the legislative body of the consolidated city;
(2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and
(3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). Except as provided in subsection (i), the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(i) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 459. IC 36-3-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County.

SECTION 460. IC 36-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County.

SECTION 461. IC 36-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County.

SECTION 462. IC 36-3-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County.

SECTION 463. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A public library operating under IC 36-12.

(3) A capital improvement board of managers operating under IC 36-10.

(4) A public transportation corporation operating under IC 36-9-4.

(5) A health and hospital corporation established under IC 16-22-8.

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

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

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with

detailed accounts, to the city clerk before the first day of September of each year.

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

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

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

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

SECTION 464. IC 36-3-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County. In addition, IC 36-4-8 applies to the consolidated city, and IC 36-2-6 applies to the county.

SECTION 465. 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 population of:~~ **the following counties:**

(1) ~~more than seventy-three thousand (73,000) but less than seventy-four thousand (74,000);~~ **Grant County.**

(2) ~~more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000);~~ **Bartholomew County.**

(3) ~~more than seventy thousand (70,000) but less than seventy-one thousand (71,000);~~ **Floyd County.**

(4) ~~more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);~~ **Marshall County.**

(5) ~~more than forty thousand nine hundred (40,900) but less than forty-one thousand (41,000);~~ **Cass County.**

(6) ~~more than thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000);~~ **Huntington County.**

(7) ~~more than thirty thousand (30,000) but less than thirty thousand seven hundred (30,700);~~ **Jasper County.**

(8) ~~more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000);~~ **Starke County.**

~~(9) more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than three hundred thousand (300,000); or~~

(9) Elkhart County.

(10) St. Joseph County.

~~(10) more than thirty-four thousand nine hundred fifty (34,950) but less than thirty-six thousand (36,000).~~ **(11) Wabash County.**

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 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~~ **St. Joseph** County ~~with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)~~ 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);~~ **St. Joseph County;** or

(B) in ~~a~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000),~~ 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~~ **the** city ~~having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000).~~ **of Marion.** 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:

(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 466. 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 ~~a~~ **the town of Plainfield or the** town ~~having a population of more than:~~

~~(A) fifteen thousand (15,000); or~~

~~(B) five thousand (5,000) but less than six thousand three hundred (6,300);~~

~~located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000),~~ **of Avon, 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 467. IC 36-4-3-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. (a) A municipality 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~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000),~~ 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 468. IC 36-4-3-9, AS AMENDED BY P.L.111-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) A town must obtain the consent of both the metropolitan development commission and the legislative body of ~~a~~ **Marion** County ~~having a consolidated city~~ before annexing territory within ~~the~~ **Marion** County. ~~where a consolidated city is located.~~

(b) A town must obtain the consent of the legislative body of a second or third class city before annexing territory within three (3) miles of the corporate boundaries of the city unless:

(1) the town that proposes to annex the territory is located in a different county than the city; or

(2) the annexation by the town is:

(A) an annexation under section 5 or 5.1 of this chapter; or

(B) consented to by at least fifty-one percent (51%) of the owners of land in the territory the town proposes to annex.

(c) In determining the total number of landowners of the annexed territory and whether signers of a consent under subsection (b)(2)(B) are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section.

(d) Each municipality that is known as an included town under IC 36-3-1-7 is also considered a town for purposes of this section.

SECTION 469. 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:

(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.

(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 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ 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 of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

SECTION 470. 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 471. IC 36-4-4-5, AS AMENDED BY P.L.141-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) If uncertainty exists or a dispute arises concerning the executive or legislative nature of a power or duty exercised or proposed to be exercised by a branch, officer, department, or agency of the government of a municipality, a petition may be filed in the circuit court of the county in which the municipality is located by the municipal executive, another municipal elected official, the president of the municipal legislative body, or any person who alleges and establishes to the satisfaction of the court that the person is or would be adversely affected by the exercise of the power; however, in a county ~~that does not contain a consolidated city~~ **other than Marion County** and that has a superior court with three (3) or more judges, the petition shall be filed in the superior court and shall be heard and determined by the court sitting en banc.

(b) In ~~a~~ **Marion** County, ~~containing a consolidated city,~~ the petition shall be heard and determined by a five (5) member panel of judges from the superior court. The clerk of the court shall select the judges electronically and randomly. Not more than three (3) members of the five (5) member panel of judges may be of the same political party. The first judge selected shall maintain the case file and preside over the proceedings.

(c) The petition must set forth the action taken or the power proposed to be exercised, and all facts and circumstances relevant to a determination of the nature of the power, and must request that the court hear the matter and determine which branch, officer, department, or agency of the municipality, if any, is authorized to exercise the power. On the filing of the petition, the clerk of the court shall issue notice to the municipal executive, each municipal elected official, and

the president of the municipal legislative body, unless the petition was filed by that person, and to the municipal attorney, department of law, or legal division.

(d) The court shall determine the matters set forth in the petition and shall affix the responsibility for the exercise of the power or the performance of the duty, unless it determines that the power or duty does not exist. Costs of the proceeding shall be paid by the municipality, except that if an appeal is taken from the decision of the court by any party to the proceeding other than the municipal executive, another municipal elected official, or the president of the municipal legislative body, the costs of the appeal shall be paid by the unsuccessful party on appeal or in the manner directed by the court deciding the appeal.

SECTION 472. 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 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~~ **Ohio** County, ~~having a population of less than six thousand (6,000),~~ be a resident of Indiana.

SECTION 473. IC 36-5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The county executive must obtain the consent by ordinance of the legislative body of ~~a consolidated~~ **the** city **of Indianapolis** before incorporating a town if any part of the proposed town is within four (4) miles of the corporate boundaries of the city.

(b) The county executive must obtain the consent by ordinance of the legislative body of a second or third class city before incorporating a town if any part of the proposed town is within three (3) miles of the corporate boundaries of the city.

(c) Subsection (b) does not apply to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

SECTION 474. IC 36-5-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7.1. The executive of ~~a~~ **Hancock** County ~~having a population of more than fifty-five thousand (55,000) but less than sixty-five thousand (65,000)~~ is exempt from:

(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~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 475. IC 36-5-1.1-10, AS AMENDED BY P.L.113-2010, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) If the county executive approves dissolution under section 6 of this chapter, the county executive shall adopt:

(1) an ordinance; or

(2) **in Marion County,** an order; ~~in a county having a consolidated city;~~

dissolving the town.

(b) Except as provided in subsection (e), a dissolution takes effect:

(1) at least sixty (60) days after the ordinance or order under subsection (a) is adopted; and

(2) when the county auditor files a copy of the ordinance or order with:

(A) the circuit court clerk of each county in which the town is located; and

(B) the office of the secretary of state.

(c) The property owned by the town after payment of debts and liabilities shall be disposed of by the county executive. Any proceeds remaining shall be deposited in the county general fund. Dissolution of a town does not affect the validity of a contract to which the town is a party.

(d) After dissolution, the books and records of the town become the property of the county executive for safekeeping.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 476. IC 36-5-1.1-10.5, AS AMENDED BY P.L.113-2010, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10.5. (a) This section applies to the dissolution of an included town.

(b) The town legislative body may adopt a resolution to consider dissolution of the town under this section. The resolution must state the following:

(1) That the town legislative body conduct a public hearing at a stated date, place, and time concerning the dissolution of the town.

(2) That the town legislative body will hear all statements presented in favor of or in opposition to dissolution.

(3) That the town legislative body may adopt an ordinance to dissolve the town at the conclusion of the public hearing.

(c) The town clerk shall publish a notice of the public hearing in accordance with IC 5-3-1.

(d) The town legislative body may continue a public hearing under this section. If a hearing is continued, the clerk is not required to publish an additional notice under subsection (c).

(e) The town legislative body may adopt an ordinance following the conclusion of the public hearing under subsection (b). The town clerk shall file a copy of the ordinance with:

(1) the circuit court clerk of the county; and

(2) the office of the secretary of state.

(f) Except as provided in subsection (g), the ordinance dissolving the town takes effect:

(1) at least sixty (60) days after adoption; and

(2) when the ordinance is filed under subsection (e).

(g) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(h) When an ordinance dissolving a town becomes effective:

(1) the territory included within the town when the ordinance was adopted becomes a part of the ~~consolidated~~ city **of Indianapolis;**

(2) the books and records of the town become the property of the county executive;

(3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and

(4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(i) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(j) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 477. IC 36-5-1.1-10.6, AS AMENDED BY P.L.113-2010, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10.6. (a) This section

applies to included towns.

(b) The dissolution of a town under this section may be instituted by filing a petition with the county board of registration. The petition must be signed by at least the number of the registered voters of the town required to place a candidate on the ballot under IC 3-8-6-3. The petition must be filed not later than June 1 of a year in which a general or municipal election will be held.

(c) If a petition meets the criteria set forth in subsection (b), the county board of registration shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall place the question of dissolution on the ballot provided for voters in the included town at the first general or municipal election following certification. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the town of _____ dissolve?".

(d) If the public question is approved by a majority of the voters voting on the question, the county election board shall file a copy of the certification prepared under IC 3-12-4-9 concerning the public question described by this section with the following:

(1) The circuit court clerk of the county.

(2) The office of the secretary of state.

(e) Except as provided in subsection (f), dissolution occurs:

(1) at least sixty (60) days after certification under IC 3-12-4-9; and

(2) when the certification is filed under subsection (d).

(f) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(g) When a town is dissolved under this section:

(1) the territory included within the town when the ordinance was adopted becomes a part of the ~~consolidated~~ city **of Indianapolis;**

(2) the books and records of the town become the property of the county executive;

(3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and

(4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(h) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(i) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1,

2010, without any additional action being required.

SECTION 478. IC 36-5-1.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) This section does not apply to a town described by IC 36-5-1-11.5.

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

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

SECTION 479. 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 thousand nine hundred (14,900) but less than sixteen thousand (16,000); and~~

~~(2) town~~

~~(A) located in a county having a population of more than thirty-four thousand nine hundred (34,900) but less than~~

~~thirty-four thousand nine hundred fifty (34,950); and~~

~~(B) having a population of less than one thousand (1,000);~~

(c) The following may not transfer money under this section to or from a food and beverage tax receipts fund established under IC 6-9:

(1) A municipality located in Brown County.

(2) The town of Shipshewana.

SECTION 480. IC 36-6-1.5-1, AS ADDED BY P.L.240-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter does not apply to a township in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 481. IC 36-6-4-3, AS AMENDED BY P.L.1-2009, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer township assistance under IC 12-20 and IC 12-30-4.

(8) Perform the duties of fence viewer under IC 32-26.

(9) Provide and maintain cemeteries under IC 23-14.

(10) Provide fire protection under IC 36-8, except in a township that:

(A) is located in ~~a~~ **Marion** County; ~~having a consolidated city;~~ and

(B) consolidated the township's fire department under IC 36-3-1-6.1.

(11) File an annual personnel report under IC 5-11-13.

(12) Provide and maintain township parks and community centers under IC 36-10.

(13) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-16-8.

(14) Provide insulin to the poor under IC 12-20-16.

(15) Perform other duties prescribed by statute.

SECTION 482. IC 36-6-4-16, AS AMENDED BY P.L.1-2010, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court of the county, alleging that the township executive is incapable of performing ~~his~~ **the township executive's** duties due to mental or physical incapacity, the clerk of the court shall issue a summons to be served on the executive. The summons is returnable not less than ten

(10) days from its date of issue.

(b) Immediately following the return date set out on the summons, the circuit court shall hold a hearing on the matter alleged in the petition. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(c) If the court finds the executive incapable of performing the duties of office, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days, appoint a resident of the township as acting executive of the township during the incapacity of the executive.

(d) The acting executive shall execute and file a bond in an amount fixed by the county auditor. After taking the oath of office, the acting executive has all the powers and duties of the executive.

(e) The acting executive is entitled to the salary and benefits provided by this article for the executive.

(f) When an incapacitated executive files a petition with the circuit court of the county alleging that the executive is restored to mental or physical ability to perform the duties of office, the court shall immediately hold a hearing on the matters alleged. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(g) If the court finds the executive capable of resuming duties, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days, revoke the appointment of the acting executive.

(h) For purposes of this section, the board of county commissioners is considered the executive of ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 483. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in ~~a~~ **Marion** County ~~containing a consolidated city~~ shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 484. IC 36-6-6-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.2. (a) This subsection applies to townships in ~~a~~ **Marion** County. ~~containing a consolidated city.~~ The voters of each legislative body district established under section 2.5 of this chapter shall elect one (1) member of the township board.

(b) This subsection applies to townships not included in subsection (a). The voters of each township shall elect all the members of the township board.

SECTION 485. IC 36-6-6-2.5, AS AMENDED BY P.L.230-2005, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) This section applies to townships in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(b) The legislative body shall adopt a resolution that divides the township into legislative body districts that:

(1) are composed of contiguous territory;

(2) are reasonably compact;

(3) respect, as nearly as reasonably practicable, precinct boundary lines; and

(4) contain, as nearly as reasonably practicable, equal population.

(c) Before a legislative body may adopt a resolution that divides a township into legislative body districts, the secretary of the legislative body shall mail a written notice to the circuit court clerk. This notice must:

(1) state that the legislative body is considering the adoption of a resolution to divide the township into legislative body districts; and

(2) be mailed not later than ten (10) days before the legislative body adopts the resolution.

(d) The legislative body shall make a division into legislative body districts at the following times:

(1) During the second year after a year in which a federal decennial census is conducted.

(2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the township changes.

(e) The legislative body may make the division under this section at any time, subject to IC 3-11-1.5-32.5.

SECTION 486. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This subsection applies to townships in ~~a~~ **Marion** County. ~~containing a consolidated city.~~ One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection (a) or (c). A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 487. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Except as provided in subsections (b) and (c), two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in ~~a~~ **Marion** County ~~containing a consolidated city~~ constitute a quorum.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 488. IC 36-7-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. "Metropolitan development commission" means the plan commission established by IC 36-7-4-202(c) for ~~a~~ **Marion** County. ~~having a consolidated city.~~ The term does not include a metropolitan plan commission established under IC 36-7-4-202(a).

SECTION 489. IC 36-7-3-1, AS AMENDED BY P.L.126-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Section 2 of this chapter applies only to areas subject to the jurisdiction of no plan commission under this article.

(b) Sections 3 through 9 of this chapter apply only to:

(1) areas subject to the jurisdiction of an advisory plan commission under this article; and

(2) areas subject to the jurisdiction of no plan commission under this article.

(c) Sections 10, 14, and 16 of this chapter apply to all areas of the state.

(d) Sections 12, 13, and 15 of this chapter apply to all areas of the state, except in ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 490. IC 36-7-4-201, AS AMENDED BY P.L.82-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 201. (a) For purposes of IC 36-1-3-6, a unit wanting to exercise planning and zoning powers in Indiana must do so in the manner provided by this chapter.

(b) The purpose of this chapter is to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for

the future development of their communities to the end:

(1) that highway systems be carefully planned;

(2) that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;

(3) that the needs of agriculture, forestry, industry, and business be recognized in future growth;

(4) that residential areas provide healthful surroundings for family life; and

(5) that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

(c) Furthermore, municipalities and counties may cooperatively establish single and unified planning and zoning entities to carry out the purpose of this chapter on a countywide basis.

(d) METRO. Expanding urbanization in ~~each~~ **Marion** County ~~having a consolidated city~~ has created problems that have made the unification of planning and zoning functions a necessity to insure the health, safety, morals, economic development, and general welfare of the county. To accomplish this unification, a single planning and zoning authority is established for the county.

SECTION 491. 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 thousand (170,000) but less than one hundred eighty thousand (180,000);~~ **Vanderburgh County;** or

(2) ~~more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000);~~ **Delaware County;**

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 **of Indianapolis.** The legislative body of the ~~consolidated~~ city **of Indianapolis** may adopt ordinances to regulate the following:

(1) The time that the commission holds its meetings.

(2) The voting procedures of the commission.

SECTION 492. IC 36-7-4-207, AS AMENDED BY P.L.146-2008, SECTION 718, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 207. (a) ADVISORY. In a city having a park board and a city civil engineer, the city plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the city legislative body from its membership.

(2) One (1) member appointed by the park board from its membership.

(3) One (1) member or designated representative appointed by the city works board.

(4) The city civil engineer or a qualified assistant appointed by the city civil engineer.

(5) Five (5) citizen members, of whom no more than three (3) may be of the same political party, appointed by the city executive.

(b) ADVISORY. If a city lacks either a park board or a city civil engineer, or both, subsection (a) does not apply. In such a city or in any town, the municipal plan commission consists of seven (7) members, as follows:

(1) The municipal legislative body shall appoint three (3) persons, who must be elected or appointed municipal officials or employees in the municipal government, as members.

(2) The municipal executive shall appoint four (4) citizen members, of whom no more than two (2) may be of the same political party.

(c) AREA. To provide equitable representation of rural and urban populations, representation on the area plan commission is determined as follows:

(1) Seven (7) representatives from each city having a population of more than one hundred five thousand (105,000).

(2) Six (6) representatives from each city having a population of not less than seventy thousand (70,000) nor more than one hundred five thousand (105,000).

(3) Five (5) representatives from each city having a population of not less than thirty-five thousand (35,000) but less than seventy thousand (70,000).

(4) Four (4) representatives from each city having a population of not less than twenty thousand (20,000) but less than thirty-five thousand (35,000).

(5) Three (3) representatives from each city having a population of not less than ten thousand (10,000) but less than twenty thousand (20,000).

(6) Two (2) representatives from each city having a population of less than ten thousand (10,000).

(7) One (1) representative from each town having a population of more than two thousand one hundred (2,100), and one (1) representative from each town having a population of two thousand one hundred (2,100) or less that had a representative before January 1, 1979.

(8) Such representatives from towns having a population of not more than two thousand one hundred (2,100) as are provided for in section 210 of this chapter.

(9) Six (6) county representatives if the total number of municipal representatives in the county is an odd number, or five (5) county representatives if the total number of municipal representatives is an even number.

(d) METRO. The metropolitan development commission consists of nine (9) citizen members, as follows:

(1) Four (4) members, of whom no more than two (2) may be of the same political party, appointed by the executive of the ~~consolidated~~ city **of Indianapolis.**

(2) Three (3) members, of whom no more than two (2) may be of the same political party, appointed by the legislative body of the ~~consolidated~~ city **of Indianapolis.**

(3) Two (2) members, who must be of different political parties, appointed by the board of commissioners of the county.

(e) METRO. The legislative body of the ~~consolidated~~ city **of Indianapolis** shall appoint an individual to serve as a nonvoting adviser to the metropolitan development commission when the commission is acting as the redevelopment commission of the ~~consolidated~~ city **of Indianapolis** under IC 36-7-15.1. If the duties of the metropolitan development commission under IC 36-7-15.1 are transferred to another entity under IC 36-3-4-23, the individual appointed under this subsection shall serve as a nonvoting adviser to that entity. A nonvoting adviser appointed under this subsection:

(1) must also be a member of the school board of a school corporation that includes all or part of the territory of the ~~consolidated~~ city **of Indianapolis;**

(2) is not considered a member of the metropolitan development

commission for purposes of IC 36-7-15.1 but is entitled to attend and participate in the proceedings of all meetings of the metropolitan development commission (or any successor entity designated under IC 36-3-4-23) when it is acting as a redevelopment commission under IC 36-7-15.1;

(3) is not entitled to a salary, per diem, or reimbursement of expenses;

(4) serves for a term of two (2) years and until a successor is appointed; and

(5) serves at the pleasure of the legislative body of the ~~consolidated~~ city **of Indianapolis.**

SECTION 493. IC 36-7-4-504.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 504.5. (a) In preparing or revising a comprehensive plan for a township, the legislative body of the ~~consolidated~~ city **of Indianapolis** shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for that township, a majority of whom shall be nominated by the township legislative body.

(b) An advisory committee created under subsection (a) must include a representative of the affected township legislative body as determined by procedures established in an ordinance adopted by the legislative body of the ~~consolidated~~ city **of Indianapolis.**

SECTION 494. IC 36-7-4-508, AS AMENDED BY P.L.220-2011, SECTION 661, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 508. (a) After a public hearing or hearings have been held, the plan commission may approve the comprehensive plan.

(b) ADVISORY–AREA. Upon approval, the plan commission shall certify the comprehensive plan to each participating legislative body.

(c) The plan commission may approve each segment of the comprehensive plan as it is completed. However, that approval does not preclude future examination and amendment of the comprehensive plan under the 500 series. A comprehensive plan that:

(1) was approved before March 14, 1994, under this subsection as in effect before March 14, 1994; and

(2) was not filed in the county recorder's office as required by this subsection as in effect before March 14, 1994;

is legalized.

(d) METRO. As used in this subsection, "comprehensive plan" or "plan" includes any segment of a comprehensive plan. Approval of the comprehensive plan by the metropolitan development commission is final. However, the commission may certify the comprehensive plan to the legislative body of each municipality in the county, to the executive of the ~~consolidated~~ city **of Indianapolis,** and to any other governmental entity that the commission wishes. The commission shall make a

complete copy of the plan available for inspection in the office of the plan commission. One (1) summary of the plan shall be recorded in the county recorder's office. The summary of the plan must identify the following:

(1) The major components of the plan.

(2) The geographic area subject to the plan, including the townships or parts of townships that are subject to the plan.

(3) The date the commission adopted the plan.

SECTION 495. IC 36-7-4-901 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 901. (a) As a part of the zoning ordinance, the legislative body shall establish a board of zoning appeals.

(b) The board of zoning appeals is composed of one (1) division, unless the zoning ordinance is amended under this subsection. Whenever considered desirable, the zoning ordinance may be amended to establish an additional one (1), two (2), or three (3) divisions of the board of zoning appeals.

(c) After January 1, 1984, whenever any divisions of the board of zoning appeals are established or reestablished by the zoning ordinance, the ordinance must provide for each division to consist of five (5) members appointed in accordance with section 902 of this chapter.

(d) The board of zoning appeals shall be known as:

(1) the advisory board of zoning appeals (under the advisory planning law);

(2) the area board of zoning appeals (under the area planning law); or

(3) the metropolitan board of zoning appeals (under the metropolitan development law).

(e) Except as provided in this section, a board of zoning appeals has territorial jurisdiction over all the land subject to the zoning ordinance, and if the board has more than one (1) division, all divisions have concurrent jurisdiction within that territory.

(f) ADVISORY–AREA. The zoning ordinance may provide that any additional division of the board of zoning appeals, having been established under subsection (b), is to have only limited territorial jurisdiction. The zoning ordinance must describe the limits of that division's territorial jurisdiction and specify whether that division has exclusive or concurrent jurisdiction within that territory.

(g) METRO. Any municipal board of zoning appeals that was established by an excluded city under IC 18-7-2-61 (before its repeal on September 1, 1981) continues as the board of zoning appeals for that municipality. A board of zoning appeals for an excluded city has exclusive territorial jurisdiction within the corporate boundaries of that municipality. All divisions of the metropolitan board of zoning appeals have concurrent territorial jurisdiction throughout the remainder of the

county. The legislative body of the ~~consolidated~~ city **of Indianapolis** may adopt ordinances to regulate the time of the meetings and the voting procedures of the metropolitan board of zoning appeals.

(h) ADVISORY. Any board of zoning appeals that was established under IC 18-7-3-11 **(repealed)** continues as the board of zoning appeals for that jurisdiction, until otherwise provided by the zoning ordinance.

(i) AREA. Any board of zoning appeals that was established under the advisory planning law and continued in existence under the area planning law continues as the board of zoning appeals for that jurisdiction, until otherwise provided by the zoning ordinance.

(j) AREA. Any board of zoning appeals that was established under the area planning law as a seven (7) member board continues as the area board of zoning appeals, until otherwise provided by the zoning ordinance.

(k) METRO. The zoning ordinance may provide that a historic preservation commission created under IC 36-7-11.1-3 may exercise the powers of a board of zoning appeals within a historic area or historic zoning district established under IC 36-7-11.1-6. However, this subsection does not eliminate the need for a historic preservation commission to issue a certificate of appropriateness under IC 36-7-11.1-8(e) before the approval of a variance by either:

(1) a board of zoning appeals; or

(2) a historic preservation commission exercising the powers of a board of zoning appeals.

SECTION 496. IC 36-7-4-902 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 902. (a) ADVISORY. Each division of the advisory board of zoning appeals consists of five (5) members as follows:

(1) Three (3) citizen members appointed by the executive of the municipality or county, of whom one (1) must be a member of the plan commission and two (2) must not be members of the plan commission.

(2) One (1) citizen member appointed by the fiscal body of the municipality or county, who must not be a member of the plan commission.

(3) One (1) member appointed by the plan commission from the plan commission's membership, who must be a county agricultural agent or a citizen member of the plan commission other than the member appointed under subdivision (1).

(b) ADVISORY. In each county having a metropolitan plan commission, subsection (a) does not apply. In such a county, each division of the advisory board of zoning appeals consists of five (5) members as follows:

(1) Two (2) members, of whom no more than one (1) may be of the same political party, appointed by the county legislative body.

(2) Three (3) members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) only of these members must be a member of the plan commission.

(c) AREA. When the area board of zoning appeals was established before January 1, 1984, as a seven (7) member board, the board consists of seven (7) members as follows:

(1) Two (2) citizen members appointed by the area plan commission from its membership, one (1) of whom must be a municipal representative and the other must be a county representative.

(2) Three (3) citizen members, who may not be members of any plan commission, appointed by the executive of the largest municipality in the county. However, if there are two (2) or more municipalities having a population of at least twenty thousand (20,000) in the county, the executive of the largest municipality shall appoint two (2) citizen members and the executive of the second largest municipality shall appoint one (1) citizen member. Furthermore, if there are no cities in the county participating in the commission, then the three (3) members appointed under this subdivision shall be appointed as follows:

(A) One (1) member appointed by the county executive.

(B) One (1) member appointed by the county fiscal body.

(C) One (1) member appointed by the legislative bodies of those towns participating in the commission.

(3) Two (2) citizen members, who may not be members of any plan commission, appointed by the county legislative body.

(d) AREA. Except as provided in subsection (c), each division of the area board of zoning appeals consists of five (5) members as follows:

(1) One (1) citizen member appointed by the area plan commission from its membership.

(2) One (1) citizen member, who may not be a member of any plan commission, appointed by the executive of the largest municipality in the county participating in the commission.

(3) Two (2) citizen members, of whom one (1) must be a member of the area plan commission and one (1) must not be a member of any plan commission, appointed by the county legislative body.

(4) One (1) citizen member, who may not be a member of any plan commission, appointed by the executive of the second largest municipality in the county participating in the commission. However, if there is only one (1) municipality in the county participating in the commission, then the county legislative body shall make this appointment.

(e) METRO. Each division of the metropolitan board of zoning appeals consists of five (5) members as follows:

(1) Two (2) citizen members appointed by the executive of the ~~consolidated~~ city **of Indianapolis.**

(2) Two (2) citizen members appointed by the legislative body of the ~~consolidated~~ city **of Indianapolis.**

(3) One (1) citizen member, who may also be a member of the metropolitan development commission, appointed by the commission.

(f) METRO. The municipal board of zoning appeals for an excluded city consists of five (5) members as follows:

(1) Three (3) citizen members appointed by the legislative body of the excluded city.

(2) Two (2) citizen members, who may also be members of the metropolitan development commission, appointed by the commission.

(g) Whenever the zoning ordinance provides for a certain division of the board of zoning appeals to have limited territorial jurisdiction, it must also provide for that division to consist of members who are all residents of that limited territory. Those members shall be appointed in the same manner that is prescribed by subsection (a) for divisions of an advisory board of zoning appeals, but if the plan commission is unable to make its appointment in that manner, the appointment shall be made instead by the legislative body.

SECTION 497. IC 36-7-4-918.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 918.6. (a) This section applies to ~~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) 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 498. IC 36-7-4-1101 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1101. AREA. The area planning law does not apply in **the following counties:**

(1) A county where countywide planning and zoning is required by statute. ~~and~~

(2) ~~a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ **Lake County.**

SECTION 499. 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~~ **Spencer** County. ~~having a population of more than twenty thousand three hundred (20,300) but less than twenty thousand five hundred (20,500).~~

(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 500. 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:**

(1) ~~in a~~ **Hamilton** County; ~~having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790);~~ and

(2) containing:

(A) ~~a~~ **Washington** Township; ~~having a population of more than eighteen thousand (18,000) but less than twenty-five thousand (25,000);~~ or

(B) ~~a~~ **Jackson** 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 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 501. IC 36-7-5.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) A joint district council is established for each joint district formed under this chapter.

(b) The membership of the joint district council consists of:

(1) the president of the town board of trustees;

(2) the president of a second class city legislative body;

(3) the president pro tempore of a third class city legislative body;

(4) the president of ~~a city-county legislative body (consolidated city);~~ **the Marion County city-county council;** and

(5) one (1) member of the county executive appointed by the county executive;

of each municipality and county that enacted an ordinance creating the joint district.

(c) Notwithstanding section 6 of this chapter, before an ordinance that is passed by a commission becomes effective, the joint district council must approve the ordinance. A joint district commission shall forward a copy of each ordinance that the commission passes within three (3) business days after passage to the secretary of the joint district council.

(d) A joint district council shall conduct a hearing on an ordinance and shall publish notice of the hearing in accordance with IC 5-3-1 specifying the time and location of the meeting. A joint district council may approve, amend, or reject an ordinance of the commission at the hearing. If a joint district council does not conduct a hearing on an ordinance within twenty (20) days of receipt of the ordinance, the ordinance is considered approved by the joint district council.

(e) The auditor of the county in which a majority of the territory in a joint district is located shall be the secretary of the joint district council.

(f) A quorum consists of a majority of the entire membership of the joint district council.

(g) Action of the joint district council is not official unless it is authorized at a regular or special meeting by a majority of the members who are present at the meeting.

(h) the presiding office of the joint district council is the member who is appointed by the executive of the county that enacts an ordinance creating a joint district. However, if more than one (1) county is in a joint district, then the joint district council member who is appointed by the executive of the county having the greatest amount of land in the joint district serves as the presiding officer.

(i) Either the presiding officer or a majority of the entire membership of the joint district council may call a regular or special meeting.

SECTION 502. 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~~ **Bartholomew** County, ~~having a population of more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000),~~ 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 503. 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:~~ **counties:**

(1) ~~more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000);~~ **Dubois County.**

(2) ~~more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000); or~~ **Orange County.**

(3) ~~more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000).~~ **Crawford County.**

SECTION 504. 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~~ **Lake** 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 thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~ **Porter County.**

(3) ~~A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).~~ **LaPorte County.**

SECTION 505. IC 36-7-7.6-4, AS AMENDED BY P.L.169-2006, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The following members shall be appointed to the commission:

(1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.

(2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ one (1) person appointed by the executive of each of

the nineteen (19) largest municipalities.

(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:

(A) is located in a county described in section 1 of this chapter;

(B) has a population of at least eight thousand (8,000); and

(C) does not contain a municipality.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

SECTION 506. IC 36-7-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis** and ~~its~~ **Marion** County. This chapter also applies to any other municipality or county that adopts an ordinance under section 3 of this chapter.

SECTION 507. IC 36-7-9-2, AS AMENDED BY P.L.73-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

(1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;

(2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;

(3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;

(4) has been incorporated for at least two (2) years; and

(5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Continuous enforcement order" means an order that:

(1) is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional:

(A) compliance and abatement authority; or

(B) orders for the same or similar violations;

(2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement;

(3) can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and

(4) authorizes the enforcement authority to assess and collect

ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order.

"Department" refers to the executive department authorized by ordinance to administer this chapter. In ~~a consolidated~~ **the** city **of Indianapolis,** this department is the department of metropolitan development, subject to IC 36-3-4-23.

"Enforcement authority" refers to the chief administrative officer of the department, except in ~~a consolidated~~ **the** city **of Indianapolis.** In ~~a consolidated~~ **the** city **of Indianapolis,** the division of development services is the enforcement authority, subject to IC 36-3-4-23.

"Hearing authority" refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in ~~a consolidated~~ **the** city **of Indianapolis,** the director of the department or a person designated by the director is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

(1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;

(2) written information or actual knowledge received by the department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority); or

(3) a review of department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis** the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, a lien as evidenced by a certificate of sale issued under IC 6-1.1-24, or an equitable interest of a contract purchaser, that:

(1) may be affected in a substantial way by actions authorized by this chapter; and

(2) is held by a person whose identity and address may be determined from:

(A) an instrument recorded in:

(i) the recorder's office of the county where the unsafe premises is located; or

(ii) the office of the county auditor of the county where the unsafe premises are located in the case of a lien evidenced by a certificate of sale issued under IC 6-1.1-24;

(B) written information or actual knowledge received by the department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority); or

(C) a review of department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

SECTION 508. IC 36-7-9-25, AS AMENDED BY P.L.194-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. (a) Notice of orders, notice of continued hearings without a specified date, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

(1) sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

(2) delivering a copy of the order or statement personally to the person to be notified;

(3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified and sending by first class mail a copy of the order or statement to the last known address of the person to be notified; or

(4) sending a copy of the order or statement by first class mail to the last known address of the person to be notified.

If a notice described in subdivision (1) is returned undelivered, a copy of the order or statement must be given in accordance with subdivision (2), (3), or (4).

(b) If service is not obtained by a means described in subsection (a) and the hearing authority concludes that a reasonable effort has been made to obtain service, service may be made by publishing a notice of the order or statement in accordance with IC 5-3-1 in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b) of this chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a) on the basis of information provided by the department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.

(c) When service is made by any of the means described in this section, except by mailing or by publication, the person making service

must make an affidavit stating that the person has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(d) The date when notice of the order or statement is considered given is as follows:

(1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at the person's dwelling or usual place of abode.

(2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

(3) Notice by publication is considered given on the date of the second day that publication was made.

(e) A person with a property interest in an unsafe premises who does not:

(1) record an instrument reflecting the interest in the recorder's office of the county where the unsafe premises is located; or

(2) if an instrument reflecting the interest is not recorded, provide to the department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority) in writing the person's name and address and the location of the unsafe premises;

is considered to consent to reasonable action taken under this chapter for which notice would be required and relinquish a claim to notice under this chapter.

(f) The department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority) may, for the sake of administrative convenience, publish notice under subsection (b) at the same time notice is attempted under subsection (a). If published notice is given as described in subsection (b), the hearing authority shall subsequently make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a).

SECTION 509. IC 36-7-9-29, AS ADDED BY P.L.194-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 29. (a) This section applies to a person if:

(1) an order is issued to the person under this chapter requiring action related to an unsafe premises:

(A) owned by the person and leased to another person; or

(B) being purchased by the person under a contract and leased to another person;

(2) a hearing on the order was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and

(3) either:

(A) the order is not being reviewed under section 8 of this chapter; or

(B) after review by the circuit or superior court, the court entered a judgment against the person.

(b) A person described in subsection (a) must provide to the department (or, in the case of ~~a consolidated~~ **the** city **of Indianapolis,** the enforcement authority) in writing the person's name, street address (excluding a post office box address), and phone number.

SECTION 510. IC 36-7-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all units except **the following:**

(1) ~~counties having a consolidated city;~~ **Marion County.**

(2) Municipalities in ~~counties having a consolidated city; and~~ **Marion County.**

(3) Townships.

SECTION 511. 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~~ **the** city ~~having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000),~~ **of South Bend,** 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:

(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 512. 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 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~~ **St. Joseph** county, ~~having a population of more than two~~

~~hundred thousand (200,000) but less than three hundred thousand (300,000),~~ 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 513. IC 36-7-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. (a) This section applies only 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) 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 514. IC 36-7-11.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 515. IC 36-7-11.1-3, AS AMENDED BY P.L.88-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) The executive and the legislative body of the ~~consolidated~~ city **of Indianapolis** shall appoint a commission of nine (9) members to be known as the "~~_____~~ **"Indianapolis** Historic Preservation Commission". ~~(including the name of the city).~~

(b) The following apply to the appointment of members:

(1) The executive shall appoint five (5) members of the commission. The executive:

(A) may select two (2) members from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of ~~the consolidated city's~~ **Marion** County;

(B) may select one (1) member who is a member of the metropolitan development commission; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects.

(2) The legislative body shall appoint four (4) members of the commission. The legislative body:

(A) shall select one (1) member who is a resident of a historic area of the ~~consolidated~~ city **of Indianapolis;**

(B) may select one (1) member from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of ~~the consolidated city's~~ **Marion** County; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects.

(c) Each appointment to the commission is for a term of four (4) years, commencing on January 1 following the appointment, and until a successor is appointed and is qualified. A member is eligible for reappointment.

(d) If a vacancy occurs in the commission during any term, a successor shall be appointed by the appointing authority to serve for the remainder of the vacated term. Any member of the commission may be removed for cause by the appointing authority. All members must be residents of the county.

(e) The members receive no salary, but are entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

(f) At its first scheduled meeting each year, the commission shall hold a meeting for the purpose of organization. The commission shall elect from its membership a president, vice president, secretary, and treasurer who shall perform the duties pertaining to those offices. The officers serve from the date of their election until their successors are elected and qualified. The commission may adopt bylaws and rules for the proper conduct of its proceedings, the carrying out of its duties, and the safeguarding of its funds and property. A majority of the members of the commission constitute a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

(g) A member of the commission is not disqualified from hearing and voting upon any matter coming before the commission because that member owns or occupies property within or adjacent to a historic area, unless that property is the subject property or located within two hundred (200) feet of ~~it.~~ **the subject property.**

(h) A member of the commission who is absent from three (3) consecutive regular meetings of the commission shall be treated as if the member had resigned, unless the appointing authority reaffirms the member's appointment. However, the counting of such a member toward a quorum requirement or the voting by such a member does not

invalidate any official action taken by the commission before the time that the minutes of the commission reflect that the member has resigned.

SECTION 516. IC 36-7-11.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) After consulting with the executive of the ~~consolidated~~ city **of Indianapolis** and the director of the department of metropolitan development, the commission may appoint or remove an administrator. The administrator shall, in accordance with the personnel policies and practices of the city, hire and discharge additional staff, following the standards and qualifications established by the commission. No consideration may be given to political affiliation in the selection and tenure of the staff. The commission shall determine the compensation of the administrator and other staff consistent with ordinances of the legislative body adopted under IC 36-3-6-3.

(b) Before December 1 each year, the commission shall adopt a work program defining the activities that are proposed to be carried out by staff during the next calendar year. At least forty-five (45) days before the commission desires to adopt a work program, it shall submit a copy of the proposed work program to the executive of the ~~consolidated~~ city **of Indianapolis** and to the director of the department of metropolitan development. The executive and director shall, within thirty (30) days after submission, review and provide comments to the commission regarding the proposed work program. After comments have been received from the executive and the director and considered by the commission or after thirty (30) days have elapsed from the date of submission (whichever occurs first), the commission shall adopt a work program. Activities carried out during the calendar year must conform to or not substantially depart from the work program. The work program may be modified during the applicable calendar year in the same manner as the adoption of the original work program, except that the executive and the director have only ten (10) days in which to review and comment on the proposed work program modification, and the commission may then immediately adopt a work program modification.

(c) The administrator shall provide information that will allow the director of the department of metropolitan development to coordinate the activities of the department of metropolitan development with the activities of the commission and its staff. In order to achieve consistency in administrative practices and policies between the ~~consolidated~~ city **of Indianapolis** and the staff of the commission, the administrator shall seek the advice and guidance of the director regarding such matters as budgeting and fiscal control, personnel administration, and purchasing.

(d) The commission shall establish and maintain offices and facilities as may be necessary for the performance of its duties, the

activities of its staff, and the preservation of its records, documents, and accounts. The location of the offices must be approved by the executive of the ~~consolidated~~ city **of Indianapolis.**

(e) The commission shall prepare and submit annually to the fiscal officer of the ~~consolidated~~ city **of Indianapolis** its estimate of the expenditures required for its operations and fiscal responsibilities for the ensuing fiscal year. The budget of the commission and its staff constitutes a part of the ~~consolidated~~ ~~city~~ budget **of the city of Indianapolis** and shall be determined in accordance with IC 36-3-6, and the county comprises the taxing district for the commission.

SECTION 517. IC 36-7-11.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) The commission may do the following:

(1) Acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property needed for carrying out any of the purposes of this commission. Title to or interest in any real property acquired or held by the commission must be in the name of the ~~consolidated~~ city **of Indianapolis** for the use and benefit of the commission.

(2) Hold, use, sell, lease, rent, or otherwise dispose of any property acquired for use in the carrying out of any of the purposes of the commission at public or private sale and on terms and conditions as the commission considers best, notwithstanding any other law.

(3) Preserve and restore areas and structures of historic or architectural significance.

(4) Conduct research and prepare a countywide comprehensive survey and inventory, and review and evaluate areas, structures, and sites of historic importance in the county for use by planning agencies and governmental officials.

(5) Identify by declaratory resolution areas, structures, and sites in the county having historic or architectural significance, and prepare historic preservation plans for them. The commission may prepare proposed historic district zoning classifications, including proposals for controlling the use and development of any historic area or areas, including standards and restrictions regarding permitted uses, and development, performance, and maintenance standards for public and private structures and sites, and prepare criteria and architectural standards of historical significance.

(6) Submit proposed historic preservation plans to the metropolitan development commission for consideration for adoption as a segment of the comprehensive plan of the county.

(7) After adoption of a historic preservation plan, assist in the plan's administration and implementation, including the issuance of permits and licenses, together with other governmental agencies, and hear and determine applications for certificates of

appropriateness as provided in this chapter.

(8) Manage and operate historic structures and areas for any purpose consistent with the applicable historic preservation plan, authorize necessary agents and employees to convey or lease any properties for any purpose or use to further the plan, and do all necessary acts and things incidental to operations, management, and leasing, including charging reasonable admission fees to any of these properties.

(9) Assist other governmental agencies regarding historic preservation, including the development of a state preservation plan as the plan relates to the county, and work with other governmental agencies in the development and carrying out of plans to preserve, restore, and rehabilitate any historic area, including the elimination of blight and deterioration, the demolition and removal of unsafe, unhealthful structures, and the repair and appropriate alteration of structures.

(10) Acquire any properties, structures, or sites for any purpose of the commission by conveyance from the redevelopment commission or from any other person or governmental agency, upon such terms and conditions, and with or without compensation, as may be agreed upon.

(11) Establish and maintain a register of historic properties in the county.

(12) Make any recommendation and reports the commission considers appropriate to the executive of the ~~consolidated~~ city **of Indianapolis** metropolitan development commission, or other governmental agency concerning historic preservation in the county.

(13) Prepare, publish, present, or distribute, with or without charge, any information, reports, graphic or audiovisual presentations, documents, or other materials relative to historic preservation.

(14) Conduct, attend, or participate in any conferences, presentations, seminars, or programs regarding historic preservation.

(15) Encourage and promote historic preservation, particularly preservation by private means, provide technical assistance to local preservation or historical associations, individuals, or groups, in accordance with the historic preservation plan, and recognize excellence in historic preservation efforts by awarding citations.

(16) Establish citizens advisory councils or special committees regarding historic preservation.

(17) Prescribe the duties and qualifications of its administrator and other staff in accordance with section 4 of this chapter.

(18) Contract with architects, engineers, attorneys, urban

planners, or any other consultants in connection with any purpose of the commission, such as the conducting of a survey of historic properties, preparation of proposed plans, ordinances, reports, surveys, drawings, maps of historic areas, or any other project provided in this chapter.

(19) Appoint a hearing officer (who may be a commission member, a member of the staff, or any other person) to hear and determine, on behalf of the commission, applications for certificates of appropriateness.

(20) Prepare and submit an annual budget in the manner prescribed by section 4 of this chapter.

(21) Participate, in conjunction with the ~~consolidated~~ city **of Indianapolis,** in a retirement system for commission employees.

(22) Accept or contract with the ~~consolidated~~ city **of Indianapolis** or with other persons for the furnishing of professional staff or any other services, office facilities, equipment, and supplies to the extent and for compensation as may be agreed upon, with or without compensation, and to receive and expend any funds, grants, or gifts for carrying out any function of the commission under this chapter.

(23) Enter into and carry out contracts with federal or state agencies, subject to the approval of the city executive, regarding grants of financial or other assistance to the county, city, or commission, accept and expend grant money or other assistance, and enter into and carry out contracts with other persons or governmental agencies for any purpose of the commission.

(24) Exercise the powers of a board of zoning appeals in a historic area or historic zoning district, if authorized by a zoning ordinance adopted under IC 36-7-4.

(25) Conduct public hearings required to be held by the metropolitan development commission under the 600 series of IC 36-7-4 relative to territory included in a historic area or historic zoning district, if designated by the metropolitan development commission.

(b) The commission shall provide technical services and advice about historic preservation to the ~~consolidated~~ city **of Indianapolis** when necessary or useful in connection with the planning, development, or redevelopment of the county.

(c) This subsection applies to the sale or disposal of real property by the commission. If the property is sold by acceptance of bids, a bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

SECTION 518. IC 36-7-11.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) Whenever the commission finds that the owner of property in any historic area has

neglected to keep the property and premises in a clean, sanitary, and tidy condition or has failed to maintain any structure in a good state of repair and in a safe condition, the commission may give the owner written notice to correct the failures or violations within thirty (30) days after receipt of notice, and if the owner fails to comply, then the commission may bring appropriate enforcement actions as provided by subsection (b).

(b) The commission, or any enforcement official of the ~~consolidated~~ city **of Indianapolis** designated by the commission, may enforce this chapter, any ordinance adopted under it, and any covenants or conditions required or imposed by the commission by civil action in the circuit or superior court. Any legal, equitable, or special remedy may be invoked, including mandatory or prohibitory injunction or a civil fine. These enforcement actions (except those seeking a civil fine) may also be brought by any interested person or affected owner.

(c) Ordinances adopted under this chapter may provide for penalties for violations, subject to IC 36-1-3-8.

(d) No costs may be taxed against the commission or any of its members in any action.

(e) In actions brought under subsection (b), there may not be changes of venue from the county.

SECTION 519. IC 36-7-11.2-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 49. (a) The commission shall, by rule adopted under section 27 of this chapter, set fees to be paid by a person filing a petition with the commission. If the commission has not set a fee by rule for a type of petition, the fee is twenty-five dollars ($25).

(b) A person filing a petition with the commission shall pay the fee required for the filing to the department of metropolitan development. The department shall pay the fee to the treasurer of the commission.

(c) The department of metropolitan development has no duty regarding the fees collected under this section except those imposed under subsection (b). Fees collected under this section:

(1) do not belong to the ~~consolidated~~ city ~~created under IC 36-3;~~ **of Indianapolis;** and

(2) are not subject to any of the following:

(A) IC 5-11-10.

(B) IC 36-2-6.

(C) IC 36-3.

(D) IC 36-4-8.

SECTION 520. 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:~~

(1) ~~more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000);~~ **Monroe County;**

(2) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000);~~ **St. Joseph County;** or

(3) ~~more than three hundred thousand (300,000) but less than four hundred thousand (400,000);~~ **Allen County;**

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~~ **Delaware** County, ~~having a population of more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000),~~ 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 521. 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~~ **the** city ~~having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000).~~ **of Marion.**

(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~~ **the** city ~~having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000);~~ **of Marion;** 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:

(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 522. 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~~ **Monroe** County, ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000),~~ 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.
(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~~ **Monroe** County. ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).~~

(c) For ~~a~~ **Delaware** County, ~~having a population of more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000),~~ 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.

(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~~ **Delaware** County. ~~having a population of more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).~~

(d) For an area located in ~~a~~ **St. Joseph** County, ~~having a population of more than two hundred thousand (200,000) but less than three~~

~~hundred thousand (300,000),~~ 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).

(5) The area is located in ~~a~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(e) For an area located in ~~a~~ **Allen** 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~~ **Allen** 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 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 523. IC 36-7-14-1, AS AMENDED BY P.L.1-2006, SECTION 564, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to all units except:

(1) ~~counties having a consolidated city,~~ **Marion County** and units in ~~those counties,~~ **Marion County,** except those units described in subsection (b); and

(2) townships.

(b) This chapter applies to an excluded city (as defined in IC 36-3-1-7) that adopts an ordinance electing to be governed by this chapter and establishes a redevelopment commission under section 3 of this chapter. Upon the adoption of an ordinance under this subsection:

(1) an area needing redevelopment;

(2) an economic development area; or

(3) an allocation area previously established under IC 36-7-15.1-37 through IC 36-7-15.1-58;

continues in full force and effect as if the area had been created under this chapter.

(c) An:

(1) area needing redevelopment;

(2) economic development area; or

(3) allocation area previously established under IC 36-7-15.1-37 through IC 36-7-15.1-58;

described in subsection (b) is subject to the jurisdiction of the redevelopment commission established under section 3 of this chapter and is not subject to the jurisdiction of the commission (as defined in IC 36-7-15.1-37).

SECTION 524. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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 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 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 525. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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 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 526. IC 36-7-14.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. As used in this chapter, "commission" refers to a redevelopment commission established under IC 36-7-14 or a military base reuse authority established under IC 36-7-30 and located outside the boundaries of ~~a~~ **Marion** County. ~~with a consolidated city.~~

SECTION 527. IC 36-7-15.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies

in ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 528. IC 36-7-15.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. Except as provided in section 37 of this chapter, as used in this chapter:

"Commission" refers to the metropolitan development commission acting as the redevelopment commission of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

"Department" refers to the department of metropolitan development, subject to IC 36-3-4-23.

SECTION 529. IC 36-7-15.1-6, AS AMENDED BY P.L.221-2007, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. The commission shall:

(1) investigate, study, and survey areas needing redevelopment within the redevelopment district;

(2) investigate, study, determine, and to the extent possible combat the causes of the conditions described in IC 36-7-1-3;

(3) promote the use of land in the manner that best serves the interests of the ~~consolidated~~ city **of Indianapolis** and its inhabitants, both from the standpoint of human needs and economic values;

(4) cooperate:

(A) with the departments and agencies of:

(i) the city; and

(ii) other governmental entities; and

(B) with:

(i) public instrumentalities; and

(ii) public bodies;

created by state law;

in the manner that best serves the purposes of this chapter;

(5) make findings and reports on its activities under this section, and keep those reports open to inspection by the public at the offices of the department;

(6) select and acquire the areas needing redevelopment to be redeveloped under this chapter; and

(7) replan and dispose of the areas needing redevelopment in the manner that best serves the social and economic interests of the city and its inhabitants.

SECTION 530. IC 36-7-15.1-8, AS AMENDED BY P.L.172-2011, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) Whenever the commission finds that:

(1) an area in the redevelopment district is an area needing redevelopment;

(2) the conditions described in IC 36-7-1-3 cannot be corrected in the area by regulatory processes or by the ordinary operations of private enterprise without resort to this chapter; and

(3) the public health and welfare will be benefited by:

(A) the acquisition and redevelopment of the area under this chapter as a redevelopment project area or an urban renewal area; or

(B) the amendment of the resolution or plan, or both, for an existing redevelopment project area or urban renewal area; and

(4) in the case of an amendment to the resolution or plan for an existing redevelopment project area or urban renewal area:

(A) the amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter; and

(B) the resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit;

the commission shall cause to be prepared a redevelopment or urban renewal plan.

(b) The redevelopment or urban renewal plan must include:

(1) maps, plats, or maps and plats, showing:

(A) the boundaries of the area in which property would be acquired for, or otherwise affected by, the establishment of a redevelopment project area or urban renewal area, or the amendment of the resolution or plan for an existing area;

(B) the location of the various parcels of property, public ways, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, or redevelopment of the area or areas, indicating any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the redevelopment project area or the amendment of the resolution or plan for an existing area; and

(C) the parts of the area acquired that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes;

(2) lists of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the establishment of an area or the amendment of the resolution or plan for an existing area; and

(3) an estimate of the costs, if any, to be incurred for the acquisition and redevelopment of property.

(c) This subsection applies to the initial establishment of a redevelopment project area or urban renewal area. After completion of the data required by subsection (b), the commission shall adopt a resolution declaring that:

(1) the area needing redevelopment is a detriment to the social or economic interests of the ~~consolidated~~ city **of Indianapolis** and its inhabitants;

(2) it will be of public utility and benefit to acquire the area and redevelop it under this chapter; and

(3) the area is designated as a redevelopment project area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area and identify the interests in real or personal property, if any, that the department proposes to acquire in the area.

(d) This subsection applies to the amendment of the resolution or plan for an existing redevelopment project area or urban renewal area. After completion of the data required by subsection (b), the redevelopment commission shall adopt a resolution declaring that:

(1) it will be of public utility and benefit to amend the resolution or plan for the area; and

(2) any additional area to be acquired under the amendment is designated as part of the existing redevelopment project area or urban renewal area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area or urban renewal area, including any changes made to those boundaries by the amendment, and describe the activities that the department is permitted to take under the amendment, with any designated exceptions.

(e) For the purpose of adopting a resolution under subsection (c) or (d), it is sufficient to describe the boundaries of the redevelopment project area by its location in relation to public ways or streams, or otherwise, as determined by the commission. Property proposed for acquisition may be described by street numbers or location.

SECTION 531. IC 36-7-15.1-9, AS AMENDED BY P.L.146-2008, SECTION 746, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) After or concurrent with adoption of a resolution under section 8 of this chapter, the commission shall determine whether the resolution and the redevelopment plan conform to the comprehensive plan of development for the ~~consolidated~~ city **of Indianapolis** and approve or disapprove the resolution and plan proposed. If the commission approves the resolution and plan, it shall submit the resolution and plan to the legislative body of the ~~consolidated~~ city **of Indianapolis** which may approve or disapprove the resolution and plan.

(b) In determining the location and extent of a redevelopment project area proposed to be acquired for redevelopment, the commission shall give consideration to transitional and permanent provisions for adequate housing for the residents of the area who will be displaced by the redevelopment project.

SECTION 532. IC 36-7-15.1-10, AS AMENDED BY P.L.146-2008, SECTION 747, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) After approval by the commission and the legislative body of the ~~consolidated~~ city **of Indianapolis** under section 9 of this chapter, the commission shall publish notice of the adoption and substance of the resolution in

accordance with IC 5-3-1. The notice must:

(1) state that maps, plats, or maps and plats have been prepared and can be inspected at the office of the department; and

(2) name a date when the commission will:

(A) receive and hear remonstrances and other testimony from persons interested in or affected by the proceeding pertaining to the proposed project or other actions to be taken under the resolution; and

(B) determine the public utility and benefit of the proposed project or other actions.

All persons affected in any manner by the hearing, including all taxpayers of the redevelopment district, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the commission by the notice given under this section.

(b) A copy of the notice of the hearing on the resolution shall be filed in the office of the commission, board of zoning appeals, works board, park board, and any other departments, bodies, or officers of the ~~consolidated~~ city **of Indianapolis** having to do with planning, variances from zoning ordinances, land use, or the issuance of building permits. These agencies and officers shall take notice of the pendency of the hearing, and until the commission confirms, modifies and confirms, or rescinds the resolution, or the confirmation of the resolution is set aside on appeal, they may not, without approval of the commission:

(1) authorize any construction on property or sewers in the area described in the resolution, including substantial modifications, rebuilding, conversion, enlargement, additions, and major structural improvements; or

(2) take any action regarding the zoning or rezoning of property, or the opening, closing, or improvement of public ways in the area described in the resolution.

This subsection does not prohibit the granting of permits for ordinary maintenance or minor remodeling, or for changes necessary for the continued occupancy of buildings in the area.

(c) If the resolution to be considered at the hearing includes a provision establishing or amending an allocation provision under section 26 of this chapter, the commission shall file the following information with each taxing unit that is wholly or partly located within the allocation area:

(1) A copy of the notice required by subsection (a).

(2) A statement disclosing the impact of the allocation area, including the following:

(A) The estimated economic benefits and costs incurred by the allocation area, as measured by increased employment and anticipated growth of real property assessed values.

(B) The anticipated impact on tax revenues of each taxing unit.

The commission shall file the information required by this subsection with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the hearing.

(d) At the hearing, which may be adjourned from time to time, the commission shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering the evidence presented, the commission shall take final action determining the public utility and benefit of the proposed project or other actions to be taken under the resolution, and confirming, modifying and confirming, or rescinding the resolution. The final action taken by the commission shall be recorded and is final and conclusive, except that an appeal may be taken under section 11 of this chapter.

SECTION 533. IC 36-7-15.1-11, AS AMENDED BY P.L.141-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) A person who filed a written remonstrance with the commission under section 10 of this chapter and is aggrieved by the final action taken may, within ten (10) days after that final action, file with the presiding judge of the superior court a copy of the order of the commission and the person's remonstrance against that order, together with the person's bond, as provided by IC 34-13-5-7, in the event the appeal is determined against the person. The burden of proof is on the remonstrator, and no change of venue may be granted.

(b) An appeal under this section shall be promptly heard by the court without a jury. Except in ~~a~~ **Marion** County, ~~containing a consolidated city,~~ all the judges of the court, or a majority of the judges if not all are available, shall hear the appeal. In ~~a~~ **Marion** County ~~containing a consolidated city,~~ the appeal shall be heard by one (1) judge unless rules adopted by the court or by the Indiana supreme court require an appeal to be heard by additional judges. All remonstrances upon which an appeal has been taken shall be consolidated and heard and determined within thirty (30) days after the time of the filing of the appeal. The court shall decide the appeal based on the record and evidence before the commission, not by trial de novo. It may confirm the final action of the commission or sustain the remonstrances. If the appeal is decided in a county ~~that does not contain a consolidated city,~~ **other than Marion County,** the vote of at least a majority of all the elected judges is required to confirm the final action of the commission or sustain the remonstrances. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions. An appeal to the court of appeals or supreme court has priority over all other civil appeals.

SECTION 534. IC 36-7-15.1-17, AS AMENDED BY P.L.203-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

APRIL 1, 2012]: Sec. 17. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 19 of this chapter, the taxes allocated under section 26 of this chapter, or other revenues of the redevelopment district, the commission may, by resolution, issue the bonds of the redevelopment district in the name of the ~~consolidated~~ city **of Indianapolis** and in accordance with IC 36-3-5-8. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

(1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;

(2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;

(3) capitalized interest permitted in this chapter and a debt service reserve for the bonds, to the extent that the redevelopment commission determines that a reserve is reasonably required;

(4) the total cost of all clearing and construction work provided for in the resolution; and

(5) expenses that the commission is required or permitted to pay under IC 8-23-17.

(b) If the commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable subject to the requirements of the bond resolution for the registration of the bonds. The resolution authorizing the bonds must state:

(1) the denominations of the bonds;

(2) the place or places at which the bonds are payable; and

(3) the term of the bonds, which may not exceed:

(A) fifty (50) years, for bonds issued before July 1, 2008; or

(B) twenty-five (25) years, for bonds issued after June 30, 2008.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the commission.

(d) The commission shall certify a copy of the resolution authorizing the bonds to the fiscal officer of the ~~consolidated~~ city **of Indianapolis,** who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds shall be executed by the city executive and attested

by the fiscal officer. The interest coupons, if any, shall be executed by the facsimile signature of the fiscal officer.

(f) The bonds are exempt from taxation as provided by IC 6-8-5.

(g) The city fiscal officer shall sell the bonds according to law. Notwithstanding IC 36-3-5-8, bonds payable solely or in part from tax proceeds allocated under section 26(b)(3) of this chapter or other revenues of the district may be sold at private negotiated sale and at a price or prices not less than ninety-seven percent (97%) of the par value.

(h) The bonds are not a corporate obligation of the city but are an indebtedness of the redevelopment district. The bonds and interest are payable:

(1) from a special tax levied upon all of the property in the redevelopment district, as provided by section 19 of this chapter;

(2) from the tax proceeds allocated under section 26(b)(3) of this chapter;

(3) from other revenues available to the commission; or

(4) from a combination of the methods stated in subdivisions (1) through (3);

and from any revenues of the designated project. If the bonds are payable solely from the tax proceeds allocated under section 26(b)(3) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(i) Proceeds from the sale of the bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issue.

(j) Notwithstanding IC 36-3-5-8, the laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers and voters to remonstrate against, or vote on, the issuance of bonds applicable to bonds issued under this chapter do not apply to bonds payable solely or in part from tax proceeds allocated under section 26(b)(3) of this chapter, other revenues of the commission, or any combination of these sources.

(k) If bonds are issued under this chapter that are payable solely or in part from revenues to the commission from a project or projects, the commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission. The commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and

charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the commission that are payable solely from revenues of the commission must contain a statement to that effect in the form of bond.

SECTION 535. IC 36-7-15.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) All proceeds from the sale of bonds under section 17 of this chapter shall be kept as a separate and specific fund to pay the expenses incurred in connection with the acquisition and redevelopment of property. The fund shall be known as the redevelopment district fund. Any surplus of funds remaining after all expenses are paid shall be paid into and become a part of the redevelopment district bond fund established under section 19 of this chapter.

(b) All gifts, donations, proceeds of sales, or other payments that are given or paid to the department or to the ~~consolidated~~ city **of Indianapolis** for redevelopment purposes shall be promptly deposited to the credit of the redevelopment district fund. The commission may use these gifts and donations for the purposes of this chapter.

(c) Before the eleventh day of each calendar month the city fiscal officer shall notify the commission and the officers of the city who have duties in respect to the funds and accounts of the city of the amount standing to the credit of the redevelopment district fund at the close of business on the last day of the preceding month.

SECTION 536. IC 36-7-15.1-19, AS AMENDED BY P.L.203-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. (a) This section applies only to:

(1) bonds that are issued under section 17 of this chapter; or

(2) leases entered into under section 17.1 of this chapter;

that are payable from a special tax levied upon all of the property in the redevelopment district. This section does not apply to bonds or leases that are payable solely from tax proceeds allocated under section 26(b)(3) of this chapter, other revenues of the commission, or any combination of these sources.

(b) The city-county legislative body shall levy each year a special tax on all of the property of the redevelopment district, in such a manner as to meet and pay:

(1) the principal of the bonds as they mature, together with all accruing interest on the bonds; or

(2) lease rental payments under section 17.1 of this chapter.

The tax levied shall be certified to the fiscal officers of the ~~consolidated~~ city **of Indianapolis** and the county before October 2 in each year. The tax shall be estimated and entered on the tax duplicate by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other state and county taxes are estimated, entered, collected, and enforced.

(c) As the tax is collected, it shall be accumulated in a separate fund

to be known as the redevelopment district bond fund and shall be applied to the payment of the bonds as they mature and the interest on the bonds as it accrues, or to make lease payments and to no other purpose. All accumulations of the fund before their use for the payment of bonds and interest or to make lease payments shall be deposited with the depository or depositories for other public funds of the city in accordance with the statutes concerning the deposit of public funds, unless they are invested under IC 5-13.

(d) The tax levies provided for in this section are reviewable by other bodies vested by law with the authority to ascertain that the levies are sufficient to raise the amount that, with other amounts available, is sufficient to meet the payments under the lease payable from the levy of taxes.

SECTION 537. IC 36-7-15.1-23, AS AMENDED BY P.L.221-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) Any:

(1) political subdivision;
(2) other governmental entity;
(3) public instrumentality created by state law; or
(4) public body created by state law;

may, in the area in which it is authorized to act, do all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project, including furnishing the financial and other assistance that it is authorized by this chapter to furnish for or in connection with a redevelopment plan or redevelopment project.

(b) The commission may delegate to:

(1) an executive department of the ~~consolidated~~ city **of Indianapolis** or **Marion** County;
(2) another governmental entity;
(3) a public instrumentality created by state law; or
(4) a public body created by state law;

any of the powers or functions of the commission with respect to the planning or undertaking of an urban renewal project in the area in which that department or entity is authorized to act. The department, entity, public instrumentality, or public body may then carry out or perform those powers or functions for the commission.

(c) A unit, another governmental entity, a public instrumentality created by state law, or a public body created by state law may enter into agreements with the commission or any other entity respecting action to be taken under this chapter, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project. These agreements may extend over any period, notwithstanding any other law.

SECTION 538. IC 36-7-15.1-24, AS AMENDED BY P.L.146-2008, SECTION 754, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24. (a) Subject to the approval of

the legislative body of the ~~consolidated~~ city **of Indianapolis,** and in order to:

(1) undertake survey and planning activities under this chapter;

(2) undertake and carry out any redevelopment project, urban renewal project, economic development plan, or housing program;

(3) pay principal and interest on any advances;

(4) pay or retire any bonds and interest on them; or

(5) refund loans previously made under this section;

the commission may apply for and accept advances, short term and long term loans, grants, contributions, loan guarantees, and any other form of financial assistance from the federal government, or from any of its agencies. The commission may apply for and accept loans under this section from sources other than the federal government or federal agencies but only if the loans are unconditionally guaranteed by the federal government or federal agencies. The commission may also enter into and carry out contracts and agreements in connection with that financial assistance upon the terms and conditions that the commission considers reasonable and appropriate, as long as those terms and conditions are not inconsistent with the purposes of this chapter. The provisions of such a contract or agreement in regard to the handling, deposit, and application of project funds, as well as all other provisions, are valid and binding on the ~~consolidated~~ city **of Indianapolis** or its executive departments and officers, as well as the commission, notwithstanding any other provision of this chapter.

(b) Subject to the approval of the fiscal body of the ~~consolidated~~ city **of Indianapolis,** the commission may issue and sell bonds, notes, or warrants:

(1) to the federal government to evidence short term or long term loans made under this section; or

(2) to persons or entities other than the federal government to evidence short or long term loans made under this section that are unconditionally guaranteed by the federal government or federal agencies;

without notice of sale being given or a public offering being made.

(c) Notwithstanding any other law, bonds, notes, or warrants issued by the commission under this section may:

(1) be in the amounts, form, or denomination;

(2) be either coupon or registered;

(3) carry conversion or other privileges;

(4) have a rank or priority;

(5) be of such description;

(6) be secured (subject to other provisions of this section) in such manner;

(7) bear interest at a rate or rates;

(8) be payable as to both principal and interest in a medium of

payment, at a time or times (which may be upon demand) and at a place or places;

(9) be subject to terms of redemption (with or without premium);

(10) contain or be subject to any covenants, conditions, and provisions; and

(11) have any other characteristics;

that the commission considers reasonable and appropriate.

(d) Bonds, notes, or warrants issued under this section are not an indebtedness of the city or redevelopment district within the meaning of any constitutional or statutory limitation of indebtedness. The bonds, notes, or warrants are not payable from or secured by a levy of taxes, but are payable only from and secured only by income, funds, and properties of the project becoming available to the commission under this chapter or by grant funds from the federal government, as the commission specifies in the resolution authorizing their issuance.

(e) Bonds, notes, or warrants issued under this section are exempt from taxation as provided by IC 6-8-5.

(f) Bonds, notes, or warrants issued under this section shall be executed by the city executive and attested by the fiscal officer in the name of the "City of _____, **Indianapolis,** Department of Metropolitan Development".

(g) Following the adoption of the resolution authorizing the issuance of bonds, notes, or warrants under this section, the commission shall certify a copy of that resolution to the officers of the city who have duties with respect to bonds, notes, or warrants of the city. At the proper time, the commission shall deliver to the officers the unexecuted bonds, notes, or warrants prepared for execution in accordance with the resolution.

(h) All bonds, notes, or warrants issued under this section shall be sold by the officers of the city who have duties with respect to the sale of bonds, notes, or warrants of the city. If an officer whose signature appears on any bonds, notes, or warrants issued under this section leaves office before their delivery, the signature remains valid and sufficient for all purposes as if ~~he~~ **the officer** had remained in office until the delivery.

(i) If at any time during the life of a loan contract or agreement under this section the commission can obtain loans for the purposes of this section from sources other than the federal government at interest rates not less favorable than provided in the loan contract or agreement, and if the loan contract or agreement so permits, the commission may do so and may pledge the loan contract and any rights under that contract as security for the repayment of the loans obtained from other sources. Any loan under this subsection may be evidenced by bonds, notes, or warrants issued and secured in the same manner as provided in this section for loans from the federal government. These bonds, notes, or warrants may be sold at either public or private sale, as the

commission considers appropriate.

(j) Money obtained from the federal government or from other sources under this section, and money that is required by a contract or agreement under this section to be used for project expenditure purposes, repayment of survey and planning advances, or repayment of temporary or definitive loans, may be expended by the commission without regard to any law pertaining to the making and approval of budgets, appropriations, and expenditures.

(k) Bonds, notes, or warrants issued under this section are declared to be issued for an essential public and governmental purpose.

SECTION 539. IC 36-7-15.1-26, AS AMENDED BY P.L.203-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires

after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June

30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the

special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the ~~consolidated~~ city **of Indianapolis** to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the ~~consolidated~~ city **of Indianapolis** for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the ~~consolidated~~ city **of Indianapolis,** and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be

irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 540. IC 36-7-15.1-29, AS AMENDED BY P.L.172-2011, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 29. (a) The commission may, by following the procedures set forth in sections 8, 9, and 10 of this chapter, approve a plan for and determine that a geographic area in the redevelopment district is an economic development area. Designation of an economic development area is subject to judicial review in the

manner prescribed in section 11 of this chapter.

(b) The commission may determine that a geographic area is an economic development area if it finds:

(1) the plan for the economic development area:

(A) promotes significant opportunities for the gainful employment of its citizens;

(B) attracts a major new business enterprise to the unit;

(C) retains or expands a significant business enterprise existing in the boundaries of the unit; or

(D) meets other purposes of this section and sections 28 and 30 of this chapter;

(2) the plan for the economic development area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under this section and sections 28 and 30 of this chapter because of:

(A) lack of local public improvement;

(B) existence of improvements or conditions that lower the value of the land below that of nearby land;

(C) multiple ownership of land; or

(D) other similar conditions;

(3) the public health and welfare will be benefited by accomplishment of the plan for the economic development area;

(4) the accomplishment of the plan for the economic development area will be a public utility and benefit as measured by:

(A) attraction or retention of permanent jobs;

(B) increase in the property tax base;

(C) improved diversity of the economic base; or

(D) other similar public benefits; and

(5) the plan for the economic development area conforms to the comprehensive plan of development for the ~~consolidated~~ city **of Indianapolis.**

(c) The determination that a geographic area is an economic development area must be approved by the city-county legislative body. The approval may be given either before or after judicial review is requested. The requirement that the city-county legislative body approve economic development areas does not prevent the commission from amending the plan for the economic development area.

SECTION 541. IC 36-7-15.1-35, AS AMENDED BY P.L.203-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 35. (a) Notwithstanding section 26(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 32 of this chapter, "base assessed value" means the net assessed value of all of the land as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 26(h) of this chapter. However, "base assessed value"

does not include the value of real property improvements to the land.

(b) The special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

(1) The construction, rehabilitation, or repair of residential units within the allocation area.

(2) The construction, reconstruction, or repair of infrastructure (such as streets, sidewalks, and sewers) within or serving the allocation area.

(3) The acquisition of real property and interests in real property within the allocation area.

(4) The demolition of real property within the allocation area.

(5) To provide financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(6) To provide financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) For property taxes first due and payable before 2009, to provide each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, this credit may be provided by the commission only if the city-county legislative body establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 32 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district allocated to the allocation

fund, including the amount that would have been allocated but for the credit.

(d) Except as provided in subsection (g), the commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c), by applying one-half (1/2) of the credit to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)) that under IC 6-1.1-22-9 are due and payable in a year. Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)). The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 17.1 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 26(b) of this chapter, the special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 26(b)(3)(A) through 26(b)(3)(H) of this chapter.

(2) Reimburse the ~~consolidated~~ city **of Indianapolis** for expenditures made by the city in order to accomplish the housing program in that allocation area.

The special fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 26(b) of this chapter, the commission shall, relative to the special fund established under section 26(b) of this chapter for an allocation area for a program adopted under section 32 of this chapter, do the following before July 15 of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 26(b)(2) of

this chapter;

(B) make, when due, principal and interest payments on bonds described in section 26(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 26(b)(3) of this chapter; and

(D) reimburse the ~~consolidated~~ city **of Indianapolis** for anticipated expenditures described in subsection (e)(2).

(2) Provide a written notice to the county auditor, the legislative body of the ~~consolidated~~ city **of Indianapolis,** and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(A) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter.

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1 (before its repeal)) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2 (before its repeal)) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)).

SECTION 542. IC 36-7-15.1-35.5, AS AMENDED BY P.L.211-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 35.5. (a) The general assembly finds the following:

(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.

(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the

shortage of safe and affordable housing for persons of low and moderate income within the county.

(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.

(4) The establishment of a supplemental housing program under this section will do the following:

(A) Benefit the health, safety, morals, and welfare of the county and the state.

(B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

(A) necessary in the public interest; and

(B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).

(2) The commission may provide each taxpayer in the allocation

area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:

(1) the housing division of the ~~consolidated~~ city **of Indianapolis;** or

(2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.

(f) The housing trust fund consists of:

(1) amounts transferred to the fund under subsection (d);

(2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11;

(3) gifts and grants to the fund;

(4) investment income earned on the fund's assets;

(5) money deposited in the fund under IC 36-2-7-10(j); and

(6) other funds from sources approved by the commission.

(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:

(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;

(2) paying expenses of administering the fund;

(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; and

(4) providing technical assistance to nonprofit developers of affordable housing.

(h) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.

(i) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

(1) one (1) member appointed by the mayor, to represent the interests of low income families;

(2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;

(3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;

(4) one (1) member appointed by the mayor, of the department of metropolitan development;

(5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;

(6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;

(7) one (1) member appointed by and representing the Local Initiatives Support Corporation;

(8) one (1) member appointed by and representing the Indianapolis Coalition for Neighborhood Development; and

(9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(j) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

(1) the development of policies and procedures for the uses of the low income housing trust fund; and

(2) long term sources of capital for the low income housing trust fund, including:

(A) revenue from:

(i) development ordinances;

(ii) fees; or

(iii) taxes;

(B) financial market based income;

(C) revenue derived from private sources; and

(D) revenue generated from grants, gifts, donations, or income in any other form, from a:

(i) government program;

(ii) foundation; or

(iii) corporation.

(k) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public funds may be invested.

SECTION 543. IC 36-7-15.1-51, AS AMENDED BY P.L.146-2008, SECTION 764, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 51. (a) Subject to the approval of the legislative body of the ~~consolidated~~ city **of Indianapolis,** and in order to:

(1) undertake survey and planning activities under this chapter;

(2) undertake and carry out any redevelopment project or economic development plan;

(3) pay principal and interest on any advances;

(4) pay or retire any bonds and interest on them; or

(5) refund loans previously made under this section;

the commission may apply for and accept advances, short term and long term loans, grants, contributions, loan guarantees, and any other form of financial assistance from the federal government or from any of its agencies. The commission may apply for and accept loans under this section from sources other than the federal government or federal agencies, but only if the loans are unconditionally guaranteed by the federal government or federal agencies. The commission may also enter into and carry out contracts and agreements in connection with that financial assistance upon the terms and conditions that the commission considers reasonable and appropriate, if those terms and conditions are not inconsistent with the purposes of this chapter. The provisions of such a contract or agreement in regard to the handling, deposit, and application of project funds as all other provisions are valid and binding on the excluded city or its executive departments and officers, as well as the commission, notwithstanding any other provision of this chapter.

(b) Subject to the approval of the fiscal body of the ~~consolidated~~ city **of Indianapolis,** the commission may issue and sell bonds, notes, or warrants:

(1) to the federal government to evidence short term or long term loans made under this section; or

(2) to persons or entities other than the federal government to evidence short or long term loans made under this section that are unconditionally guaranteed by the federal government or federal agencies;

without notice of sale being given or a public offering being made.

(c) Notwithstanding any other law, bonds, notes, or warrants issued by the commission under this section may:

(1) be in the amounts, form, or denomination;

(2) be either coupon or registered;

(3) carry conversion or other privileges;

(4) have a rank or priority;

(5) be of such description;

(6) be secured (subject to other provisions of this section) in such

manner;
(7) bear interest at a rate or rates;
(8) be payable as to both principal and interest in a medium of payment, at a time or times (which may be upon demand), and at a place or places;
(9) be subject to terms of redemption (with or without premium);
(10) contain or be subject to any covenants, conditions, and provisions; and
(11) have any other characteristics;

that the commission considers reasonable and appropriate.

(d) Bonds, notes, or warrants issued under this section are not an indebtedness of the excluded city or its redevelopment district within the meaning of any constitutional or statutory limitation of indebtedness. The bonds, notes, or warrants are not payable from or secured by a levy of taxes but are payable only from and secured only by income, funds, and properties of the project becoming available to the commission under this chapter or by grant funds from the federal government, as the commission specifies in the resolution authorizing their issuance.

(e) Bonds, notes, or warrants issued under this section are exempt from taxation as provided by IC 6-8-5.

(f) Bonds, notes, or warrants issued under this section shall be executed by the city executive and attested by the fiscal officer in the name of the "City (or Town) of _____, for and on behalf of its Redevelopment District".

(g) Following the adoption of the resolution authorizing the issuance of bonds, notes, or warrants under this section, the commission shall certify a copy of that resolution to the officers of the excluded city who have duties with respect to bonds, notes, or warrants of the excluded city. At the proper time, the commission shall deliver to the officers the unexecuted bonds, notes, or warrants prepared for execution in accordance with the resolution.

(h) All bonds, notes, or warrants issued under this section shall be sold by the officers of the excluded city who have duties with respect to the sale of bonds, notes, or warrants of the excluded city. If an officer whose signature appears on any bonds, notes, or warrants issued under this section leaves office before their delivery, the signature remains valid and sufficient for all purposes as if the officer had remained in office until the delivery.

(i) If, at any time during the life of a loan contract or agreement under this section, the commission can obtain loans for the purposes of this section from sources other than the federal government at interest rates not less favorable than provided in the loan contract or agreement, and if the loan contract or agreement so permits, the commission may do so and may pledge the loan contract and any rights under that contract as security for the repayment of the loans obtained from other

sources. Any loan under this subsection may be evidenced by bonds, notes, or warrants issued and secured in the same manner as provided in this section for loans from the federal government. These bonds, notes, or warrants may be sold at either public or private sale, as the commission considers appropriate.

(j) Money obtained from the federal government or from other sources under this section, and money that is required by a contract or agreement under this section to be used for project expenditure purposes, repayment of survey and planning advances, or repayment of temporary or definitive loans, may be expended by the commission without regard to any law pertaining to the making and approval of budgets, appropriations, and expenditures.

(k) Bonds, notes, or warrants issued under this section are declared to be issued for an essential public and governmental purpose.

SECTION 544. IC 36-7-15.3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. As used in this chapter, "commission" refers to a redevelopment commission established under IC 36-7-15.1 or a military base reuse authority established under IC 36-7-30 and located in ~~a~~ **Marion** County. ~~with a consolidated city.~~

SECTION 545. IC 36-7-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter:

"Agency" refers to the department of metropolitan development in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the works board in second class cities, and the department of redevelopment in other units.

"Home" means a residential building containing no more than four (4) family dwelling units.

SECTION 546. IC 36-7-16-4, AS AMENDED BY P.L.185-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) As used in this section, "concentrated code delinquency area" means an area of at least one-half (1/2) square block in which:

(1) at least two-thirds (2/3) of the lots are occupied by improvements;

(2) at least two-thirds (2/3) of the improvements are homes; and

(3) an investigation by the agency shows that at least one-half (1/2) of the homes are not in compliance with applicable building code standards.

The agency may conduct an investigation on its own initiative, and shall conduct an investigation on receipt of a petition signed by the occupants of at least one-half (1/2) of the family dwelling units within the proposed area. In conducting the investigation, the agency may use its own staff or hire independent appraisers and inspectors.

(b) Rehabilitation loans may be made to enable the borrower to make repairs that will bring ~~his~~ **the borrower's** home into compliance

with applicable building code standards, if all of the following conditions are present:

(1) The borrower holds marketable title to the property, subject only to mortgage indebtedness or contract for the purchase of the property, the lien of taxes that are not yet due and payable, and any assessment for public improvements that is not yet due and payable.

(2) The property is located within the area of a community development target area designated by an application to the Department of Housing and Urban Development under the 1974 Community Development Act, as amended (42 U.S.C. sections 5301-5318), an urban renewal project, a concentrated code delinquency neighborhood, or an area needing redevelopment.

(3) The agency has determined that the borrower is an acceptable credit risk. In making this determination, the agency shall be guided by the fact that a principal purpose of this chapter is to make rehabilitation available to those who would be unable to obtain such loans through normal commercial channels.

(4) The borrower has in full force and effect a policy of insurance protecting the property in an amount and with an insurer satisfactory to the agency.

(c) Subject to subsection (d), the agency shall use the procedures prescribed by IC 36-7-14-15 through IC 36-7-14-18 to make a finding that an area is an area needing redevelopment.

(d) The agency in ~~a consolidated~~ **the** city **of Indianapolis** shall use the procedures prescribed by law to make a finding that an area is an area needing redevelopment.

SECTION 547. IC 36-7-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to all units except townships.

(b) Only the sections of this chapter that are listed in section 1.5 of this chapter apply to ~~a consolidated~~ **the** city **of Indianapolis** that by ordinance establishes or designates a department, division, or agency of the city to perform the public housing function.

(c) An ordinance establishing or designating a department, division, or agency of ~~a consolidated~~ **the** city **of Indianapolis** to perform the public housing function may not impair the obligations of the housing authority existing under any contract in effect at the time that ordinance is effective. The ~~consolidated~~ city **of Indianapolis** shall fulfill any obligations of the housing authority that are transferred to the ~~consolidated~~ city **of Indianapolis.**

SECTION 548. IC 36-7-18-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.5. If ~~a consolidated~~ **the** city **of Indianapolis** adopts an ordinance under section 1 of this chapter, the legislative body or the department, division, or agency performing the public housing function:

(1) has all powers granted to it by the ~~consolidated~~ city **of Indianapolis** under this section and IC 36-1;

(2) has all powers granted to a housing authority by and is subject to sections 2, 3, 10(b), 10(c), 10(d), 15, 16(a), 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, and 42 of this chapter and may exercise all those powers as commissioners of a housing authority exercise those powers under those sections; and

(3) designate officials or employees to exercise all its powers and execute all necessary documents, instruments, or obligations. However, notes or bonds issued by the ~~consolidated~~ city **of Indianapolis** under this chapter shall be executed and attested as other notes or bonds of the ~~consolidated~~ city **of Indianapolis** are executed and attested.

SECTION 549. IC 36-7-18-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 30. (a) A housing authority may issue bonds, notes, or warrants to finance any of its corporate purposes. An authority may also issue refunding bonds for the purpose of paying or retiring bonds issued by ~~it.~~ **the authority.**

(b) A housing authority may determine the types of bonds, notes, or warrants to be issued, including those on which the principal and interest are payable:

(1) exclusively from the income and revenues of the housing project financed with their proceeds;

(2) exclusively from the income and revenues of certain designated housing projects, whether or not they were financed in whole or in part with their proceeds; or

(3) except for ~~a consolidated~~ **the** city **of Indianapolis,** from its revenues generally.

The bonds, notes, or warrants may be additionally secured by a pledge of any revenues or a mortgage of any project or other property of the authority.

(c) Neither the commissioners of an authority nor any person executing the bonds, notes, or warrants under this section are personally liable on the bonds, notes, or warrants.

(d) The bonds, notes, or warrants of a housing authority are not a debt of the state or any political subdivision and must state this fact on their face. Neither the state nor any political subdivision is liable on them. The bonds, notes, or warrants are not payable out of any funds or properties other than those of the authority.

(e) Bonds, notes, or warrants issued under this chapter are not an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

(f) The bonds, notes, or warrants of a housing authority and the interest on them are exempt from all taxes.

(g) The bonds, notes, or warrants of ~~a consolidated~~ **the** city **of**

Indianapolis:

(1) are payable only from revenues derived from the public housing function;

(2) are payable only from a special fund continued or established for that purpose; and

(3) are not a debt of the ~~consolidated~~ city **of Indianapolis** and must state this fact on their face.

The ~~consolidated~~ city **of Indianapolis** is not liable on the bonds, notes, or warrants other than out of the special fund.

(h) All bonds, notes, or warrants issued by a housing authority or ~~a consolidated~~ **the** city **of Indianapolis** serving the public housing function before September 1, 1987, are legalized, ratified, and declared valid, and all proceedings had and actions taken under which those bonds, notes, or warrants were issued are fully legalized and declared valid. The assumption of any obligations of a housing authority by ~~a consolidated~~ **the** city **of Indianapolis** is also legalized and declared valid.

(i) Bonds, notes, or warrants payable by ~~a consolidated~~ **the** city **of Indianapolis** under its assumption of the obligations of a housing authority under this chapter are payable only out of the funds pledged to obligees and as such are a limited obligation of the ~~consolidated~~ city **of Indianapolis** in accordance with subsections (c), (d), (e), and (g).

SECTION 550. IC 36-7-18-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 32. (a) In issuing bonds, notes, or warrants, incurring obligations under leases, and securing payment of those obligations, a housing authority may perform all acts necessary or desirable to secure the bonds, notes, or warrants or to make them more marketable. This includes the power to:

(1) pledge or covenant against pledging any of the gross or net rents, fees, or revenues to which it has or will have a right;

(2) mortgage or covenant against mortgaging any of the real or personal property it owns or later acquires;

(3) covenant against permitting a lien on any of its rents, fees, revenues, or real or personal property;

(4) covenant as to limitations on its right to sell, lease, or otherwise dispose of all or part of a housing project;

(5) covenant as to what additional debts or obligations it may incur;

(6) covenant as to the bonds, notes, or warrants to be issued;

(7) covenant as to the issuance of its bonds, notes, or warrants in escrow or otherwise;

(8) covenant as to the use and disposition of the proceeds of its bonds, notes, or warrants;

(9) covenant against extending the time for the payment of its bonds, notes, or warrants or the interest on them;

(10) provide for the replacement of lost, destroyed, or mutilated

bonds, notes, or warrants;
(11) redeem its bonds, notes, or warrants, and covenant for that redemption and its terms and conditions;
(12) covenant, subject to the limitations in this chapter, as to the rents and fees to be charged in the operation of housing projects;
(13) covenant as to the amount of rents, fees, and other revenues to be collected in a specified time, and as to the use and disposition of those revenues;
(14) create special funds for money held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the money in those funds;
(15) prescribe the procedure, if any, by which the terms of a contract with holders of bonds, notes, or warrants may be amended or abrogated, including the amount of bonds, notes, or warrants that must be held by holders consenting to the amendment or abrogation, and the manner in which that consent may be given;
(16) covenant as to the use of any of its real or personal property;
(17) covenant as to the maintenance, replacement, and insurance of its real and personal property, and as to the use and disposition of insurance money;
(18) covenant as to the rights, liabilities, powers, and duties arising upon its breach of any covenant, condition, or obligation;
(19) prescribe and covenant as to events of default and the terms and conditions upon which any of its bonds, notes, or warrants become or may be declared due before maturity, and as to the waiver of the right to make such a declaration;
(20) vest in one (1) or more trustees or holders of bonds, notes, or warrants the right to enforce the payment of the bonds, notes, or warrants, or any covenants securing or regarding them, and provide the terms and conditions upon which these rights may be exercised;
(21) vest in one (1) or more trustees the right, in the event of a default by the authority, to take possession of and use, operate, and manage a housing project or any part of it, and to collect and dispose of rents and revenues in accordance with the agreement between the authority and trustee;
(22) establish the powers and duties of trustees and limit their liability; and
(23) make any other covenants.

(b) Any covenants made by the department, division, or agency of the ~~consolidated~~ city **of Indianapolis** serving the public housing function under this chapter only binds the ~~consolidated~~ city **of Indianapolis** as to the public housing function and not generally.

SECTION 551. IC 36-7-18-41 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 41. (a) This subsection applies to a municipality located in a county that does not have a county housing authority. A municipal housing authority has jurisdiction to exercise the powers granted by this chapter in the municipality and in the area within five (5) miles of the corporate boundaries of the municipality. However, the authority may not exercise its powers within the corporate boundaries of another municipality without the consent, by resolution, of the fiscal body of that municipality.

(b) Except as provided in subsection (c), a county housing authority has jurisdiction to exercise the powers granted by this chapter in all unincorporated areas of the county outside the jurisdiction of municipal housing authorities. However, the jurisdiction of a county housing authority may be expanded to include all or part of the jurisdiction of a municipal housing authority within the corporate boundaries of the municipality if the fiscal bodies of the county and of the municipality each adopt a resolution declaring a need for the county housing authority to exercise its powers within the jurisdiction of the municipal housing authority. Such a resolution may be adopted only after a public hearing, with notice of the time, place, and purpose of the hearing given by the fiscal body by publication in accordance with IC 5-3-1.

(c) A municipal housing authority and a county housing authority share jurisdiction to exercise the powers granted by this chapter in the area that is:

(1) within the county; and

(2) located within five (5) miles outside the corporate boundaries of the municipality.

(d) Notwithstanding subsections (a), (b), and (c), the housing authority of ~~a consolidated~~ **the** city **of Indianapolis** has jurisdiction to exercise the powers granted by this chapter only in the area that was subject to its jurisdiction on December 31, 1969.

SECTION 552. IC 36-7-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) A redevelopment commission may by resolution request the legislative body of the unit to establish a special improvement district for the purposes set forth in IC 36-7-15.1 with respect to ~~counties having a consolidated city~~ **Marion County** and in IC 36-7-14 with respect to all other eligible units.

(b) A special improvement district shall be established according to the procedures set forth for the establishment of allocation areas under IC 36-7-15.1 or IC 36-7-14, as applicable.

(c) In establishing the special improvement district, the legislative body must find that the projects to be undertaken in the district:

(1) constitute local public improvements;

(2) provide special benefits to property owners in the district; and

(3) will be of public utility and benefit.

SECTION 553. IC 36-7-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all units having a department of redevelopment under IC 36-7-14-3 or a department of metropolitan development as the redevelopment commission of ~~a consolidated~~ **the** city **of Indianapolis** or excluded city under IC 36-7-15.1.

SECTION 554. IC 36-7-25-3, AS AMENDED BY P.L.185-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) Projects, improvements, or purposes that may be financed by a commission in redevelopment project areas or economic development areas may be financed if the projects, improvements, or purposes are not located in those areas or the redevelopment district as long as the projects, improvements, or purposes directly serve or benefit those areas.

(b) This subsection applies only to ~~counties having a consolidated city~~ **Marion County.** A metropolitan development commission acting as the redevelopment commission of the ~~consolidated~~ city **of Indianapolis** may finance projects, improvements, or purposes that are located in the county and in a reuse area established under IC 36-7-30, even though the reuse area is not located in the redevelopment district. However, at the time this financing is initiated, the redevelopment commission must make a finding that the project, improvement, or purpose will serve or benefit the redevelopment district.

SECTION 555. 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~~ **The** city ~~having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **of Hammond.**

(2) ~~A~~ **The** city ~~having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000).~~ **of South Bend.**

(3) ~~A~~ **The** city ~~having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000).~~ **of Fort Wayne.**

(4) ~~A~~ **The** city ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000).~~ **of Evansville.**

SECTION 556. IC 36-7-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 557. IC 36-7-27-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter, "commission" refers to the metropolitan development commission acting as the redevelopment commission of ~~a consolidated~~ **the** city **of Indianapolis,** subject to IC 36-3-4-23.

SECTION 558. 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~~ **The** city ~~having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300).~~ **of Columbia City.**

(2) ~~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 559. IC 36-7-30-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) A unit may establish a board of five (5) members to be known as the "_____ Reuse Authority", designating the name of the military base. Once a unit has established a reuse authority for a military base, no other unit may create a reuse authority for that portion of the military base that lies within the boundaries of that unit.

(b) All of the territory within the corporate boundaries of a municipality constitutes a taxing district for the purpose of levying and collecting special benefit taxes for reuse purposes as provided in this chapter. All of the territory in a county constitutes a taxing district for a county.

(c) All of the taxable property within a taxing district is considered to be benefited by reuse projects carried out under this chapter to the extent of the special taxes levied under this chapter.

(d) ~~A~~ **Marion** County ~~having a consolidated city~~ may not establish a reuse authority for a military base located in an excluded city without the approval of the legislative body of the excluded city.

SECTION 560. IC 36-7-30-4, AS AMENDED BY P.L.42-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), the five (5) members of a municipal military base reuse authority shall be appointed as follows:

(1) Three (3) members shall be appointed by the municipal executive.

(2) Two (2) members shall be appointed by the municipal legislative body.

(b) The five (5) members of a county military base reuse authority shall be appointed by the county executive.

(c) The five (5) members of a municipal military base reuse authority in an excluded city that is located in ~~a~~ **Marion** County ~~with a consolidated city~~ shall be appointed as follows:

(1) One (1) member shall be appointed by the executive of the excluded city.

(2) One (1) member shall be appointed by the legislative body of the excluded city.

(3) One (1) member shall be appointed by the ~~consolidated~~

executive of the city ~~executive.~~ **of Indianapolis.**

(4) One (1) member shall be appointed by the ~~consolidated~~ **legislative body of the** city ~~legislative body.~~ **of Indianapolis.**

(5) One (1) member shall be appointed by the board of county commissioners.

However, at least three (3) of the members must be residents of the excluded city.

SECTION 561. IC 36-7-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), each member of a military base reuse authority shall serve the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor has been appointed and qualified. If a vacancy occurs, a successor shall be appointed in the same manner as the original member, and the successor shall serve for the remainder of the vacated term.

(b) In the case of a municipal military base reuse authority in an excluded city located in ~~a~~ **Marion** County, ~~with a consolidated city,~~ the original members shall serve for the following terms:

(1) A member appointed by the executive of the excluded city or the ~~consolidated~~ **executive of the** city ~~executive~~ **of Indianapolis** shall serve for the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(2) A member appointed by the legislative body of the excluded city or the ~~consolidated~~ **legislative body of the** city ~~legislative body~~ **of Indianapolis** shall serve for the longer of one (1) year beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(3) A member appointed by the board of county commissioners shall serve for the longer of two (2) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(c) Each member of a reuse authority, before beginning the member's duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of the member's appointment. The endorsed certificate must be promptly filed with the clerk for the unit that the member serves.

(d) Each member of a reuse authority, before beginning the member's duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars ($15,000) and must be conditioned on the faithful performance of the duties of the member's office and the accounting for all money and property that may come into the member's hands or under the member's control. The cost of the

bond shall be paid by the special taxing district.

(e) A member of a reuse authority must be at least eighteen (18) years of age and, except as provided in section 4(c) of this chapter, must be a resident of the unit responsible for the member's appointment.

(f) If a member ceases to be qualified under this section, the member forfeits the member's office.

(g) Members of a reuse authority are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

SECTION 562. IC 36-7-30-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) After adoption of a resolution under section 10 of this chapter, the reuse authority shall submit the resolution and supporting data to the plan commission of the unit or other body charged with the duty of developing a general plan for the unit, if there is such a body. The plan commission may determine whether the resolution and the reuse plan conform to the plan of development for the unit and approve or disapprove the resolution and plan proposed. The reuse authority may amend or modify the resolution and proposed plan to conform to the requirements of the plan commission. The plan commission shall issue a written order approving or disapproving the resolution and military base reuse plan, and may with the consent of the reuse authority rescind or modify the order.

(b) The determination that a geographic area is a military base reuse area must be approved by the unit's legislative body.

(c) If a military base is located in an excluded city that is located in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the determination that a geographic area is a military base reuse area must be approved by the excluded city legislative body and the ~~consolidated~~ **legislative body of the** city ~~legislative body.~~ **of Indianapolis.**

SECTION 563. IC 36-7-30-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 20. (a) Any of the following persons may lease facilities referred to in section 19 of this chapter to a military base reuse authority under this chapter:

(1) A for-profit or nonprofit corporation organized under Indiana law or admitted to do business in Indiana.

(2) A partnership, an association, a limited liability company, or a firm.

(3) An individual.

(4) With respect to all reuse authorities located in a county ~~that does not have a consolidated city,~~ **other than Marion County,** a redevelopment authority established under IC 36-7-14.5.

(5) With respect to all reuse authorities located in ~~a~~ **Marion** County, ~~with a consolidated city,~~ an authority established under IC 36-7-15.3.

(b) Notwithstanding any other law, a lessor under this section and section 19 of this chapter is a qualified entity for purposes of IC 5-1.4.

(c) Notwithstanding any other law, a military base reuse facility leased by the reuse authority under this chapter from a lessor borrowing bond proceeds from a unit under IC 36-7-12 is an economic development facility for purposes of IC 36-7-11.9-3 and IC 36-7-12.

(d) Notwithstanding IC 36-7-12-25 and IC 36-7-12-26, payments by a reuse authority to a lessor described in subsection (c) may be made from sources set forth in section 19 of this chapter if the payments and the lease are structured to prevent the lease obligation from constituting a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

SECTION 564. IC 36-7-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies only to ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 565. IC 36-7-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. As used in this chapter, "commission" refers to the metropolitan development commission acting as the redevelopment commission of ~~a consolidated~~ **the** city **of Indianapolis.**

SECTION 566. IC 36-7-31.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. Except as provided in section 8(b) of this chapter, this chapter applies only to a city or a county ~~without a consolidated city~~ **other than Marion County** that has a professional sports franchise playing the majority of its home games in 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.

SECTION 567. IC 36-7-31.3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. As used in this chapter, "covered taxes" means the part of the following taxes attributable to the operation of a facility designated as part of a tax area under section 8 of this chapter:

(1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(3) A county option income tax imposed under IC 6-3.5.

(4) Except in ~~a~~ **Allen** County, ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000),~~ a food and beverage tax imposed under IC 6-9.

SECTION 568. 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.

(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);~~ **the city of Fort Wayne;** or

(2) ~~more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **the city of Gary;**

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~~ **Allen** 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 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 569. 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);~~ **the city of Fort Wayne;** or

(B) ~~more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **the city of Gary;**

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~~ **the** city ~~having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000);~~ **of Fort Wayne,** 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) of this chapter.

(3) For a tax area in ~~a~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000),~~ **of Gary,** 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 570. 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~~ **Allen** 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

(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~~ **Allen** 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~~ **the** city ~~having a population of more than one hundred five thousand (105,000) and less than one hundred twenty thousand (120,000);~~ **of South Bend;**

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~~ **the** city ~~having a population of more than one hundred five thousand (105,000) and less than one hundred twenty thousand (120,000);~~ **of South Bend,** 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 571. 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);~~ **the city of Fort Wayne;** or

(B) ~~more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **the city of Gary;**

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 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~~ **the** city ~~having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000);~~ **of Fort Wayne,** 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~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000),~~ **of Gary,** 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 572. IC 36-7-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all units having a department of redevelopment under IC 36-7-14 or a department of metropolitan development as the redevelopment commission of ~~a consolidated~~ **the** city **of Indianapolis** under IC 36-7-15.1.

SECTION 573. IC 36-7.5-1-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. "Airport authority" refers to an airport authority established under IC 8-22-3 in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

SECTION 574. 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~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

SECTION 575. 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~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(2) ~~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).~~

(3) ~~A~~ **LaPorte** County, ~~having a population of more than one hundred ten thousand (110,000) 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

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 576. 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~~ **Lake** 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~~ **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).~~

(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~~ **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)~~ 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~~ **LaPorte** County ~~having a population of more than one hundred ten thousand (110,000) 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~~ **the** city ~~that is located in the county and that has a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)~~ **of Michigan City** 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 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~~ **Porter** County ~~that~~ **if Porter County**

~~(1) has a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000); and~~

~~(2)~~ was a member of the development authority on January 1, 2009, and subsequently ~~ceases~~ **ceased** 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 577. 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 established under section 1 of this chapter. However, 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 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 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 578. IC 36-8-3-6, AS AMENDED BY P.L.227-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section applies to:

(1) all municipalities; and

(2) ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) A warrant of search or arrest, issued by any judge, may be executed in the municipality by:

(1) any municipal police officer; or

(2) a member of the consolidated law enforcement department established under IC 36-3-1-5.1;

subject to the laws governing arrest and bail.

(c) The police officers of a municipality or a member of the consolidated law enforcement department shall:

(1) serve all process within the municipality or the ~~consolidated~~ city **of Indianapolis** issuing from the city or town court;

(2) arrest, without process, all persons who within view violate statutes, take them before the court having jurisdiction of the offense, and retain them in custody until the cause of the arrest has been investigated;

(3) enforce municipal ordinances in accordance with IC 36-1-6;

(4) suppress all breaches of the peace within their knowledge and may call to their aid the power of the municipality or the ~~consolidated~~ city **of Indianapolis** and pursue and commit to jail persons guilty of crimes;

(5) serve all process issued by:

(A) the legislative body of the municipality or the ~~consolidated~~ city **of Indianapolis;**

(B) any committee of the legislative body of the municipality or the ~~consolidated~~ city **of Indianapolis;** or

(C) any of the executive departments of the municipality or the ~~consolidated~~ city **of Indianapolis;**

(6) serve the city or town court and assist the bailiff in preserving order in the court; and

(7) convey prisoners to and from the county jail or station houses of the municipality or the ~~consolidated~~ city **of Indianapolis** for arraignment or trial in the city or town court or to the place of imprisonment under sentence of the court.

SECTION 579. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. Members of the

safety board and members of any township, town, or city (including ~~a consolidated~~ **the** city **of Indianapolis)** police department, fire department, or volunteer fire department (as defined by IC 36-8-12-2) may:

(1) be candidates for elective office and serve in that office if elected;

(2) be appointed to any office and serve in that office if appointed; and

(3) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

SECTION 580. IC 36-8-4-2, AS AMENDED BY P.L.65-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Members of the police and fire departments must reside in Indiana within:

(1) the county in which the city is located; or

(2) a county that is contiguous to the county in which the city is located.

(b) In ~~a consolidated~~ **the** city **of Indianapolis,** a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

(1) Reside within the county in which the city is located.

(2) Have adequate means of transportation into the city.

(3) Maintain in the member's residence telephone service with the city.

(d) This subsection applies to a city that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 581. IC 36-8-5-1, AS AMENDED BY P.L.1-2006, SECTION 574, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to the following:

(1) All municipalities.

(2) ~~A~~ **Marion** County ~~having a consolidated city that~~ **if the county** establishes a consolidated law enforcement department under IC 36-3-1-5.1.

(b) Section 2 of this chapter applies to any other political subdivision that employs full-time, fully paid firefighters.

SECTION 582. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and

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

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (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 1937 fund.

(d) A firefighter who:

(1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and

(2) becomes a member of a fire department of ~~a consolidated~~ **the** city **of Indianapolis** under IC 36-3-1-6.1;

is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of ~~a consolidated~~ **the** city **of Indianapolis** is considered active service under this chapter.

SECTION 583. IC 36-8-7.5-1, AS AMENDED BY P.L.227-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to pension benefits for members of police departments hired before May 1, 1977, by ~~a consolidated~~ **the** city **of Indianapolis.**

(b) A police officer with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if:

(1) the officer was hired before May 1, 1977;

(2) the officer did not convert under IC 19-1-17.8-7 (repealed September 1, 1981);

(3) the officer was not a member of the 1953 fund because:

(A) the officer's employment was on a temporary or emergency status under a statute in effect before February 25, 1953;

(B) the officer failed to pass a five (5) year physical requirement under such a statute; or

(C) the officer was a war veteran without pension status;

(4) the officer submitted to a physical medical examination, if required by the local board, and the results were satisfactory; and

(5) the officer was accepted by the local board as a member of the 1953 fund upon payment of all dues required for the officer's entire time as a member of the police department.

(c) A police officer is covered by this chapter and not by IC 36-8-8 if the officer:

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

(2) did not convert under IC 19-1-17.8-7 (repealed September 1, 1981).

(d) A police officer is covered by this chapter and not by IC 36-8-8 if the officer:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 (repealed September 1, 1981);

(3) is a regularly appointed member of the police department;

(4) is a member of the 1953 fund;

(5) was employed on a temporary or emergency status before regular employment; and

(6) paid into the 1953 fund by not later than January 1, 1968, all dues for the period the officer was on temporary or emergency status.

(e) A police officer who:

(1) is covered by this chapter before consolidation under IC 36-3-1-5.1; and

(2) becomes a member of the consolidated law enforcement department through consolidation under IC 36-3-1-5.1;

is covered by this chapter after the effective date of the consolidation, and the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter.

(f) In computing the length of active service rendered by any police officer for the purpose of determining the expiration of a period of twenty (20) years of active service, all of the following periods are counted:

(1) All of the time the officer performed the duties of the officer's position in active service.

(2) Vacation time or periods of leave of absence with whole or part pay.

(3) Periods of leave of absence without pay that were necessary on account of physical or mental disability.

(4) Periods of disability for which the officer will receive or has received any disability benefit.

(g) In computing the term of service there is not included any of the

following:

(1) Periods during which the police officer was or is suspended or on leave of absence without pay.

(2) Periods during which the officer was not in active service on account of the officer's resignation from the department.

(3) Time served as a special police officer, a merchant police officer, or private police officer.

SECTION 584. IC 36-8-7.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A police pension fund to be known as the 1953 fund is established in ~~each consolidated~~ **the** city **of Indianapolis.**

(b) The 1953 fund shall be managed by a board of trustees (referred to as the "local board" in this chapter) having nine (9) trustees, as follows:

(1) The city executive, the county treasurer, and the city police chief.

(2) One (1) retired member of the police department.

(3) Five (5) active members of the police department.

(c) The trustee under subsection (b)(2) shall be elected at a meeting of the retired members of the 1953 fund. The trustees under subsection (b)(3) shall be elected at a meeting of the active members of the police department. The trustees are elected for terms of three (3) years, beginning on January 1 following the election, and succeeding those trustees whose terms of office expire on that date.

(d) If a vacancy occurs on the local board among those trustees elected by the police department, the remaining trustees of the local board shall fill the vacancy for the unexpired term of the trustee causing the vacancy, from the same class of members, active or retired, as was the trustee causing the vacancy.

(e) Any trustee of the local board elected as an active member of the police department automatically ceases to be a member of the local board if ~~he~~ **the trustee** ceases, for any reason, to be an active member of the police department and the vacancy shall be filled as provided in subsection (d).

(f) The trustees receive no compensation for their services and shall be paid only their necessary and actual expenses, including travel expenses, out of the fund in the custody of the treasurer, for acting upon matters related to the 1953 fund. The submission of expenses by any local board member and the authorization by the local board at regular meeting is sufficient authorization to the treasurer for payment.

(g) The local board may make all necessary bylaws for:

(1) meetings of the trustees;

(2) the manner of their election, including the counting and canvassing of the votes;

(3) the collection of all money and other property due or belonging to the 1953 fund;

(4) all matters connected with the care, preservation, and disbursement of the fund; and

(5) all other matters connected with the proper execution of this chapter.

SECTION 585. IC 36-8-7.5-10.5, AS ADDED BY P.L.182-2009(ss), SECTION 434, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10.5. (a) This section applies to a balance in the 1953 fund that:

(1) accrued from property taxes;

(2) is not necessary to meet the pension, disability, and survivor benefit payment obligations of the 1953 fund because of amendments to IC 5-10.3-11-4.7 in 2008; and

(3) is determined under subsection (c).

(b) A local board may authorize the use of money in the 1953 fund to pay any or all of the following:

(1) The costs of health insurance or other health benefits provided to members, survivors, and beneficiaries of the 1953 fund.

(2) The ~~consolidated city's~~ employer contributions **of the city of Indianapolis** under IC 36-8-8-6.

(3) The contributions paid by the ~~consolidated~~ city **of Indianapolis** for a member under IC 36-8-8-8(a).

(c) The maximum amount that may be used under subsection (b) is equal to the sum of the following:

(1) the unencumbered balance of the 1953 fund on December 31, 2008; plus

(2) the amount of property taxes:

(A) imposed for an assessment date before January 16, 2008, for the benefit of the 1953 fund; and

(B) deposited in the 1953 fund after December 31, 2008.

SECTION 586. IC 36-8-7.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) The local board shall determine how much of the 1953 fund may be safely invested and how much should be retained for the needs of the fund. The investment shall be made in interest bearing direct obligations of the United States, obligations or issues guaranteed by the United States, bonds of the state of Indiana or any political subdivision, or street, sewer, or other improvement bonds of the state of Indiana or any political subdivision. However, the local board may not invest in obligations issued by the ~~consolidated~~ city **of Indianapolis,** the county, or any political subdivision in the county. Any securities shall be deposited with and remain in the custody of the treasurer of the local board, who shall collect the interest due on them as it becomes due and payable. The local board may sell any of the securities belonging to the 1953 fund and borrow money upon the securities as collateral whenever in the judgment of the local board this action is necessary to meet the cash requirements of the 1953 fund.

(b) The revenues derived from the tax levy authorized by section 10(c) of this chapter may not be invested but shall be used for the exclusive purpose of paying the pensions and benefits that the local board is obligated to pay. These revenues are in addition to all money derived from the income on the investments of the board.

(c) Investments under this section are subject to section 1.5 of this chapter.

SECTION 587. IC 36-8-7.5-12.5, AS ADDED BY P.L.130-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12.5. (a) Not less than thirty (30) days after a member retires from a police department covered by this chapter, the member may:

(1) be rehired by the ~~same consolidated~~ city **of Indianapolis** that employed the member as a police officer for a position other than that of a full-time, fully paid police officer; and

(2) continue to receive the member's pension benefit under this chapter.

(b) This section may be implemented unless the local board receives from the Internal Revenue Service a determination that prohibits the implementation.

SECTION 588. 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 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~~ **the** city ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);~~ **of Evansville;**

(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~~ **the** city **of Indianapolis** under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of ~~a consolidated~~ **the** city **of Indianapolis** 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 589. IC 36-8-8-2, AS AMENDED BY P.L.227-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "employer" means:

(1) a municipality that established a 1925 or 1953 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;

(2) a unit that established a 1937 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;

(3) ~~a consolidated~~ **the** city **of Indianapolis** that consolidated the fire departments of units that:

(A) established a 1937 fund; or

(B) participated in the 1977 fund;

before the units' consolidation into the fire department of ~~a consolidated~~ **the** city **of Indianapolis** established by IC 36-3-1-6.1; or

(4) ~~a consolidated~~ **the** city **of Indianapolis** that establishes a consolidated law enforcement department under IC 36-3-1-5.1.

SECTION 590. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) For a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For ~~a consolidated~~ **the** city **of Indianapolis** that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

(4) For a unit, other than ~~a consolidated~~ **the** city **of Indianapolis**

that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

SECTION 591. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 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 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 PERF 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 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~~ **the** city ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);~~ **of Evansville;**

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~~ **the** city **of Indianapolis** 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~~ **the** city **of Indianapolis;**

(2) the provision of those services is consolidated into the law enforcement department or fire department of ~~a consolidated~~ **the** city **of Indianapolis;** 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 592. IC 36-8-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) A sheriff may appoint additional deputy sheriffs or assistants if an emergency arises that requires them for:

(1) promoting public safety and conserving the peace;

(2) repressing, preventing, and detecting crime; and

(3) apprehending criminals.

(b) The county executive shall determine the number and salaries of deputy sheriffs or assistants to be appointed in an emergency. The executive shall provide compensation and necessary expenses for them from the general fund of the county without a specific appropriation. Expenses shall be paid after the appointed persons file sworn vouchers with the executive detailing their expenses.

(c) The deputies or assistants have the same powers that sheriffs have under statute.

(d) The deputy sheriffs or assistants must have been bona fide residents of the county for at least one (1) year before their appointment. This subsection does not apply to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(e) When the emergency ends, the county executive may reduce the number of deputy sheriffs or assistants to the number that the circumstances require for the public welfare.

SECTION 593. 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 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:~~ **the following counties:**

(1) ~~more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000); or~~ **Vanderburgh County.**

(2) ~~more than three hundred thousand (300,000).~~ **Allen County.**

(3) Lake County.

(4) Marion County.

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),~~ **In Vanderburgh County and Allen County,** 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,~~ **In Lake County and Marion County,** 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 594. IC 36-8-10-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10.6. (a) The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in IC 35-41-1 or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer. During the term of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special deputy** is fulfilling the specific responsibilities for which the appointment is made, a special deputy has the powers, privileges, and duties of a county police officer under this chapter, subject to any written limitations and specific requirements imposed by the sheriff and signed by the special deputy. A special deputy is subject to the direction of the sheriff and shall obey the rules and orders of the department. A special deputy may be removed by the sheriff at any time, without notice and without assigning any cause.

(b) The sheriff shall fix the prerequisites of training, education, and experience for special deputies, subject to the minimum requirements prescribed by this subsection. Applicants must:

(1) be twenty-one (21) years of age or older;
(2) never have been convicted of a felony, or a misdemeanor involving moral turpitude;
(3) be of good moral character; and
(4) have sufficient training to insure the proper performance of their authorized duties.

(c) Except as provided in subsection (d), a special deputy shall wear a uniform the design and color of which is easily distinguishable from the uniforms of the Indiana state police, the regular county police force, and all municipal police and fire forces located in the county.

(d) The sheriff may permit a special deputy to wear the uniform of the regular county police force if the special deputy:
(1) has successfully completed the minimum basic training requirements under IC 5-2-1;
(2) is periodically assigned by the sheriff to duties of a regular county police officer; and
(3) is an employee of the department.

The sheriff may revoke permission for the special deputy to wear the uniform of the regular county police force at any time without cause or notice.

(e) The sheriff may also appoint one (1) legal deputy, who must be a member of the Indiana bar. The legal deputy does not have police powers. The legal deputy may continue to practice law. However, neither the legal deputy nor any attorney in partnership with ~~him~~ **the legal deputy** may represent a defendant in a criminal case.

(f) The sheriff, for the purpose of guarding prisoners in the county jail:
(1) in counties ~~not having a consolidated city~~, **other than Marion County,** may appoint special deputies to serve as county jail guards; and
(2) in ~~counties having a consolidated city,~~ **Marion County,** shall appoint only special deputies to serve as county jail guards.

This subsection does not affect the rights or liabilities accrued by any county police officer assigned to guard the jail before August 31, 1982.

SECTION 595. IC 36-8-10-12, AS AMENDED BY P.L.173-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) The department and a trustee may establish and operate an actuarially sound pension trust as a retirement plan for the exclusive benefit of the employee beneficiaries. However, a department and a trustee may not establish or modify a retirement plan after June 30, 1989, without the approval of the county fiscal body which shall not reduce or diminish any benefits of the employee beneficiaries set forth in any retirement plan that was in effect on January 1, 1989.

(b) The normal retirement age may be earlier but not later than the age of seventy (70). However, the sheriff may retire an employee who

is otherwise eligible for retirement if the board finds that the employee is not physically or mentally capable of performing the employee's duties.

(c) Joint contributions shall be made to the trust fund:

(1) either by:

(A) the department through a general appropriation provided to the department;

(B) a line item appropriation directly to the trust fund; or

(C) both; and

(2) by an employee beneficiary through authorized monthly deductions from the employee beneficiary's salary or wages. However, the employer may pay all or a part of the contribution for the employee beneficiary.

Contributions through an appropriation are not required for plans established or modifications adopted after June 30, 1989, unless the establishment or modification is approved by the county fiscal body.

(d) For a county ~~not having a consolidated city,~~ **other than Marion County,** the monthly deductions from an employee beneficiary's wages for the trust fund may not exceed six percent (6%) of the employee beneficiary's average monthly wages. For ~~a~~ **Marion** County, ~~having a consolidated city,~~ the monthly deductions from an employee beneficiary's wages for the trust fund may not exceed seven percent (7%) of the employee beneficiary's average monthly wages.

(e) The minimum annual contribution by the department must be sufficient, as determined by the pension engineers, to prevent deterioration in the actuarial status of the trust fund during that year. If the department fails to make minimum contributions for three (3) successive years, the pension trust terminates and the trust fund shall be liquidated.

(f) If during liquidation all expenses of the pension trust are paid, adequate provision must be made for continuing pension payments to retired persons. Each employee beneficiary is entitled to receive the net amount paid into the trust fund from the employee beneficiary's wages, and any remaining sum shall be equitably divided among employee beneficiaries in proportion to the net amount paid from their wages into the trust fund.

(g) If a person ceases to be an employee beneficiary because of death, disability, unemployment, retirement, or other reason, the person, the person's beneficiary, or the person's estate is entitled to receive at least the net amount paid into the trust fund from the person's wages, either in a lump sum or monthly installments not less than the person's pension amount.

(h) If an employee beneficiary is retired for old age, the employee beneficiary is entitled to receive a monthly income in the proper amount of the employee beneficiary's pension during the employee beneficiary's lifetime.

(i) To be entitled to the full amount of the employee beneficiary's pension classification, an employee beneficiary must have contributed at least twenty (20) years of service to the department before retirement. Otherwise, the employee beneficiary is entitled to receive a pension proportional to the length of the employee beneficiary's service.

(j) This subsection does not apply to a county that adopts an ordinance under section 12.1 of this chapter. For an employee beneficiary who retires before January 1, 1985, a monthly pension may not exceed by more than twenty dollars ($20) one-half (1/2) the amount of the average monthly wage received during the highest paid five (5) years before retirement. However, in counties where the fiscal body approves the increases, the maximum monthly pension for an employee beneficiary who retires after December 31, 1984, may be increased by no more or no less than two percent (2%) of that average monthly wage for each year of service over twenty (20) years to a maximum of seventy-four percent (74%) of that average monthly wage plus twenty dollars ($20). For the purposes of determining the amount of an increase in the maximum monthly pension approved by the fiscal body for an employee beneficiary who retires after December 31, 1984, the fiscal body may determine that the employee beneficiary's years of service include the years of service with the sheriff's department that occurred before the effective date of the pension trust. For an employee beneficiary who retires after June 30, 1996, the average monthly wage used to determine the employee beneficiary's pension benefits may not exceed the monthly minimum salary that a full-time prosecuting attorney was entitled to be paid by the state at the time the employee beneficiary retires.

(k) The trust fund may not be commingled with other funds, except as provided in this chapter, and may be invested only in accordance with statutes for investment of trust funds, including other investments that are specifically designated in the trust agreement.

(l) The trustee receives and holds as trustee all money paid to it as trustee by the department, the employee beneficiaries, or by other persons for the uses stated in the trust agreement.

(m) The trustee shall engage pension engineers to supervise and assist in the technical operation of the pension trust in order that there is no deterioration in the actuarial status of the plan.

(n) Within ninety (90) days after the close of each fiscal year, the trustee, with the aid of the pension engineers, shall prepare and file an annual report with the department. The report must include the following:

(1) Schedule 1. Receipts and disbursements.

(2) Schedule 2. Assets of the pension trust listing investments by book value and current market value as of the end of the fiscal year.

(3) Schedule 3. List of terminations, showing the cause and amount of refund.

(4) Schedule 4. The application of actuarially computed "reserve factors" to the payroll data properly classified for the purpose of computing the reserve liability of the trust fund as of the end of the fiscal year.

(5) Schedule 5. The application of actuarially computed "current liability factors" to the payroll data properly classified for the purpose of computing the liability of the trust fund as of the end of the fiscal year.

(o) No part of the corpus or income of the trust fund may be used or diverted to any purpose other than the exclusive benefit of the members and the beneficiaries of the members.

SECTION 596. IC 36-8-13-3, AS AMENDED BY P.L.110-2010, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) The executive of a township, with the approval of the legislative body, may do the following:

(1) Purchase firefighting and emergency services apparatus and equipment for the township, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the township but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a:

(i) firefighter of a unit;

(ii) municipal police officer; or

(iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

The executive of a township may give a preference for employment under this section to a person who was employed full-time or part-time by another township to provide fire protection and emergency services and has been laid off by the township. The executive of a township may also give a preference for employment to a firefighter laid off by a city under IC 36-8-4-11. A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire

protection or emergency services for the township in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and township in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased by the township in order to save the private and public property of the township from destruction by fire, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to townships that provide fire protection or emergency services or both under subsection (a)(1) and to municipalities that have some part of the municipal territory within a township and do not have a full-time paid fire department. A township may provide fire protection or emergency services or both without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.

(2) The township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality.

In a township providing services to a municipality under this section, the legislative body of either the township or a municipality in the township may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

(c) This subsection applies only to a township that:

(1) is located in ~~a~~ **Marion** County; ~~containing a consolidated city;~~

(2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal territory completely within the township on January 1, 1996; and

(3) provides fire protection or emergency services, or both, under subsection (a)(1);

and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory completely within the township. A township may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities if before August 1 of the year preceding the first calendar year to which

this subsection applies the township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality. The resolution must identify the included towns to which the resolution applies. In a township providing services to a municipality under this section, the legislative body of the township may opt out of participation under this subsection by adopting a resolution before July 1 of a year. A copy of a resolution adopted under this subsection shall be submitted to the executive of each included town covered by the resolution, the county auditor, and the department of local government finance.

SECTION 597. 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 consolidated city;~~ **Marion County.**

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

(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~~ **Marion** County. ~~having a consolidated city.~~

SECTION 598. IC 36-8-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "board" means the following:

(1) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ a board established by and operated as set forth in an ordinance of the city-county legislative body.

(2) In a county ~~not having a consolidated city~~, **other than Marion County,** the board of commissioners.

SECTION 599. IC 36-8-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This subsection applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~ The _____ ~~(name of consolidated city)~~ _____ **Indianapolis** public safety communications systems and computer facilities district is created in the county as a special taxing district of the ~~consolidated~~ city **of Indianapolis.** The territory of the district includes the entire county.

(b) This subsection applies to a county ~~not having a consolidated city.~~ **other than Marion County.** The _____ (name of county) _____ public safety communications systems district may be created in the county as a special taxing district by an ordinance adopted before July 1 of a year by the county legislative body. The territory of the district includes the unincorporated area of the county, plus any municipality in the county in which the legislative body before July 1 of a year adopts an ordinance to join the district and

to have its public safety agencies served by the district.

(c) This subsection applies to a county ~~not having a consolidated city.~~ **other than Marion County.** The legislative body of any township in the county may, by adopting a resolution before July 1 of a year, authorize a township agency to be served by the district.

(d) An ordinance or resolution adopted under subsection (b) or (c) may be rescinded before July 1 of a year.

SECTION 600. IC 36-8-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. The purposes of the district are the following:

(1) To provide and maintain modern, dependable, and efficient public safety communications systems within the district for the purpose of promoting the expeditious delivery of public services to the residents and taxpayers throughout the district in order to assure the public health, safety, morals, and general welfare.

(2) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ to provide computers for the efficient functioning of governmental offices for the benefit of the residents and taxpayers throughout the district.

These purposes are public purposes for which public money may be spent and private property may be provided. The general assembly finds and declares that the facilities needed to accomplish these purposes are local public improvements.

SECTION 601. IC 36-8-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) The board is the governing body of the district.

(b) The board may do the following:

(1) Finance, purchase, acquire, lease, erect, install, construct, equip, upgrade, operate, and maintain facilities.

(2) Sue, be sued, plead, and be impleaded.

(3) Condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with facilities.

(4) Acquire real or personal property by gift, devise, or bequest, and hold, use, or dispose of that property for purposes authorized by this chapter.

(5) Design, order, contract for, construct, and equip any facilities.

(6) Employ architects, engineers, attorneys, auditors, clerks, construction managers, and other employees necessary for the financing, erection, and equipping of facilities.

(7) Make and enter into all contracts and agreements necessary or incidental to accomplishing the purposes of the district.

(c) In a county ~~not having a consolidated city~~, **other than Marion County,** the board shall establish a public safety communications commission representing the public safety agencies that are served by the district. The members of this commission are:

(1) one (1) person appointed by the county executive;
(2) one (1) person appointed by the county fiscal body;
(3) one (1) person appointed by the executive of each city in the district; and
(4) the county sheriff.

Members serve for four (4) year terms. The county legislative body shall provide by ordinance for the length of each initial term so that the result is staggered terms for commission members.

(d) In a county ~~not having a consolidated city,~~ **other than Marion County,** the chief law enforcement and fire safety officers of each participating unit shall constitute a technical advisory committee to advise the board and the public safety communications commission upon request.

(e) In a county ~~not having a consolidated city,~~ **other than Marion County,** the commission established under this section shall operate any public safety communications system established under this chapter. In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the board shall operate any public safety communications system established under this chapter.

SECTION 602. IC 36-8-15-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9.5. (a) This section applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) The communications system may be combined or shared with the public service radio system.

(c) The board may do the following for the combined or shared system:

(1) Authorize expenditures from the district's operational funds.
(2) Exercise all of the powers listed in section 9 of this chapter.

(d) The board may not do the following for the combined or shared system:

(1) Authorize expenditures for facilities or services related only to public service radio.
(2) Have authority over planning or other decisions for public service radio.

SECTION 603. IC 36-8-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) For the purpose of raising money to pay for any real or personal property to be acquired for a project within the district or to pay for the purchasing, acquiring, erecting, installing, constructing, equipping, or upgrading of a facility within the district, and in anticipation of the special benefit tax, the board may cause bonds to be issued in the name of the ~~consolidated~~ city **of Indianapolis** ~~(in counties having a consolidated city)~~ for the benefit of the district. In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the bonds shall be issued in accordance with IC 36-3-5-8.

(b) The bonds may be in an amount not to exceed the estimated cost of all real and personal property to be acquired and the estimated cost

of the facilities, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction and all costs of programming, planning, and designing the facilities. The expenses to be covered in the amount of the bond issue include all expenses of every kind actually incurred preliminary to the acquisition of property and the installation of the facilities, such as the cost of necessary records, engineering expenses, publication of notices, salaries, the letting of contracts, and the sale of bonds.

(c) The bonds issued may not exceed the estimates for the project as determined in the resolution adopted by the board under section 12 of this chapter.

(d) Any surplus of bond proceeds remaining after all costs and expenses have been fully paid shall be paid into the public communications systems and computer facilities district bond fund. The board may appropriate the proceeds of the bonds.

SECTION 604. IC 36-8-15-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) The total issue of bonds under section 15 of this chapter, for purposes of the district, including bonds already issued or to be issued, may not exceed one percent (1%) of the adjusted value of the taxable property within the district, as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void.

(b) Bonds issued under section 15 of this chapter are not, in any respect, corporate obligations or indebtedness of the ~~consolidated~~ city **of Indianapolis** but constitute an indebtedness of the district. The bonds and interest on them are payable only out of revenues of the district. Bonds must recite these terms upon their face.

SECTION 605. IC 36-8-15-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 17. All proceeds from the sale of bonds issued under section 15 of this chapter shall be kept as a separate and specific fund to be known as the public communications systems and computer facilities district bond fund. The bond fund shall be used to pay for the cost of acquisition of real and personal property, the cost of the installation of the facilities, and all costs and expenses incurred in connection therewith, and no part may be used for any other purpose. The bond fund shall be deposited at interest with a depository or depositories of other public funds of the ~~consolidated~~ city **of Indianapolis,** and all interest collected on it belongs to the bond fund.

SECTION 606. IC 36-8-15-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section applies to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) For the purpose of raising money to pay off bonds issued under section 15 of this chapter and any interest on them, the county fiscal body may levy each year a special tax upon all of the property located

within the district, in such manner as to meet and pay the principal of the bonds as they severally mature, together with all accruing interest on them. Other revenues and funds may be annually allocated by statute or ordinance to be applied to reduction of the bonds and their interest for the next succeeding year, but to the extent that money on hand is insufficient for payments required in the next succeeding year, the special tax shall be levied.

(c) The tax collected and all other allocated money shall be accumulated and kept in a separate fund to be known as the public communications systems and computer facilities district revenue fund, and shall be applied to the payment of the district bonds and interest as they severally mature and fiscal agency charges for making such payments and to no other purposes. All accumulations may be deposited, at interest, with one (1) of the depositories of other funds of the ~~consolidated~~ city **of Indianapolis,** and all interest collected belongs to the fund.

SECTION 607. 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~~ **Elkhart** County. ~~that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).~~ 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~~ **Marion** 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, 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 608. IC 36-8-16-6, AS AMENDED BY P.L.137-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) An enhanced emergency telephone system fee must be uniform and may not vary according to the type of exchange access facilities used in the unit.

(b) The ordinance imposing a fee under section 5 of this chapter may not impose a fee that exceeds the following:

(1) In ~~a~~ **Marion** County ~~that has a consolidated city~~ or a county that has at least one (1) second class city, three percent (3%) of the average monthly telephone access line charge in the unit.

(2) In a county **other than Marion County or a county** that does not have ~~a consolidated city or~~ a second class city, ten percent (10%) of the average monthly telephone access line charge in the unit.

(c) In calculating the average monthly telephone access line charge for purposes of this section, the unit imposing the fee shall include the average monthly charge that:

(1) is imposed by providers of interconnected VoIP service to service users whose registered location (as defined in 47 CFR 9.3) is in the unit; and

(2) represents the charge for the service user's access to the interconnected VoIP service.

SECTION 609. IC 36-8-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) The person who uses an exchange access facility is liable for the monthly enhanced emergency telephone system fees, if any, imposed with respect to that facility. Each service supplier shall, on behalf of the unit, collect the fee from those service users to whom it provides exchange telephone service in the unit. The service supplier shall collect the fee, for each month or part of a month an exchange access facility is in service, as part of its normal monthly billing process, and it may list the fee as a separate entry on each bill. If a service supplier receives a partial payment from a service user, the service supplier shall apply the payment against the amount the service user owes the service supplier first.

(b) During January of each year, each service supplier that is required to collect the fee for a particular unit shall provide the treasurer of the county or the fiscal officer of the municipality with a delinquent fee report. In ~~a~~ **Marion** County, ~~having a consolidated city,~~ each service supplier that is required to collect the fee shall provide the delinquent fee report to the fiscal officer of the ~~consolidated~~ city **of Indianapolis.** On the report, the service supplier shall list the name and address of each service user who is two (2) or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable.

(c) A service supplier has no obligation to take any legal action to enforce the collection of the fees for which any service user is liable. However, an action may be initiated by the unit that imposed the fees.

(d) Notwithstanding section 5 of this chapter, if one (1) enhanced emergency telephone system serves exchange access facilities in more than one (1) county, the fiscal body of the county that provides the system may adopt an ordinance imposing the enhanced emergency telephone system fee on each person who uses an exchange access facility served by the system. The fee may be imposed under this subsection without regard to whether the service user resides in the county providing the system.

(e) Before an enhanced emergency telephone system fee may be imposed on a service user who resides in a county other than the county providing the system, the fiscal body of the county providing the system must obtain the written approval of the fiscal body of each

county in which residents will be subject to the fee. A person who uses an exchange access facility is liable for the monthly enhanced emergency telephone system fee imposed with respect to the exchange access facility.

SECTION 610. IC 36-8-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. Each service supplier that collects the enhanced emergency telephone system fee on behalf of a unit is entitled to a three percent (3%) administrative fee as compensation for collecting the fees. The service supplier shall remit the rest of the fees it collects during a calendar quarter to the treasurer of the county or the fiscal officer of the municipality within ten (10) days after the last day of the quarter. In ~~a~~ **Marion** county, ~~having a consolidated city,~~ the service supplier shall remit the rest of the fees it collects during a calendar quarter to the fiscal officer of the ~~consolidated~~ city **of Indianapolis** within ten (10) days after the last day of the quarter. At the same time the collected fees are remitted, the service supplier shall provide a fee collection report to the auditor of the county or the fiscal officer of the municipality. In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the service supplier shall provide a fee collection report to the fiscal officer of the ~~consolidated~~ city **of Indianapolis** at the same time the collected fees are remitted. The service supplier shall prepare the report on a form provided by the auditor or fiscal officer.

SECTION 611. IC 36-8-16.5-51, AS AMENDED BY P.L.173-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 51. (a) For purposes of this section, a PSAP includes a public safety communications system operated and maintained under IC 36-8-15.

(b) As used in this section, "PSAP operator" means:

(1) a political subdivision; or

(2) an agency;

that operates a PSAP. The term does not include any entity described in subsection (c)(1) through (c)(3).

(c) Subject to subsection (d), after December 31, 2014, a county may not contain more than two (2) PSAPs. However, a county may contain one (1) or more PSAPs in addition to the number of PSAPs authorized by this section, as long as any additional PSAPs are operated by:

(1) a state educational institution;

(2) an airport authority established for ~~a~~ **Marion** County; ~~having a consolidated city;~~ or

(3) in ~~a~~ **Marion** County, ~~having a consolidated city,~~ an excluded city (as defined in IC 36-3-1-7).

(d) If, on March 15, 2008, a county does not contain more than one (1) PSAP, not including any PSAP operated by an entity described in subsection (c)(1) through (c)(3), an additional PSAP may not be

established and operated in the county on or after March 15, 2008, unless the additional PSAP is established and operated by:

(1) a state educational institution;

(2) in the case of ~~a~~ **Marion** County, ~~having a consolidated city,~~ an airport authority established for the county; or

(3) the municipality having the largest population in the county or an agency of that municipality.

(e) Before January 1, 2015, each PSAP operator in a county that contains more than the number of PSAPs authorized by subsection (c) shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(f) An interlocal agreement required under subsection (e) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (e), any of the following that seek to be served by a county's authorized PSAPs after December 31, 2014:

(1) Other counties contiguous to the county.

(2) Other political subdivisions in a county contiguous to the county.

(3) Other PSAP operators in a county contiguous to the county.

(g) An interlocal agreement required under subsection (e) must provide for the following:

(1) A plan for the:

(A) consolidation;

(B) reorganization; or

(C) elimination;

of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(2) A plan for funding and staffing the PSAP or PSAPs that will serve:

(A) the county; and

(B) any areas contiguous to the county, if additional parties described in subsection (f) participate in the interlocal agreement;

after December 31, 2014.

(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP or PSAPs in:

(A) receiving incoming 911 calls; and

(B) dispatching appropriate public safety agencies to respond to the calls;

after December 31, 2014.

(4) Any other matters that the participating PSAP operators or parties described in subsection (f), if any, determine are necessary

to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(h) This section may not be construed to require a county to contain a PSAP.

SECTION 612. IC 36-8-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 613. IC 36-8-19-1.5, AS AMENDED BY P.L.1-2006, SECTION 583, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.5. (a) If the fire department of a township is consolidated under IC 36-3-1-6.1, after the effective date of the consolidation the township may not establish a fire protection territory under this chapter.

(b) A fire protection territory that is established before the effective date of the consolidation in a township in which the township's fire department is consolidated under IC 36-3-1-6.1 becomes part of the geographic area in which the fire department of ~~a consolidated~~ **the** city **of Indianapolis** provides fire protection services.

SECTION 614. 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~~ **the following:**

(1) Each of the following counties if the county 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 thousand (145,000) but less than one hundred forty-eight thousand (148,000);~~

~~or~~

(A) Lake County.

(B) Porter County.

(2) A unit located in ~~such~~ a county **described in subdivision (1).**

SECTION 615. 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 "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~~ **Lake** 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 **to the following,** if ~~a~~ **the** 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~~ **Lake County.**

(2) ~~more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~ **Porter County.**

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 616. 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~~ **LaPorte** County ~~with a population of more than one hundred ten thousand (110,000) 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.

SECTION 617. 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~~ **the** city **of Indianapolis** is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of ~~the~~ **Marion** County. ~~having the consolidated city.~~

(2) One (1) member appointed by the board of commissioners of ~~the~~ **Marion** 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~~ **Marion** 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~~ **Marion** 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~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ and ~~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)~~ are not members of the northern Indiana regional transportation district established under IC 8-24. An authority that includes ~~a~~ **Lake** 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~~ **the** city ~~with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

(2) Two (2) members appointed by the executive of ~~a~~ **the** city ~~with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~ **of Hammond.**

(3) One (1) member jointly appointed by the executives of the

following municipalities located within ~~a~~ **Lake** County: ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~

(A) ~~A~~ **The** city ~~with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).~~ **of Whiting.**

(B) ~~A~~ **The** city ~~with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).~~ **of East Chicago.**

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within ~~a~~ **Lake** County: ~~with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~

(A) ~~A~~ **The** town ~~with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).~~ **of Griffith.**

(B) ~~A~~ **The** town ~~with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).~~ **of Highland.**

(C) ~~A~~ **The** town ~~with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).~~ **of Munster.**

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within ~~a~~ **Lake** County: ~~with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~

(A) ~~A~~ **The** town ~~with a population of more than eight thousand (8,000) but less than nine thousand (9,000).~~ **of St. John.**

(B) ~~A~~ **The** town ~~with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).~~ **of Schererville.**

(C) ~~A~~ **The** town ~~with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).~~ **of Dyer.**

(6) One (1) member who is jointly appointed by the following authorities of municipalities located 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 executive of ~~a~~ **the** city ~~with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).~~ **of Crown Point.**

(B) The fiscal body of ~~a~~ **the** town ~~with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).~~ **of Cedar Lake.**

(C) The fiscal body of ~~a~~ **the** town ~~with a population of more than five thousand (5,000) but less than eight thousand~~

~~(8,000).~~ **of Lowell.**

(D) The fiscal body of ~~a~~ **the** town ~~with a population of less than one thousand five hundred (1,500).~~ **of Schneider.**

(E) The fiscal body of ~~a~~ **the** town ~~with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).~~ **of Winfield.**

(7) One (1) member appointed by the fiscal body of ~~a~~ **the** 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).~~ **of Merrillville.**

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within ~~a~~ **Lake** 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~~ **the** city ~~having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).~~ **of Hobart.**

(B) The executive of ~~a~~ **the** city ~~having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).~~ **of Lake Station.**

(C) The fiscal body of ~~a~~ **the** town ~~having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).~~ **of New Chicago.**

(9) Three (3) members appointed by the fiscal body of ~~a~~ **Lake** 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~~ **Lake** 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~~ **the** city ~~with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight 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),~~ **of Valparaiso,** or the executive's designee.

(13) The executive of ~~a~~ **the** city ~~with a population of more than~~

~~thirty-three thousand (33,000) but less than thirty-six 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),~~ **of Portage,** or the executive's designee.

(14) One (1) member of the board of commissioners of ~~a~~ **Porter** County, ~~with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), 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.

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 618. IC 36-9-3-6, AS AMENDED BY P.L.182-2009(ss), SECTION 447, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) Except as provided in subsection (d), the appointments required by section 5 of this chapter must be made as soon as is practical, but not later than sixty (60) days after the adoption of the ordinance establishing the authority. If any appointing authority fails to make the required appointment within the sixty (60) day time limit, the circuit court from the jurisdiction of the appointing authority shall make the appointment without delay.

(b) The term of office of a member of the board is:

(1) two (2) years, for a member of a board located in ~~a~~ **Lake** County, ~~with a population of more than four hundred thousand~~

~~(400,000) but less than seven hundred thousand (700,000),~~ if such a board exists under this chapter; and

(2) four (4) years for all other boards;

and continues until the member's successor has qualified for the office. A member may be reappointed for successive terms.

(c) A member of the board serves at the pleasure of the appointing authority.

(d) An appointment to an authority located in ~~a~~ **Lake** County, ~~with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ if such an authority exists under this chapter, must be made not later than sixty (60) days after the adoption of the ordinance establishing the authority, or for the purpose of reappointments, sixty (60) days after a scheduled reappointment. If the appointing authority designated in section 5(c)(3), 5(c)(4), 5(c)(5), 5(c)(6), or 5(c)(8) of this chapter fails to make an appointment, the appointment shall be made by the governor. If a county or city becomes a member of the authority under section 3.5 of this chapter and the executive of the county or city fails to make an appointment to the board within sixty (60) days after the county or city becomes a member of the authority, the appointment shall be made by the governor. The governor shall select an individual from a list comprised of one (1) name from each appointing authority for that particular appointment.

SECTION 619. IC 36-9-3-7, AS AMENDED BY P.L.182-2009(ss), SECTION 448, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) Except as provided in subsection (e), As soon as is practical, but not later than ninety (90) days after the authority is established, the members shall meet and organize themselves as a board.

(b) Except as provided in subsection (f), At its first meeting, and annually after that, the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, and a treasurer. If the authority includes more than one (1) county, the president and vice president must be from different counties.

(c) The regional planning commission staff or the metropolitan planning organization if the authority includes ~~a consolidated~~ **the** city **of Indianapolis** shall serve as staff to the board secretary for the purpose of recording the minutes of all board meetings and keeping the records of the authority.

(d) The board shall keep its maps, plans, documents, records, and accounts in a suitable office, subject to public inspection at all reasonable times.

(e) 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. If the authority includes ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but~~

~~less than seven hundred thousand (700,000),~~ the first meeting of the board shall be at the call of the county council of ~~the~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ The president of the county council shall preside over the first meeting until the officers of the board have been elected.

(f) 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. If the authority includes ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ the board shall first meet in January. At the first meeting the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, a treasurer, and any other officers the board determines are necessary for the board to function.

SECTION 620. IC 36-9-3-9, AS AMENDED BY P.L.182-2009(ss), SECTION 449, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in subsection (c), The board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(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. If the authority includes ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ then:

(1) an affirmative vote of a majority of the board is necessary for an action to be taken; and

(2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

SECTION 621. IC 36-9-3-10, AS AMENDED BY P.L.182-2009(ss), SECTION 450, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), the members of the board are not entitled to a salary but are entitled to an allowance for actual expenses and mileage at the same rate as other county officials.

(b) 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. If the authority includes ~~a~~ **Lake** County, ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),~~ a member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided:

(1) in the procedures established by the department of

administration and approved by the budget agency for state employee travel; or

(2) by ordinance of the county fiscal body.

SECTION 622. 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~~

(1) Lake County or Porter County; **and**

(2) that **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 thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~

SECTION 623. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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 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 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 624. IC 36-9-4-29.4, AS AMENDED BY P.L.182-2009(ss), SECTION 452, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 29.4. (a) This section does not apply to a public transportation corporation located in ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) A public transportation corporation may provide regularly scheduled passenger service to specifically designated locations outside the system's operational boundaries as described in IC 36-9-1-9 if all of the following conditions are met:

(1) The legislative body of the municipality approves any expansion of the service outside the municipality's corporate

boundaries.

(2) The expanded service is reasonably required to do any of the following:

(A) Enhance employment opportunities in the new service area or the existing service area.

(B) Serve persons who are elderly, persons with a disability, or other persons who are in need of public transportation.

(3) Except as provided in subsection (e), the expanded service does not extend beyond the boundary of the county in which the corporation is located.

(c) Notwithstanding section 39 of this chapter, a public transportation corporation may provide demand responsive service outside of the system's operational boundaries as described in IC 36-9-1-9 if the conditions listed in subsection (b) are met.

(d) The board may contract with a private operator for the operation of an expanded service under this section.

(e) Subsection (b)(3) does not apply to a special purpose bus (as defined in IC 20-27-2-10) or a school bus (as defined in IC 20-27-2-8) that provides expanded service for a purpose permitted under IC 20-27-9.

SECTION 625. IC 36-9-4-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

(1) by issuing bonds under section 43 or 44 of this chapter;

(2) by borrowing money made available for such purposes by any source;

(3) by accepting grants or contributions made available for such purposes by any source;

(4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or

(5) in the case of a public transportation corporation, by levying a tax under section 49 of this chapter or by recommending an election to use revenue from the county option income taxes, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

(1) studies under section 4, 9, or 11 of this chapter;

(2) grants in aid;

(3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of

sale, or other security device that may attach to the buses or real property;

(4) the acquisition by a public transportation corporation of property of an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;

(5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and

(6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in ~~a~~ **Marion** County. ~~having a consolidated city.~~ In order to provide revenue to a public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before September 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 626. IC 36-9-6.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 627. IC 36-9-6.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter:

"Board" refers to the board of transportation of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

"Department" refers to the department of transportation of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

"Operation" includes control and engineering of traffic, traffic safety, road lighting, road access, utility locations, cuts in roads, vehicular parking and stopping, improvements of traffic movement, uses of the rights-of-way for roads, and mass transportation routes.

"Reconstruction" includes resurfacing, widening, and rebuilding.

SECTION 628. IC 36-9-6.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) For the purpose of raising money to pay for any land or right-of-way to be acquired for thoroughfares within the district or to pay for any capital improvement necessary for the construction, reconstruction, or operation of thoroughfares within the district, and in anticipation of the special benefit tax, the board may cause bonds to be issued in the name of the

~~consolidated~~ city **of Indianapolis** for the benefit of the district. The bonds shall be issued in accordance with IC 36-3-5-8.

(b) The bonds may be in an amount not to exceed the estimated cost of all land and rights-of-way to be acquired and the estimated cost of all capital improvements, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction or reconstruction and all costs of programming, planning, and designing the capital improvements. The expenses to be covered in the amount of the bond issue include all expenses of every kind actually incurred preliminary to the acquisition of the property and the construction of work, such as the cost of necessary records, engineering expenses, publication of notices, salaries, and other expenses necessary to be incurred in connection with the acquisition of the property, the letting of the contract, and the sale of bonds.

(c) The bonds issued may not exceed the estimates for the project as determined by the board under section 4 of this chapter.

(d) Any surplus of bond proceeds remaining after all costs and expenses have been fully paid shall be paid into the metropolitan thoroughfare district bond fund. The board may appropriate the proceeds of the bonds.

SECTION 629. IC 36-9-6.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) When the total issue of bonds under section 9 of this chapter for purposes of the district, including bonds already issued or to be issued, exceeds four percent (4%) of the total adjusted value of taxable property in the district as determined under IC 36-1-15, additional bonds may not be issued. All bonds or obligations issued in violation of this subsection are void.

(b) Bonds issued under section 9 of this chapter are not, in any respect, corporate obligations or indebtedness of the ~~consolidated~~ city **of Indianapolis** but constitute an indebtedness of the metropolitan thoroughfare district, and the bonds and interest on them are payable only out of revenues of the district. The bonds must recite these terms upon their face.

SECTION 630. IC 36-9-6.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. All proceeds from the sale of bonds issued under section 9 of this chapter shall be kept as a separate and specific fund to pay for the cost of land, rights-of-way, and other property acquired and of the cost of the work and all costs and expenses incurred in connection with it, and no part may be used for any other purpose. The fund shall be deposited at interest with the depository or depositories of other public funds of the ~~consolidated~~ city **of Indianapolis,** and all interest collected on it belongs to the fund.

SECTION 631. IC 36-9-6.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) For the purpose

of raising money to pay all bonds issued under section 9 of this chapter and any interest on them, the legislative body may levy each year a special tax upon all of the property located within the district, in such manner as to meet and pay the principal of the bonds as they severally mature, together with all accruing interest on them. Other revenues and funds may be annually allocated by statute or ordinance to be applied to reduction of the bonds and their interest for the next succeeding year, but to the extent that monies on hand are insufficient for payments required in the next succeeding year, the special tax shall be levied.

(b) The tax so collected, and all other allocated monies, shall be accumulated and kept in a separate fund to be known as the "Metropolitan Thoroughfare District Bond Fund", and shall be applied to the payment of the district bonds and interest as they severally mature, and to no other purposes. All accumulations may be deposited, at interest, with one (1) of the depositories of other funds of the ~~consolidated~~ city **of Indianapolis,** and all interest collected belongs to the fund.

SECTION 632. IC 36-9-11.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 633. IC 36-9-11.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter:

"Board" refers to the board of transportation of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

"Department" refers to the department of transportation of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

SECTION 634. IC 36-9-11.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) The board shall do the following:

(1) Investigate, study, and survey the off-street parking needs of the county.

(2) Promote and encourage the development of parking facilities by private interests.

(3) Cooperate with and secure the cooperation of the various departments and agencies of the ~~consolidated~~ city **of Indianapolis** and other governmental bodies in such manner as will best promote the carrying out of the purposes of this chapter.

(4) Make findings and reports from time to time regarding such matters, which reports are public records open to inspection by the public at the offices of the department.

(5) Select the sites of parking facilities to be acquired and improved under this chapter.

(6) Acquire these sites and cause them to be improved, operated, or disposed of so as best to carry out the purposes of this chapter.

(7) Exercise general discretionary powers for the government, management, regulation, and control of all parking facilities acquired under this chapter, and over all funds and property relating or belonging to them.

(8) Practice rigid economy in all its operations and expenditures under this chapter, including all compensation paid to any persons, in order to secure the rights and protection of all bondholders and the public.

(b) In carrying out its duties under this chapter, the board may do the following:

(1) Acquire by purchase, gift, grant, devise, bequest, or condemnation, in the name of the ~~consolidated~~ city **of Indianapolis,** and with the approval of the city executive, any interest in real property, including air rights, or personal property, that the board finds to be needed for the reasonable development of parking facilities under this chapter.

(2) Hold, use, manage, operate, sell, lease, rent, or otherwise dispose of, in the name of the city, any property interest acquired, constructed, or improved for use under this chapter, on such terms and conditions as the board considers to be for the best interests of its bondholders, the department, the city, and its inhabitants, but subject to the approval of the executive as required by law.

(3) Operate and manage any parking facility under the jurisdiction of the board directly by its own employees, but only for such periods as no acceptable lessee is available.

(4) Clear, or contract for the clearance of, real property acquired for parking purposes, and adapt and improve it for that use.

(5) Improve for any commercial or business use any parts of parking facilities as are at any time either required or approved by the metropolitan development commission, or are for the best interests of the bondholders and public; and make improvements in the form of walks and elevated walkways to connect any parking facilities to other buildings or land since these connections will enhance the value and use of the facilities by making them more readily accessible.

(6) Enter upon any lots or lands at all reasonable times for the purpose of surveying or examination, to determine whether they are suitable for acquisition and improvement for off-street parking purposes.

(7) Appear before any department or agency of the city or any other governmental agency, with respect to any matter affecting the property or interests acquired or being acquired for off-street parking purposes, or with respect to any matter affecting any parking facility under the jurisdiction of the board.

(8) Institute, or defend, in the name of the city, any actions growing out of any acts, omissions, or operations of the board

under this chapter; use any legal or equitable remedy necessary or proper to protect the property or to enforce the powers and perform the duties of the department under this chapter; but any judgments against the city or the board in any such actions are payable solely out of the funds of the department available for them and of any parking facility chargeable with them.

(9) Cut curbs and issue all permits necessary to the conduct of a parking facility on any property acquired or used for the purposes of this chapter, after obtaining the approval of the agencies having jurisdiction of these matters in the city.

(10) Appoint or employ appraisers of air rights and real and personal property, engineers, architects, surveyors, attorneys, financial consultants, inspectors, superintendents, managers, accountants, clerks, and other employees, consultants and agents as the board may consider expedient and necessary, all of whom shall serve at the will of the board; prescribe and define their duties and fix the fair and reasonable compensation to be paid to those persons, and discharge such appointees or employees and appoint and employ their successors.

(11) Carry and pay for all insurance necessary to protect the board's property and funds; and purchase, lease, or rent any equipment and supplies that are reasonably necessary to enable the board to perform its duties.

(12) Expend for and on behalf of the department and the city all money donated to the department, advanced by the city, raised by the issuance of the obligations authorized by this chapter, or resulting from revenues derived from the operation of parking facilities, subject to the limitations imposed by this chapter; but until funds have been provided by the issuance of obligations or from revenues of the department, the board may not incur any obligation in excess of any amount prescribed by this chapter to be actually advanced by the city.

SECTION 635. IC 36-9-11.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) Upon the adoption of the declaratory resolution by the board, the resolution, together with the supporting data, shall be submitted to the metropolitan development commission. The commission may determine whether the declaratory resolution and the proposed parking facility improvement plan conform to all zoning ordinances of the ~~consolidated~~ city **of Indianapolis,** and approve as adopted, modify, or disapprove the resolution and proposed parking facility. The declaratory resolution and the proposed plan of improvement may be amended or modified in order to conform them to the requirements of the commission.

(b) The administrator of buildings of the city must then examine and approve the plans and specifications of any structures so proposed to

be erected. The board shall then submit the proceedings to the city executive for ~~his~~ **the city executive's** approval and may not proceed with the acquisition of the proposed site until the approving orders of the executive, the commission, and the building administrator are issued. In determining the location and character of any proposed parking facility, the board and commission shall consider traffic conditions, the effect of the proposed parking facility on surrounding property, and any unusual hardship to those interested in the property.

SECTION 636. IC 36-9-11.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) The board may obtain at any time from the owner or owners of the land required for the project or projects an option for its purchase, or may enter into a contract for its purchase upon such terms and conditions as the board considers best. However, the options or contracts are subject to the final action of the board on the declaratory resolution, and subject to the condition that the property shall be paid for only out of funds made available to the board for that purpose.

(b) Subject to approval of the executive of the ~~consolidated~~ city **of Indianapolis,** the board may use and improve for parking facilities any property previously acquired by the city and not needed for other purposes.

SECTION 637. IC 36-9-11.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) In exercising the power of eminent domain, the board shall proceed under IC 32-24.

(b) The title to all real property acquired by the department shall be conveyed to "City of _____".

(c) The board may make and enter into contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. All contracts shall be entered into under the general provisions of this title.

(d) The board may lease or rent to others any parking facility or any property acquired for off-street parking purposes, including air rights above the facilities or property, in accordance with IC 36-1-11.

(e) The board may sell any property, including air rights, acquired or developed for off-street parking purposes, if it first adopts a resolution specifically describing the property to be sold and declaring either:

(1) that the property is no longer needed for the use of the department; or

(2) that a sale of the property subject to any restriction, limitation, or condition set out in the resolution will effect the purposes of this chapter.

The property shall then be sold in accordance with IC 36-1-11. Property that has been pledged, or the revenues of which have been pledged, to secure the payment of any outstanding obligations on it, may not be sold unless all the obligations are redeemed and cancelled

coincidentally with the conveyance of the property.

(f) All conveyances of real property shall be executed in the name of "City of ~~_____"~~, **Indianapolis",** and must be approved by the executive of the ~~consolidated~~ city **of Indianapolis.** Such an instrument is not required to have a seal in order to be executed.

(g) In the letting of construction contracts the board shall proceed under IC 36-1-12, subject to the approval of the executive.

SECTION 638. IC 36-9-11.1-11, AS AMENDED BY P.L.146-2008, SECTION 789, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) All property of every kind, including air rights, acquired for off-street parking purposes, and all its funds and receipts, are exempt from taxation for all purposes. When any real property is acquired by the ~~consolidated~~ **the** city **of Indianapolis,** the county auditor shall, upon certification of that fact by the board, cancel all taxes then a lien. The certificate of the board must specifically describe the real property, including air rights, and the purpose for which acquired.

(b) A lessee of the city may not be assessed any tax upon any land, air rights, or improvements leased from the city, but the separate leasehold interest has the same status as leases on taxable real property, notwithstanding any other law. Whenever the city sells any such property to anyone for private use, the property becomes liable for all taxes after that, as other property is so liable and is assessed, and the board shall report all such sales to the township assessor, or the county assessor if there is no township assessor for the township, who shall cause the property to be upon the proper tax records.

(c) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 639. IC 36-9-11.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. So long as any of the revenue bonds are outstanding, the ~~consolidated~~ city **of Indianapolis** may not mortgage, pledge, or otherwise encumber any part of the property of the parking facility or facilities, or dispose of any part of them. However, equipment that is worn out and replaced or property that is no longer useful or profitable in the operation of the facility or facilities, and the proceeds from any such sale, shall be deposited in the fund or account for the payment of the principal and interest on the revenue bonds. In addition, the city may lease the property or any part of it to others for public, private, or commercial purposes on such terms and conditions and for such time so as not to adversely affect the rights of bondholders.

SECTION 640. IC 36-9-11.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) Space and air rights over a parking facility may be sold or leased to others for a lease

period, including options and renewals, not to exceed ninety-nine (99) years, subject to the following:

(1) Any sale or lease must comply with IC 36-1-11.

(2) The deed or lease must specify the initial purpose for which the leased space may be used. If the purpose is to erect in the space a building or other structure attached to the land constituting the site of the parking facility, the deed or lease must require approval by the board of the plans and specifications for any building or structure to be erected and of the manner in which it shall be imposed upon or around the land. In such a case, the deed or lease must provide for use by the purchaser or the lessee of those areas of the surface of the site that are essential for the support of the building or other structure to be erected, as well as for the connection of essential public or private utilities to the building or structure and ingress and egress to and from the building or structure. The costs of common facilities, utilities, ingress, egress, and supports may be apportioned between the parking facilities and the buildings or structures. The deed or lease must provide that if the construction of the initial building or structure is not completed within five (5) years after the date of execution of the deed or lease, the lease is cancellable at the option of the ~~consolidated~~ city **of Indianapolis,** or in the case of sale, the property reverts at the option of the city.

(3) Any building or structure erected in the space sold or leased shall be financed, operated, maintained, and repaired by the lessee or purchaser or assignees or successors in interest separate from the parking facility financed, operated, maintained and repaired by the city, and the city may not have any obligation or liability to the purchaser, assignees, successors in interest, or lessees or creditors of those parties other than to provide the air space so leased or purchased and to permit the use of the site for the necessary supports for the building or structure erected in the leased space, ingress and egress for the building or structure, and the construction of essential public or private utilities.

(4) The deed or lease must require the lessee to carry sufficient public liability and property damage insurance to indemnify the city and protect it from all loss and damage from the hazards and perils normally insured against by insurance arising out of the existence and operation of any building or other structure in the leased or sold space.

(5) Any building or other structure erected above the parking facility is subject to taxes levied on private property unless the building or structure is acquired by the city and wholly used for governmental purposes.

(b) The lease rental or sale price received by the city shall be considered to be revenues of the parking facility or facilities and shall

be deposited, handled, and disbursed in the same manner as other revenues of the parking facility or facilities. However, if considering the lease rental or sale price as revenue would result in the revenue bonds constituting industrial development bonds under the Internal Revenue Code as it existed on January 1, 1986, and any applicable regulations under that Code, then the lease rental shall be deposited in the general fund of the city and disbursed in the same manner as other money in the general fund.

SECTION 641. IC 36-9-11.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) All expenses to be incurred by the department, necessary to be paid before the issuance of bonds or the receipt of revenues by the department, shall be met and paid in the following manner:

(1) The board shall from time to time certify an estimate of the maximum amount of the items of expense to the fiscal officer of the ~~consolidated~~ city **of Indianapolis,** who shall report whether any funds for payment are available.

(2) If so available, and when set aside for that purpose, the board may authorize expenses within the maximum amounts, and shall direct the fiscal officer to pay the amounts, as incurred.

(3) The fiscal officer shall then draw warrants for payment, which shall be paid out of any available general funds of the city not already appropriated, without special appropriation being made by and without the approval of any other body.

(4) In case there are no unappropriated and available general funds of the city, the fiscal officer may recommend to the legislative body a temporary transfer, from any other funds of the city that may be available, of a sufficient amount to meet the items of expense, or the making of a temporary loan for that purpose, and the legislative body shall make the transfer of funds or authorize a temporary loan, in the same manner as other transfers or temporary loans are made by the city.

(b) The amount advanced by the city under subsection (a)(4) and outstanding at any time may not exceed one hundred fifty thousand dollars ($150,000), and the fund or funds of the city from which an advancement is made shall be fully reimbursed and repaid by the board out of the first proceeds of bonds issued under this chapter, or out of revenues of the department when revenues are sufficient for that purpose. Any funds so repaid shall be considered appropriated and shall be credited to whatever fund, or funds, they were withdrawn from for the advances. No part of the funds advanced by the city at any time may be used for the acquisition of any property or its improvement or for the payment of any bonds.

SECTION 642. IC 36-9-11.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) If the ~~consolidated~~ city **of Indianapolis** desires to obtain all or a part of the

money necessary to pay the cost of any parking facility or facilities by the issuance of revenue bonds, then bonds to carry out the purposes of this chapter may be authorized by ordinance of the legislative body. The ordinance must set out the amount, date, denominations, terms, conditions, and form of the bonds and the interest coupons, and any covenants relative to safeguarding the interest of the bondholders. The ordinance must specify in detail the revenues pledged to the payment of the interest on and the principal of the bonds and may contain provisions for the issuance of additional bonds of equal priority or junior and subordinate from time to time under restrictions set forth in the ordinance.

(b) Upon the sale and delivery of the bonds authorized, the ordinance constitutes a contract between the city and the bondholders, and may not be amended so as to affect adversely the rights of the holders of the bonds.

(c) In case different parcels of land, buildings, or air rights are to be acquired or more than one (1) parking facility is to be constructed or more than one (1) contract for work is let by the board at approximately the same time, whether under one (1) or more declaratory resolutions, the ordinance may provide for the total cost of them by bonds of the same series. If the cost of construction of more than one (1) parking facility is financed from the same issue or series of bonds, all of the parking facilities shall be considered as a single parking facility for the purposes of this chapter with regard to the custody, application, and accounting of funds and remedies upon default.

(d) The revenue bonds may bear interest at a rate not exceeding the maximum rate fixed by the ordinance, payable semiannually, may be payable in such amounts and at such times, not exceeding fifty (50) years from the date of issuance, at such place or places, either within or without Indiana, and may be redeemable before maturity on such terms and conditions, all as determined by the board and provided in the authorizing resolution.

(e) In case any of the officers whose signatures or countersignatures appear on the bonds or the coupons cease to be officers before the delivery of the bonds to the purchaser, the signatures or countersignatures are nevertheless valid and sufficient for all purposes as if the officers had remained in office until the delivery of the bonds.

(f) The authorizing ordinance may provide for the redemption of the bonds on call, before maturity, on terms as set out in the ordinance and the bonds, and may include such provisions and covenants relative to the operation, protection, and insuring of the parking facility and the safeguarding of funds and rights of the bondholders as the board considers expedient.

(g) The bonds of the same series may be in one (1) or more issues of the same or different priorities, as stated in the authorizing ordinance and on the face of the bonds, and are payable from the net revenues

derived from the operation of the parking facility or facilities on account of which the bonds of that series are issued, from net revenues derived from other parking facilities, of the on-street parking meters or parking mechanisms pledged as authorized in this chapter, or from the proceeds derived from the disposition of the parking facility or facilities. The bonds constitute a charge on these revenues, or a lien on the property acquired from the proceeds of the bonds, or both, to the extent and with such priority as may be provided in the authorizing resolution and expressly stated in the bonds.

(h) All bonds issued under this chapter, in the hands of bona fide holders, have all of the qualities of negotiable instruments under negotiable instruments law. The bonds and the interest on them are exempt from taxation as provided by IC 6-8-5.

(i) Unless registered, the bonds are payable to bearer, and the interest payable shall be evidenced by attached coupons. The bonds may be registerable as to principal only in the holder's name on the records of the city kept by the city fiscal officer. This registration shall be noted on the bond by the fiscal officer or other designated officer, after which no transfer is valid unless made on the books of the city by the registered holder and similarly noted on the bond. Any bond so registered as to principal may be discharged from registration by being transferred to bearer, after which it is transferable by delivery, but may again be registered as to principal as before. The registration of bonds as to principal does restrict the negotiability of the interest coupons by delivery only.

(j) Notwithstanding any other law, the authorizing resolution or ordinance may provide for a pledge of all or a certain designated part of the gross or net revenues derived from:

(1) other parking facilities, on-street parking meters, and parking mechanisms;

(2) parking and traffic violation fines and fees;

(3) lease rentals in connection with any parking facilities;

(4) private pledges and contributions; and

(5) any federal and state grants and distributions not dedicated or restricted by law to other purposes, to the payment of principal of and interest on revenue bonds issued or to be issued under this chapter and the accumulation and maintenance of the reserve for them, to the extent and in the manner provided in the resolution or ordinance authorizing the issuance of the bonds.

If such a pledge is made, it is irrevocable so long as any of the bonds on account of which the pledge is made are outstanding, and the pledge takes precedence over any budget provision or appropriation payable out of unobligated revenues so pledged where the provision or appropriation is made after the authorization of the pledge by the legislative body.

(k) So long as the net revenues derived from other parking facilities,

on-street parking meters, or parking mechanisms are not needed for the payment of any pledge made under this section, the city may use and expend those revenues as otherwise authorized by law. The city may not make any covenant relative to the number or location of the parking meters to be maintained by it in and along its public ways.

(l) Any bonds may be sold at public or private sale for such price or prices, in such manner, and at such time or times as may be determined by the board. The bonds must be executed in the name of the city, as other bonds of the city are executed. Each bond must state on its face that it does not constitute an obligation of the city in any respect, or within the meaning and limitations of the constitution of Indiana, but is payable solely from the revenue funds or property pledged to it. Each bond must contain a reference to the authorizing resolution or ordinance and the date of its adoption.

(m) An action to question the validity of any bonds issued under this chapter, or to prevent their issuance, sale, or delivery, must be brought within thirty (30) days following the adoption of the ordinance approving the bonds. All such bonds after that time are incontestable, except for fraud, forgery, or violation of constitutional provisions.

(n) Bonds may be issued under this chapter for the purpose of providing money to pay the cost of completing, improving, or enlarging any parking facility or facilities acquired under this chapter and also for the purpose of funding judgments or refunding bonds previously issued under this chapter.

(o) Preliminary expenses advanced by any person or governmental agency may be reimbursed from the proceeds of the bonds. The proceeds of the bonds of each issue after reimbursement shall be used solely for the payment of the cost of the parking facility or facilities on account of which the bonds were issued, including incidental expenses and interest, and shall be disbursed in such manner and under such restrictions, if any, as the board may provide in the resolution or the legislative body may provide in the ordinance authorizing the issuance of the bonds.

(p) If the proceeds of the bonds of any issue, by error of estimates or otherwise, are less than the cost, additional bonds may in like manner be issued to provide the amount of the deficit. Unless otherwise provided in the resolution authorizing the issuance of the bonds, the additional bonds shall be considered to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue exceed the cost of the parking facility or facilities on account of which they have been issued, the surplus shall be deposited in the fund or account from which the bonds are payable.

SECTION 643. IC 36-9-11.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) There is created a statutory lien upon the property acquired or improved from

the proceeds of the bonds, to and in favor of the holders of the bonds, and each of them, and to and in favor of the holders of the coupons evidencing the interest on the bonds, to the extent and with such priority as is stated in the resolution or ordinance authorizing the bonds and set out on the face of the bonds. The property so purchased or acquired remains subject to the statutory lien until payment in full of the principal and interest of the bonds issued on that account.

(b) Any holder of the bonds or of any of the coupons attached to them may, by civil action, protect and enforce all rights granted by the ordinance authorizing the issuance of the bonds or other law, and may so enforce and compel performance of all duties required by this chapter or the ordinance to be performed by the ~~consolidated~~ city **of Indianapolis,** or of any city officer or body such as:

(1) the making and collecting of reasonable and sufficient rates for services rendered by the parking facilities;

(2) the segregation of the operating expenses, income and revenues of each of the parking facilities, and the practice of reasonable economies in them; and

(3) the proper application of the respective funds created under this chapter.

(c) If there is any default in the payment of the interest on or the principal of the bonds in accordance with their terms, any court having jurisdiction of the action may appoint a receiver to administer and operate, on behalf of the city and the bondholders, the particular parking facility with respect to which the default occurs. The receiver may charge and collect rates and charges sufficient to provide for the payment of the operating expenses, repair, and maintenance, and for bond service, and may regulate and apply the income and revenues in conformity with this chapter and the authorizing ordinance. The court may also declare the whole amount of the bonds due and payable and order the sale of the parking facility with respect to which the bonds were issued and sold and the default occurs, and then may apply the proceeds to the payment of the bonds, to the extent available and required for that purpose.

SECTION 644. IC 36-9-11.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 17. (a) All gifts, donations, bequests, devises, and proceeds derived from the sale of bonds, from the disposition of property, or any payments received or paid to the department for off-street parking purposes shall be delivered to the fiscal officer of the ~~consolidated~~ city **of Indianapolis.** ~~He~~ **The fiscal officer** shall deposit them to the credit of the department, for the account for the parking facility entitled to them, or to its general fund, if not so allocated. All money remaining in each separate parking facility fund and in the general fund at the end of each calendar year continues to belong to those respective funds for use as provided in this chapter. All deposits of the department shall be kept in duly designated

depositories for funds of the city.

(b) Separate books of account shall be kept for each parking facility so long as there remain outstanding any bonds issued on account of the acquisition or improvement of the facility. All net revenues derived from any parking facility that are pledged to the payment of the interest on and principal of certain bonds shall be deposited in a separate special account appropriately set up and designated. The money in these accounts shall be used solely for the payment of the interest on and principal of the respective bonds as they fall due, and for no other purposes, until the account contains an amount sufficient to pay the interest on and principal of all bonds payable during the then current calendar year and the interest on and principal of the bonds that will become due during the next succeeding calendar year. Any amount in excess of the amount required for that purpose may be used in the purchase of bonds of that issue, if they can be purchased at less than the then current redemption price, or if not, then for the redemption of outstanding bonds of that issue in accordance with their provisions, all as directed by the board.

SECTION 645. IC 36-9-11.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) Whenever all bonds and other obligations of any particular parking facility have been fully paid and discharged, any surplus in any fund allocated for that purpose reverts to the general fund of the department. The fund may be used to make up and pay any deficiency that may occur in any other fund for the payment of the bonds and interest issued for any other parking facility under the control of the department. This use of the general fund may continue until all outstanding bonds on all parking facilities have been fully paid.

(b) The board may also pay to the ~~consolidated~~ city **of Indianapolis** in any year, from any available balance in the general fund of the department, such sum as it considers reasonable and that may be available to compensate the city for its loss of revenue in the annual taxes assessable on property of the estimated current and equivalent value of that acquired for all parking facilities, so long as they remain free of taxes.

SECTION 646. IC 36-9-11.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. Within ninety (90) days after the close of each calendar year, an operating and income statement of the parking facility or facilities shall be prepared by the fiscal officer of the ~~consolidated~~ city **of Indianapolis,** and kept on file in ~~his~~ **the fiscal officer's** office open to examination by any holder of the revenue bonds. A copy of the statement shall be furnished to the original purchaser of the bonds upon request.

SECTION 647. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their

respective eligible entities:

(1) Board of commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1.

(2) County council, for a county subject to IC 36-2-3.5.

(3) City-county council, for ~~a consolidated~~ **the** city **of Indianapolis** or **Marion** County. ~~having a consolidated city.~~

(4) Common council, for a city other than ~~a consolidated~~ **the** city **of Indianapolis.**

(5) Town council, for a town.

(6) Trustee and township board, for a civil or school township.

(7) Board of school trustees, board of school commissioners, or school board, for a school corporation.

(8) Board of trustees, for a health and hospital corporation.

SECTION 648. IC 36-9-13-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. (a) Except as provided in subsection (b), the board of directors of a building authority, acting in the name of the authority, may:

(1) finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, equip, operate, maintain, and manage land, government buildings, or systems for the joint or separate use of one (1) or more eligible entities;

(2) lease all or part of land, government buildings, or systems to eligible entities;

(3) govern, manage, regulate, operate, improve, reconstruct, renovate, repair, and maintain any land, government building, or system acquired or financed under this chapter;

(4) sue, be sued, plead, and be impleaded, but all actions against the authority must be brought in the circuit court for the county in which the authority is located;

(5) condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with government buildings or systems regardless of whether that property is then held for a governmental or public use;

(6) acquire real or personal property by gift, devise, or bequest and hold, use, or dispose of that property for the purposes authorized by this chapter;

(7) enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a government building;

(8) design, order, contract for, and construct, reconstruct, renovate, and maintain land, government buildings, or systems and perform any work that is necessary or desirable to improve the grounds, premises, and systems under its control;

(9) determine, allocate, and adjust space in government buildings to be used by any eligible entity;

(10) construct, reconstruct, renovate, maintain, and operate

auditoriums, public meeting places, and parking facilities in conjunction with or as a part of government buildings;

(11) collect all money that is due on account of the operation, maintenance, or management of, or otherwise related to, land, government buildings, or systems, and expend that money for proper purposes;

(12) let concessions for the operation of restaurants, cafeterias, public telephones, news and cigar stands, and vending machines;

(13) employ the managers, superintendents, architects, engineers, consultants, attorneys, auditors, clerks, foremen, custodians, and other employees or independent contractors necessary for the proper operation of land, government buildings, or systems and fix the compensation of those employees or independent contractors, but a contract of employment may not be made for a period of more than four (4) years although it may be extended or renewed from time to time;

(14) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(15) provide coverage for its employees under IC 22-3 and IC 22-4; and

(16) accept grants and contributions for any purpose specified in this subsection.

(b) The building authority in ~~a~~ **Marion** County ~~having a consolidated city~~ may not purchase, construct, acquire, finance, or lease any land, government building, or system for use by an eligible entity other than the ~~consolidated~~ **the** city **or Indianapolis** or **Marion** County, unless that action is first approved by:

(1) the city-county legislative body; and

(2) the governing body of the eligible entity involved.

SECTION 649. IC 36-9-13-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 34. (a) Except as provided by subsection (d), an eligible entity that executes a lease under this chapter shall annually levy a tax sufficient to produce each year the necessary money with which to pay the lease rental required by the lease. These levies may be reviewed by other bodies vested by law with that authority, in order to determine that the levies are sufficient to raise the amount required to meet the rental under the lease.

(b) The first tax levy shall be made at the first annual tax levy period following the date of the execution of the lease. However, if the lease was entered into in anticipation of the purchase of land, construction or purchase of a government building, or acquisition of a system, the first tax levy shall be made at the first annual tax levy period immediately before the date fixed in the lease for the beginning of the lease rental. The first annual levy shall be made in an amount sufficient

to pay the estimated amount of the first annual lease rental to be made under the lease.

(c) The annual lease rental shall be paid to the authority ~~semiannally,~~ **semiannually,** following settlements for tax collections.

(d) If ~~a consolidated~~ **the** city **of Indianapolis** executes a lease agreement for all or part of any land, government building, or system, and its use and benefit is for a certain special service district within the ~~consolidated~~ city **of Indianapolis,** the authority may determine that the annual tax required under subsection (a) shall be levied by the special service district benefited by the lease agreement.

SECTION 650. IC 36-9-13-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 41. (a) This section does not apply to ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) The county fiscal body and the municipal fiscal body of the county seat may by concurrent resolution dissolve a building authority. They may consider dissolving the building authority at any time, but they shall consider dissolving the building authority when they are presented with a petition signed by twenty percent (20%) of the registered voters residing in the county or thirty-five percent (35%) of the registered voters residing in the county seat.

(c) The concurrent resolution must provide a plan for paying any obligations, including bonds, of the building authority and for the disposition of the funds and property of the building authority.

SECTION 651. 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~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

SECTION 652. IC 36-9-14.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) The tax money collected under this chapter shall be held in a special fund to be known as the cumulative capital development fund.

(b) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ money may be transferred from the fund to the fund of a department of the ~~consolidated~~ city **of Indianapolis** responsible for carrying out a purpose for which the cumulative capital development fund was created. The department may not expend any money so transferred until an appropriation is made and the department may not expend any money so transferred for operating costs of the department.

(c) Money held in the cumulative capital development fund may be

spent for purposes other than the purposes stated in section 2 of this chapter, if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to contribute to an authority established under IC 36-7-23. Money may be spent under the authority of this subsection only after the county executive:

(1) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; or

(2) certifies in the minutes of the county executive that the money is contributed to the authority for capital development purposes.

SECTION 653. IC 36-9-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A county fiscal body may establish cumulative building funds under IC 6-1.1-41 or sinking funds in the same manner as cumulative funds are established under IC 6-1.1-41 for the:

(1) construction, repair, remodeling, enlarging, and equipment of:

(A) a county jail; or

(B) a juvenile detention center to be operated under IC 31-31-9; or

(2) in ~~a~~ **Marion** County, ~~having a consolidated city,~~ purchase, lease, or payment of all or part of the purchase price of motor vehicles for use of the sheriff's department.

(b) The county fiscal body may levy taxes to provide money for:

(1) cumulative building funds established under this chapter in compliance with IC 6-1.1-41; or

(2) sinking funds established under this chapter in the same manner a tax is levied for a cumulative fund under IC 6-1.1-41.

(c) IC 6-1.1-41 applies to a sinking fund under this chapter to the same extent as if the sinking fund was a cumulative fund.

SECTION 654. IC 36-9-15.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) The tax money collected under this chapter shall be held in a special fund to be known as the cumulative capital development fund.

(b) In ~~a consolidated~~ **the** city **of Indianapolis,** money may be transferred from the fund to the fund of a department of the ~~consolidated~~ city **of Indianapolis** responsible for carrying out a purpose for which the cumulative capital development fund was created. The department may not expend any money so transferred until an appropriation is made and the department may not expend any money so transferred for operating costs of the department.

(c) Money held in the cumulative capital development fund may be spent for purposes other than the purposes stated in section 2 of this chapter, if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to make a contribution to an authority established under IC 36-7-23. Money

may be spent under the authority of this subsection only after the executive of the municipality:

(1) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; or

(2) certifies in the minutes of the municipal legislative body that the contribution is made to the authority for capital development purposes.

SECTION 655. IC 36-9-16-3, AS AMENDED BY P.L.34-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. A unit may establish cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

(1) To acquire land or rights-of-way to be used for public ways or sidewalks.

(2) To construct and maintain public ways or sidewalks.

(3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(4) To construct and maintain sanitary or storm sewers, or both.

(5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

(6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.

(7) To purchase or acquire land, with or without buildings, for park or recreation purposes.

(8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.

(9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.

(10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.

(11) In a county or ~~a consolidated~~ **the** city **of Indianapolis,** to purchase or lease equipment to be used to illuminate a public way or sidewalk.

(12) The fund may be used for any of the following purposes:

(A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(i) Computer hardware.

(ii) Computer software.

(iii) Wiring and computer networks.

(iv) Communication access systems used to connect with

computer networks or electronic gateways.

(B) To pay for the services of full-time or part-time computer maintenance employees.

(C) To conduct nonrecurring inservice technology training of unit employees.

(13) To purchase body armor (as defined in IC 35-47-5-13(a)) for active members of a police department under:

(A) IC 36-5-7-7;

(B) IC 36-8-4-4.5;

(C) IC 36-8-9-9; and

(D) IC 36-8-10-4.5.

SECTION 656. IC 36-9-23-33, AS AMENDED BY P.L.39-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 33. (a) An officer described in subsection (b) may defer enforcing the collection of unpaid fees and penalties assessed under this chapter until the unpaid fees and penalties have been due and unpaid for at least ninety (90) days.

(b) Except as provided in subsection (l), the officer charged with the collection of fees and penalties assessed under this chapter shall enforce their payment. As often as the officer determines is necessary in a calendar year, the officer shall prepare either of the following:

(1) A list of the delinquent fees and penalties that are enforceable under this section, which must include the following:

(A) The name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent.

(B) A description of the premises, as shown by the records of the county auditor.

(C) The amount of the delinquent fees, together with the penalty.

(2) An individual instrument for each lot or parcel of real property on which the fees are delinquent.

(c) The officer shall record a copy of each list or each individual instrument with the county recorder who shall charge a fee for recording the list or each individual instrument in accordance with the fee schedule established in IC 36-2-7-10. The officer shall then mail to each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. Except for ~~a~~ **Marion** County, ~~having a consolidated city,~~ a service charge of five dollars ($5), which is in addition to the recording fee charged under this subsection and under subsection (f), shall be added to each delinquent fee that is recorded.

(d) This subsection applies only to ~~a~~ **Marion** County. ~~containing a consolidated city.~~ Using the lists and instruments prepared under subsection (b) and recorded under subsection (c), the officer shall certify to the county auditor a list of the liens that remain unpaid according to a schedule agreed upon by the county treasurer and the

officer for collection with the next cycle's property tax installment. The county and its officers and employees are not liable for any material error in the information on the list.

(e) Using the lists and instruments prepared under subsection (b) and recorded under subsection (c), the officer shall, not later than ten (10) days after the list or each individual instrument is recorded under subsection (c), certify to the county auditor a list of the liens that remain unpaid for collection in the next May. The county and its officers and employees are not liable for any material error in the information on this list.

(f) The officer shall release any recorded lien when the delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

(g) On receipt of the list under subsection (e), the county auditor of each county shall add a fifteen dollar ($15) certification fee for each lot or parcel of real property on which fees are delinquent, which fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the municipality the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due not later than the due date of the next installment of property taxes. The county treasurer shall then include any unpaid charges for the delinquent fee, penalty, service charge, recording fee, and certification fee to the owner or owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

(h) After certification of liens under subsection (e), the officer may not collect or accept delinquent fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the county auditor. This subsection does not apply to ~~a~~ **Marion** County. ~~containing a consolidated city.~~

(i) If a delinquent fee, penalty, service charge, recording fee, and certification fee are not paid, they shall be collected by the county treasurer in the same way that delinquent property taxes are collected.

(j) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all fees, charges, and penalties that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining fees and penalties due the municipality. The county treasurer shall retain the service charges and certification fees that have been collected, and shall deposit them in the county general fund.

(k) Fees, penalties, and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll for a purchaser who, in the manner prescribed by section 32(d) of this chapter, files a verified demand with the county auditor.

(l) A board may write off a fee or penalty under subsection (a) that is for less than forty dollars ($40).

SECTION 657. 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~~ **LaPorte** County. ~~having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).~~

(2) Each municipality in ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) in which~~ **if** 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~~ **the** city **of Indianapolis,** 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 658. IC 36-9-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter:

"Board" refers to a board of sanitary commissioners, or board of public works of ~~a consolidated~~ **the** city **of Indianapolis.**

"Department" refers to a department of public sanitation, or department of public works of ~~a consolidated~~ **the** city **of Indianapolis.**

"District" means the area within the jurisdiction of a department.

SECTION 659. 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, 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);~~ **Vigo County;**

(B) ~~more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000);~~ **LaPorte County;**

(C) ~~more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);~~ **Tippecanoe County;** or

(D) ~~more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);~~ **Madison County;**

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 660. 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~~ **Madison** County. ~~having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).~~

(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 661. IC 36-9-25-11.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.1. In ~~a consolidated~~ **the** city **of Indianapolis,** the board may also require the users of the

sewage service to make a reasonable deposit in advance of a connection or reconnection to the sewerage system to secure payment of the fees. The deposit may not exceed thirty-three percent (33%) of the estimated annual cost of the service for a particular user.

SECTION 662. 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:~~ **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) 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 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 663. IC 36-9-25-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 41. (a) This section applies to ~~each consolidated~~ **the** city **of Indianapolis.**

(b) To raise money to pay the costs of acquiring, constructing, and improving sewage works and property necessary for sewage works, the board may have issued, in the name of the municipality, revenue bonds payable solely from the revenues of the sewage works for which they are issued. Revenue bonds issued under this section are not a corporate indebtedness of the district or the municipality.

(c) The revenue bonds bear interest at a rate not to exceed the maximum rate per annum specified by the board and will be payable and mature at the time or times determined by the board in the resolution.

(d) The revenue bonds may be made redeemable before maturity at the option of the board, to be exercised by the board, at not more than their par value plus a premium of five percent (5%), under the terms and conditions fixed by the resolution authorizing the issuance of the bonds.

(e) The principal and interest of the revenue bonds may be made payable in any lawful medium.

(f) The resolution authorizing the issuance of the revenue bonds must determine the form of the bonds and must fix the denomination or denominations of the bonds and the place or places of payment of their principal and interest, which may be at any bank or trust company in Indiana or another state.

(g) The revenue bonds must contain a statement on their face that neither the district nor the municipality is obligated to pay the principal or interest on them, except from the net revenue of the sewage works that are deposited in the sinking fund established by subsection (t).

(h) The revenue bonds are negotiable instruments.

(i) Provision may be made for the registration of any of the revenue bonds in the name of the owner as to principal alone or as to both principal and interest.

(j) The revenue bonds shall be executed in the same manner as other bonds issued under section 27 of this chapter.

(k) The revenue bonds shall be sold by the district and the municipal fiscal officer in the manner that is determined to be in the best interests of the district, but only at public sale in accordance with the statutes concerning the sale of municipal bonds.

(l) Before the preparation of the definite revenue bonds, temporary revenue bonds may be issued with or without coupons. The temporary revenue bonds, which shall be issued in the manner prescribed by this section, may be exchanged for the definite revenue bonds when they are issued.

(m) If the proceeds of the revenue bonds are less than the cost of the sewage works, additional revenue bonds may be issued under this section to provide the amount of the deficit. Unless otherwise provided in the resolution authorizing the first issue, the additional revenue bonds are considered part of the first issue and are entitled to payment from the same fund, without priority for the first issue.

(n) Subject to the provisions and limitations of any resolution or trust indenture pertaining to any outstanding revenue bonds, additional bonds payable from the revenues of the sewage works may be authorized and issued in the manner prescribed by this section for the purpose of improving any works acquired or constructed under this chapter without priority of one (1) issue over another.

(o) Revenue bonds issued under this section are exempt from taxation for all purposes.

(p) Any action to contest the validity of revenue bonds issued under this section must be brought at least five (5) days before the advertised date for the sale of the bonds.

(q) The first proceeds of any revenue bonds issued under this section shall be used to repay all amounts advanced for preliminary expenses. The remaining proceeds of the bond issue shall be applied to

the cost of acquiring, constructing, or improving the sewage works.

(r) After the payments required by subsection (q) have been made, any proceeds of the bond issue that have not been spent shall be deposited in the sinking fund established by subsection (t).

(s) The holders of the revenue bonds have a lien on the bond proceeds until they are applied under this section.

(t) At or before the time of issuance of revenue bonds under this section, the board, by resolution, shall:

(1) establish a sinking fund for the payment of:

(A) the principal of and interest on the revenue bonds; and

(B) the charges of banks or trust companies for making payment of the principal or interest on the revenue bonds; and

(2) pledge the net revenues of the sewage works, after the payment of the reasonable expense of operation, repair, and maintenance of the works, to the payment of the expenses described in subdivision (1).

The resolution may also provide for the accumulation of reasonable reserves in the sinking fund as a protection against default, and for the payment of premiums on bonds retired by call or purchase under this section.

(u) The rights granted by this section are subject to any restrictions contained in the resolution authorizing the issuance of revenue bonds or in any trust indenture securing the bonds. The holder of any revenue bonds or any coupons attached to them, and the trustee, if any, may, either at law or in equity, protect and enforce all rights granted by this section or under the resolution or trust indenture, including the making and collecting of reasonable and sufficient fees for services rendered by the sewage works. If the principal or interest of any of the revenue bonds is not paid on the date named in the bonds for payment, any court having jurisdiction of the action may appoint a receiver to administer the sewage works on behalf of the district, municipality, the bondholders, and the trustee, if any. The receiver may:

(1) charge and collect fees sufficient to provide for the payment of the expenses of operation, repair, and maintenance of the works;

(2) pay any revenue bonds and interest outstanding; and

(3) apply the revenues in conformity with this chapter, the resolution authorizing the bond issue, and the trust indenture, if any.

(v) Bonds issued under this section are subject to the requirements of IC 36-3-5-8.

SECTION 664. IC 36-9-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties. However, sections 6, 7, 9, 10, 30, 31, and 32 of this chapter do not apply to ~~a~~ **Marion** County. ~~having a consolidated city.~~

SECTION 665. IC 36-9-27-5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except in ~~a~~ **Marion** County, ~~having a consolidated city,~~ the drainage board consists of either:

(1) the county executive; or

(2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the board of public works of the ~~consolidated~~ city **of Indianapolis** comprises the drainage board, subject to IC 36-3-4-23.

(c) In ~~a~~ **Marion** county, ~~having a consolidated city,~~ the department of public works of the ~~consolidated~~ city **of Indianapolis** has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23.

SECTION 666. IC 36-9-27-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) This section applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) There is established a county drainage advisory committee. The executive of each township in the county shall appoint one (1) resident of ~~his~~ **the executive's** township to serve on the committee. Committee members serve for four (4) year terms. Members may not receive per diem or mileage for service on the committee.

(c) The county drainage advisory committee shall advise and assist the board in the performance of its powers, duties, and functions. The board or the county legislative body may assign responsibilities to the committee concerning drainage. The committee may select one (1) of its members as chairman and may meet at ~~his~~ **the chairman's** call or at the call of any three (3) of its members.

SECTION 667. IC 36-9-27-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 74. (a) This section applies to ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) Each year, the county shall levy the tax authorized by section 73 of this chapter at a rate on each one hundred dollars ($100) of assessed valuation that will yield three hundred thousand dollars ($300,000) per year.

(c) The county auditor shall determine a particular watershed's part of the receipts from the tax authorized by this section by multiplying

the total tax receipts by a fraction determined by the county surveyor. The numerator of the fraction is the number of acres in the particular watershed, and the denominator is the total number of acres in all of the watersheds in the county. The auditor shall annually distribute these amounts to the watersheds in the county.

(d) The county legislative body shall annually appropriate, for use in the county in each of these watersheds, at least eighty percent (80%) of the watershed's part of the tax receipts.

SECTION 668. IC 36-9-27.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "drainage board" means the following:

(1) Except as provided in subdivision (2):

(A) the county board of commissioners, as provided in IC 36-9-27-5(a)(1); or

(B) the drainage board appointed by the board of commissioners under IC 36-9-27-5(a)(2).

(2) In ~~a~~ **Marion** County, ~~having a consolidated city,~~ the board of public works of the ~~consolidated~~ city **of Indianapolis,** as provided in IC 36-9-27-5(b).

SECTION 669. IC 36-9-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all municipalities other than ~~a consolidated~~ **the** city **of Indianapolis.**

SECTION 670. IC 36-9-29.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 671. IC 36-9-29.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "board" refers to the board of public works of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

SECTION 672. IC 36-9-29.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) For the purpose of raising money to pay for the property and the construction, and in anticipation of the special tax to be levied as provided in section 14 of this chapter, the board may cause to be issued, in the name of the ~~consolidated~~ city **of Indianapolis,** the bonds of the flood control district, not to exceed the amount of the estimated total cost of all lands, rights-of-way, and other property so to be acquired and the estimated cost of all work or construction as provided for in the resolution, and including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the cost of supervision and inspection during the period of construction of the work.

(b) The expenses to be covered in the amount of the bond issue must include all expenses of every kind actually incurred preliminary to the acquiring of the property and the construction of the work, such as the cost of necessary records, engineering expenses, publication of notices,

salaries, and other expenses necessary to be incurred before and in connection with the acquiring of the property, the amending of the contract, and the sale of bonds.

(c) In case different parcels of land are to be acquired, or more than one (1) contract for work is amended, at approximately the same time, whether under one (1) or more resolutions, the board may provide for the estimated total cost of these items in one (1) issue of bonds.

(d) The bonds shall be issued in accordance with IC 36-3-5-8.

(e) The bonds are negotiable instruments and bear interest payable semiannually, on the first days of January and July of each year, with the first interest to be payable on July 1 preceding the maturity of the first series of the bonds.

(f) On adopting a resolution ordering the bonds, the board shall certify a copy of it to the fiscal officer of the ~~consolidated~~ city **of Indianapolis,** who shall prepare the bonds. The bonds shall be executed by the city executive and attested by the fiscal officer.

(g) The bonds are exempt from taxation as provided by IC 6-8-5.

(h) All bonds issued by the board shall be sold by the city fiscal officer in accordance with IC 5-1-11.

(i) Bonds of the flood control district payable by special taxation may not be issued when the total issue for that purpose, including the bonds already issued and to be issued, exceeds two percent (2%) of the adjusted value of the taxable property within the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void.

(j) The bonds are not, in any respect, a corporate obligation or indebtedness of the ~~consolidated~~ city **of Indianapolis,** but constitute an indebtedness of the flood control district as a special taxing district, and the bonds and interest on them are payable only out of a special tax levy upon all the property of the district. The bonds must recite these terms upon their face, together with the purpose for which they are issued.

(k) An action to question the validity of any bonds issued for the flood control district or to prevent their issue must be brought before the date set for the sale of the bonds, and all bonds, from and after that date, are incontestable for any reason.

SECTION 673. IC 36-9-29.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) All proceeds from the sale of bonds under section 12 of this chapter shall be kept as a separate and specific fund, to pay the cost of land, rights-of-way, and other property acquired and of construction of the work under the resolution, and all costs and expenses incurred in connection with these things, and no part of the proceeds may be used for any other purpose.

(b) The fund shall be deposited at interest with the depository or depositories of other public funds in the ~~consolidated~~ city **of Indianapolis,** and all interest collected on it belongs to the fund.

(c) Any surplus remaining out of the proceeds of the bonds, after all of the costs and expenses are fully paid, shall be paid into and becomes a part of the flood control district bond fund.

SECTION 674. IC 36-9-29.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) For the purpose of raising money to pay all bonds issued under section 12 of this chapter and the interest on them, the city-county legislative body shall levy each year a special tax upon all the property of the flood control district, in such manner as to meet and pay the principal of the bonds as they severally mature, together with all accruing interest. The tax so levied each year shall be certified to the fiscal officers of the ~~consolidated~~ city **of Indianapolis** and ~~the~~ **Marion** County before August 2 in each year.

(b) The tax levied and certified shall be estimated and entered upon the tax duplicate by the county auditor, and shall be collected and enforced by the county treasurer, in the same manner as state and county taxes are estimated, entered, collected, and enforced. As the tax is collected by the county treasurer, it shall be accumulated and kept in a separate fund to be known as the "flood control district bond fund," and shall be applied to the payment of the flood control district bonds and interest as they severally mature and to no other purpose. All accumulations before their use for the payment of bonds and interest shall be deposited, at interest, with the depository or depositories of other funds in the ~~consolidated~~ city **of Indianapolis,** and all interest collected on them belongs to the fund.

SECTION 675. IC 36-9-29.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) For the purpose of:

(1) providing for the payment of all general expenses of the board, including salaries of officers and employees and other items of expense not properly chargeable into the cost of any property acquired or work done under any resolution of the board for which flood control district bonds are issued; and

(2) providing for the operation, maintenance, and repair of any levees, dikes, retaining walls, reservoirs, drains, and other works and improvements in or along any watercourse designed to prevent damage and injury through floods, and other permanent works constructed, including the repair and maintenance of equipment or the performance of any duty imposed by this chapter;

a tax of not exceeding one and thirty-three hundredths cents ($0.0133) on each one hundred dollars ($100) of taxable property in the district as it appears on the tax duplicates, in addition to all other taxes, shall be levied annually by the city-county legislative body for flood control purposes. The county auditor shall estimate the taxes and enter them upon the tax duplicate, and the county treasurer shall collect and

enforce the taxes, in the same manner as state and county taxes are estimated, entered, collected, and enforced.

(b) The county treasurer shall, between the first and tenth days of each month, notify the board of the amount of such taxes collected for flood control purposes during the preceding month, and upon the date of notification the county treasurer shall credit an account to be known as the "flood control maintenance and general expense fund" with such amount of taxes for flood control purposes as may have been collected at that time. The fund shall be used and expended only for the purposes prescribed by this chapter. The board may expend on behalf of the district all sums of money thus realized. Warrants for these expenditures shall be drawn by the fiscal officer of the ~~consolidated~~ city **of Indianapolis** upon the vouchers of the board.

(c) The board may by resolution authorize and make temporary loans in anticipation of revenues actually levied under this section, which loans mature and shall be paid within one (1) year from the date of the making of the loan, with interest payable at the maturity of the loan. The warrants or other evidence of these loans shall be sold for not less than par, and before the making of the loan, notice of the time, place, amount, and terms of making of the loan shall be given by publication in accordance with IC 5-3-1. The warrants import no personal obligation for their payment and are payable only out of the tax so levied.

(d) All money remaining in any of the funds to the credit of the board at the end of the calendar year continues to belong to these funds respectively, to be used by the board for the respective purposes for which the funds are created. All funds raised under this section shall be deposited at interest with the depository or depositories of other public funds of the ~~consolidated~~ city **of Indianapolis** and all interest collected on them belongs to them.

(e) In the event that the revenues in the "flood control maintenance and general expense fund" of the district are at any time insufficient, the ~~consolidated~~ city **of Indianapolis** may appropriate money out of its general fund for the use and benefit of the district, which amount so appropriated and used shall be returned and repaid to the city out of the first available funds by the board.

SECTION 676. IC 36-9-29.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) From the separate and specific fund derived from sale of the bonds as provided in this chapter, and from no other source, the board shall pay to the parties entitled to it the amounts respectively due them for any lands, rights-of-way, or other property taken or purchased, or for work done by contract or otherwise.

(b) In case the lands, rights-of-way, or other property is secured by purchase or contract, the payment shall be made according to the terms of the contract. In case of any such property taken by condemnation as

provided in this chapter, the amount of damages assessed shall be paid or tendered as provided in this chapter, within ninety (90) days after the final determination of the condemnation proceedings, or as soon after that as the fund arising from the bonds is available. The title to the lands, rights-of-way, or other property, or that part so paid for or otherwise acquired then becomes vested in the ~~consolidated~~ city **of Indianapolis,** in the manner, to the extent, for the purpose, and subject to the limitations provided in this chapter.

(c) The board shall order payments from the fund to be made to contractors in accordance with IC 36-1-12.

SECTION 677. IC 36-9-29.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. No part of any of the funds raised under this chapter may be expended except upon warrants drawn by the fiscal officer of the ~~consolidated~~ city **of Indianapolis,** upon vouchers of the board. No appropriation in any form is necessary, but all funds arising under this chapter are considered appropriated to the respective purposes named in this chapter, and are under the control of the board, which has complete and exclusive authority to expend these funds for these purposes.

SECTION 678. 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 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~~ **Warrick** County. ~~having a population of more than fifty thousand (50,000) but less than fifty-five thousand (55,000).~~ 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 679. IC 36-9-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each consolidated~~ **the** city **of Indianapolis.**

SECTION 680. IC 36-9-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter:

"Board" refers to the board of public works of the ~~consolidated~~ city **of Indianapolis,** subject to IC 36-3-4-23.

"Byproduct" means energy and materials from wastes in a form that will allow their reuse.

"Byproduct recovery facility" means a facility for the systematic separation and recovery of energy and recyclable material from waste.

"Cost" as applied to a facility, or any part of a facility, includes the cost of construction, modification, or acquisition of the facility, or any part of it, financing charges, interest before and during construction and for one (1) year after commencement of operation of the facility, cost of funding any reserves to secure the payment of principal and interest on the bonds, cost of funding any operation and maintenance reserve fund, cost of funding any major repair or replacement fund, legal and underwriting expenses, plans, specifications, surveys, estimates of costs and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the facility, administrative expense, and such other expenses as may be necessary or incident to the construction, modification, or acquisition of the facility, the financing of the construction, modification, or acquisition, and the placing of the facility in operation.

"Developer" means any person that proposes to enter into or has entered into a financing agreement with the ~~consolidated~~ city **of Indianapolis** for financing a facility and that proposes to enter into or has entered into a separate agreement with some other person for the use and operation of the facility so financed.

"Disposal" includes the treatment of as well as the placing, processing, confining, compacting, storing, or covering of waste.

"Facility" means any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture, or other real or personal property that is to be used, occupied, or employed for the storage, processing, or disposal of waste or the recovery and marketing by any means of any byproduct, such as recycling centers, transfer stations, trucks, bailing facilities, rail haul or barge haul facilities, processing systems, byproduct recovery facilities or other facilities for reducing waste volume, sanitary landfills, plants and facilities for compacting, composting, or pyrolization of wastes, incinerators, and other waste disposal, reduction, or conversion facilities or any combination thereof. The term excludes any energy generating facility that does not rely on waste as its primary fuel source and any facility regulated under IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14.

"Financing agreement" includes an agreement between the ~~consolidated~~ city **of Indianapolis** and a developer or between a developer or user, or both, concerning the financing of, the title to, or possession of facilities, or both, and payments to the city in respect thereof.

"Grant" means money to be received from the federal government or any of its agencies, or the state or any of its agencies, intended to be used for the construction, modification, or acquisition of waste disposal facilities. The term also includes federal revenue-sharing money to which the ~~consolidated~~ city **of Indianapolis** is entitled.

"Net revenues" means the amount of revenues received by the

~~consolidated~~ city **of Indianapolis** from the operation and ownership of facilities less the reasonable expenses of the operation, repair, and maintenance of these facilities.

"Processing" means an operation for the purpose of modifying the characteristics or properties of waste to facilitate transportation of, disposal of, or the recovery of byproducts from waste.

"Proposal" means a written response to a request for proposals.

"Proposer" means any person that has submitted a proposal in response to a request for proposals issued to the person by the board.

"Public notice" means a notice published in accordance with IC 5-3-1.

"Put or pay contract" means a contract entered into by the ~~consolidated~~ city **of Indianapolis** with any person whereby the city guarantees the provision of a specified amount of waste to the person and the city is obligated to pay the person a specified amount for waste that is not so provided.

"Request for proposals" means an invitation to submit a proposal to the ~~consolidated~~ city **of Indianapolis** for the construction, modification, acquisition, operation, or combination of any of these, of the facility under section 4 of this chapter.

"Request for qualifications" means an invitation by the ~~consolidated~~ city **of Indianapolis** to any person to submit qualifications in order to qualify to submit a proposal.

"Revenue bonds" means bonds issued under section 10 of this chapter.

"Revenues" means the amounts received by the ~~consolidated~~ city **of Indianapolis** from the operation or ownership of facilities, including amounts received from the collection of fees under section 8 of this chapter, amounts received under financing agreements under section 11 of this chapter, tipping fees, lease rentals, and amounts received from the sale or other disposition of byproducts, but not including any amounts derived from the levy of taxes.

"Service district" means the solid waste collection special service district created by IC 36-3-1-6.

"Solid waste" has the meaning set forth in IC 36-9-30-2, except that the term excludes sewage and other highly diluted water-carried materials or substances and those in gaseous forms, excludes waste when the waste is to be reused or reclaimed as salvage, and excludes waste regulated under IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14.

"Tipping fees" means the charge by any person for the disposal of waste at a facility.

"User", for purposes of section 11 of this chapter only, means a person that has entered into a financing agreement with the ~~consolidated~~ city **of Indianapolis,** or with a developer, in contemplation of the user's use and operation of the facilities referred

to in the agreement.

"Waste" includes solid waste and water disposed of in conjunction with the disposal of solid waste, as well as liquid waste (consisting of sludge from air or water pollution control facilities or water supply treatment facilities), when disposed of in conjunction with the disposal of solid waste.

"Waste disposal development bonds" means bonds issued under section 11 of this chapter.

"Waste disposal district" means the waste disposal special taxing district referred to in IC 36-3-1-6.

"Waste disposal district bonds" means bonds issued under section 9 of this chapter.

SECTION 681. IC 36-9-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. In order to provide for the collection and disposal of waste in the ~~consolidated~~ city **of Indianapolis** and for the management, operation, acquisition, and financing of facilities for waste disposal, the board may exercise the following powers on behalf of the city, in addition to the powers specifically set forth elsewhere in this chapter:

(1) To sue and be sued.

(2) To exercise the power of eminent domain as provided in IC 32-24 within the corporate boundaries of the city; however, the power of eminent domain may not be exercised to acquire the property of any public utility used for the production or distribution of energy.

(3) To provide for the collection of waste accumulated within the service district and to provide for disposal of waste accumulated within the waste disposal district, including contracting with persons for collection, disposal, or waste storage, and the recovery of byproducts from waste, and granting these persons the right to collect and dispose of any such wastes and store and recover byproducts from them.

(4) To plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for waste disposal.

(5) To enter into all contracts or agreements necessary or incidental to the collection, disposal, or recovery of byproducts from waste, such as put or pay contracts, contracts and agreements for the design, construction, operation, financing, ownership, or maintenance of facilities or the processing or disposal of waste or the sale or other disposition of any products generated by a facility. Notwithstanding any other statute, any such contract or agreement may be for a period not to exceed forty (40) years.

(6) To enter into agreements for the leasing of facilities in accordance with IC 36-1-10; however, any such agreement having an original term of five (5) or more years is subject to approval by

the department of local government finance under IC 6-3.5. Such an agreement may be executed before approval, but if the department of local government finance does not approve the agreement, it is void.

(7) To purchase, lease, or otherwise acquire real or personal property.

(8) To contract for architectural, engineering, legal, or other professional services.

(9) To exclusively control, within the city, the collection, transportation, storage, and disposal of waste and, subject to the provisions of sections 6 and 8 of this chapter, to fix fees in connection with these matters.

(10) To determine exclusively the location and character of any facility, subject to local zoning ordinances and environmental management laws (as defined in IC 13-11-2-71).

(11) To sell or lease to any person any facility or part of it.

(12) To make and contract for plans, surveys, studies, and investigations.

(13) To enter upon property to make surveys, soundings, borings, and examinations.

(14) To accept gifts, grants, or loans of money, other property, or services from any source, public or private, and to comply with their terms.

(15) To issue from time to time waste disposal district bonds to finance the cost of facilities as provided in section 9 of this chapter.

(16) To issue from time to time revenue bonds to finance the cost of facilities as provided in section 10 of this chapter.

(17) To issue from time to time waste disposal development bonds to finance the cost of facilities as provided in section 11 of this chapter.

(18) To issue from time to time notes in anticipation of grants or in anticipation of the issuance of bonds to finance the cost of facilities as provided in section 13 of this chapter.

(19) To establish fees for the collection and disposal of waste, subject to the provisions of sections 6 and 8 of this chapter.

(20) To levy a tax within the service district to pay costs of operation in connection with waste collection, waste disposal, mowing services, and animal control, subject to regular budget and tax levy procedures. For purposes of this subdivision, "mowing services" refers only to mowing services for rights-of-way or on vacant property.

(21) To levy a tax within the waste disposal district to pay costs of operation in connection with waste disposal, subject to regular budget and tax levy procedures.

(22) To borrow in anticipation of taxes.

(23) To employ staff engineers, clerks, secretaries, and other employees in accordance with an approved budget.

(24) To issue requests for proposals and requests for qualifications as provided in section 4 of this chapter.

(25) To require all persons located within the service district or waste disposal district to deposit waste at sites designated by the board.

(26) To otherwise do all things necessary for the collection and disposal of waste and the recovery of byproducts from it.

SECTION 682. IC 36-9-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Notwithstanding any statute relating to the length, duration, and terms of contracts and agreements, the board on behalf of the ~~consolidated~~ city **of Indianapolis** may enter into any contract or agreement with any person upon such terms and conditions as may be agreed upon, for the design, construction, operation, financing, ownership, or maintenance of a facility for waste disposal in accordance with the requirements and conditions of this section. Before or after the expiration or termination of the term or duration of any contract or agreement entered into or granted under this section, the board, in accordance with the requirements and conditions of this section, may from time to time enter into amended, extended, supplemental, new, or further contracts or agreements with the same or any other person for any purpose referred to in this section.

(b) Overall cost, including construction costs, tipping fees, and reductions in costs resulting from the sale of byproducts, should in all cases be a major criterion in the selection of contractors for award of contracts under this section. The board shall consider the highly complex and innovative nature of byproduct recovery technology, the variety of waste disposal technology available, the desirability of flexibility for the development of these complex facilities, and the economic and technical utility of contracts for byproduct recovery projects that include in their scope various combinations of design, construction, operations, management, or maintenance responsibilities over prolonged periods of time and that in some instances it may be beneficial to the ~~consolidated~~ city **of Indianapolis** to award a contract on the basis of factors other than cost alone, for example, facility design, system reliability, energy efficiency, compatibility with source separation and other recycling systems and environmental protection. Accordingly, and notwithstanding any other statute, a contract entered into between the board on behalf of the city and any person under this section may be awarded by the board by following either of the following procedures:

(1) Public bidding in compliance with IC 36-1-12.

(2) Compliance with subsection (c).

(c) The board may issue a request for qualifications and request for

proposals prepared by or for the ~~consolidated~~ city **of Indianapolis** in accordance with the following provisions:

(1) All persons may be required to prequalify as a proposer by submitting information relating to the experience of the proposer, the basis on which the proposer purports to be qualified to carry out all work required by a proposed contract, and the financial condition of the proposer. Minimum requirements may be set by the board as to these minimum qualifications in a request for qualifications issued before that.

(2) Before the issuance of a request for proposals under this section, the board shall adopt a proposed request for proposals and shall publish a public notice that may contain a request for qualifications, if a prequalification process has been adopted under subdivision (1), including the criteria on which proposers may be selected. The public notice must include the intent to issue a request for proposals, and must further designate times and places where the proposed request for proposals may be viewed by the general public. Comments may be addressed to the scope or contents of the proposed request for proposals. The board shall allow not less than a thirty (30) day period for the submission of qualifications and comments on the proposed request for proposals, following which the board shall select a proposer and adopt a request for proposals. After that, the board shall notify each proposer that is selected of the selection, inform each proposer of the date and place proposals are to be submitted, and deliver to each proposer a copy of the request for proposal.

(3) Requests for proposals must include a clear identification and specification of all elements of cost that would become charges to the city, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for proposals for the full lifetime of a proposed contract, including such appropriate matters as proposals for project staffing, implementation of all work tasks, carrying out of all responsibility required by the proposed contract, the cost of planning, design, construction, operation, management, or maintenance of any facility, or the cost of processing or disposal of solid waste, and a clear identification and specification of any revenues that would accrue to the city from the sale of any byproducts or from any other source, and such other information as the board may determine to have a material bearing on its ability to evaluate any proposal in accordance with this section. However, the board may prescribe the form and content of proposals and, in any event, the proposer must submit sufficiently detailed information to permit a fair and equitable evaluation by the board of the proposal. In addition, the board in the request for proposals may set such maximum allowable cost limits as it

determines to be appropriate.

(4) Proposals may not be received by the board before thirty (30) days following notification to the proposers of their selection.

(5) Proposals received under this section shall be evaluated by the board as to net cost or revenues and, in the manner consistent with provisions set forth in the requests for proposals, may be evaluated on the basis of additional factors such as the technical evaluation of facility design, net energy efficiency, environmental protection, overall system reliability, and financial condition of the proposer.

(6) The board, on behalf of the city, may negotiate with the proposer and may make a contract award to any responsible proposer. The board shall give public notice of a public hearing, which notice must designate the time and place of a public hearing at which hearing the board shall hear comments upon the contract to be awarded. Following the public hearing, the board shall make a contract award to any responsible proposer selected under this section based on a determination by the board that the selected proposal is the most responsive to the needs of the city. The award must be in the form of a resolution and must include particularized findings relative to factors evaluated under this section, indicating that the city's needs are met by the award and that the action is in the public interest.

(d) An action to contest the validity of the contract awarded or the procedure by which it was awarded must be brought within thirty (30) days following the award of the contract. After that date, the contract is incontestable for any cause.

(e) Notwithstanding any other statute, any contract entered into by the board with any person on behalf of the ~~consolidated~~ city **of Indianapolis** for the collection of solid waste may be awarded by negotiation or by competitive bids. The board shall consider the following factors in awarding a negotiated contract:

(1) Price quoted by the proposed contractor.

(2) Prior experience of the proposed contractor.

(3) Financial status of the proposed contractor.

(4) Number of vehicles and other equipment to be used by the proposed contractor.

(5) Any other factors related to the proposed contractor's ability to perform under the contract.

If a contract is awarded by negotiation, the reason for using negotiation as the method to award the contract must be stated in writing by the board at the time that the contract is awarded. A copy of this statement must be kept available for public inspection.

(f) The board shall award competitive bid contracts to the lowest responsible and responsive bidder after advertising for bids. However, if a contract is not awarded to the lowest bidder, the factors used to

justify that award must be stated in the minutes or memoranda at the time the award is made, and a copy of the minutes or memoranda must be kept available for public inspection. The procedures for granting a collection contract by competitive bidding shall be prescribed in an ordinance adopted by the city-county legislative body or, in the absence of such an ordinance, by IC 36-1-12-4.

(g) The board may contract with multiple parties for solid waste collection and may award separate contracts for separate geographical areas within the ~~consolidated~~ city **of Indianapolis.**

(h) This subsection applies to contracts of less than three hundred thousand dollars ($300,000) a year for the collection of solid waste. The board may require a waste collector under a contract to carry insurance coverage in a form ~~which~~ **that** protects against losses in excess of the amount covered by other liability insurance policies. The board may not require a waste collector to carry such umbrella insurance coverage in excess of one million dollars ($1,000,000). A waste collector under a contract must provide one (1) of the following as determined by the board:

(1) A performance bond or an irrevocable letter of credit equal to ten percent (10%) of the annual contract price.

(2) An agreement that ten percent (10%) of the annual contract price may be withheld by the board as security for performance of the contract.

SECTION 683. IC 36-9-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Any put or pay contract may provide for payments to be made by the ~~consolidated~~ city **of Indianapolis** under the contract from:

(1) the levy of taxes;

(2) revenues;

(3) any other available funds of the ~~consolidated~~ city **of Indianapolis;** or

(4) any combination of the foregoing.

(b) A put or pay contract may further provide that payments by the ~~consolidated~~ city **of Indianapolis** to the other person to the contract are required only to the extent and only for the period or periods that person is able to accept and dispose of waste in accordance with the contract had such waste been delivered to the person.

(c) A put or pay contract may be entered into by the ~~consolidated~~ city **of Indianapolis** extending for a period of five (5) years or more only after a public hearing by the board, at which all interested persons shall be heard. After the public hearing, the board may adopt a resolution authorizing the execution of the contract on behalf of the city if it finds that the estimated amount of waste to be provided throughout the term of the contract will not be less than the specified amount of waste required to be provided by the contract.

(d) A put or pay contract providing for payments by the ~~consolidated~~

city **of Indianapolis** in whole or in part from the levy of taxes is not valid unless approved by ordinance of the city-county legislative body. Upon execution of such a contract and approval by the legislative body, the board shall cause notice of the execution of the contract and its approval to be given by public notice. Fifty (50) or more taxpayers residing in the city who will be affected by the contract and who may be of the opinion that no necessity exists for the execution of the contract or that the payments provided for in the contract 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, setting forth their names, addresses, and objections to the contract and the facts showing that the execution of the contract is unnecessary or unwise or that the payments provided for in the contract are not fair and reasonable, as the case may be. Upon the filing of the petition, the county auditor shall immediately certify a copy of ~~it,~~ **the petition,** together with such other data as may be necessary in order 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 shall fix a time and place for the hearing of the matter, which must be not less than five (5) nor more than thirty (30) days thereafter in the city. 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) taxpayer-petitioners upon the petition by a letter signed by the commissioner or deputy 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 on the appeal, upon the necessity for the execution of the contract, and as to whether the payments under it are fair and reasonable, is final.

(e) An action to contest the validity of the contract or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of notice of the execution and approval of the contract, or if an appeal has been taken to the department of local government finance, then within thirty (30) days after the decision of the department.

(f) After the ~~consolidated~~ city **of Indianapolis** has entered into a put or pay contract under this section, the city-county legislative body shall annually levy a tax sufficient to produce each year the necessary amount, with other amounts available, if any, that is sufficient to pay the amounts that the contract provides are to be paid from the levy of taxes. The tax levies provided for in this chapter are reviewable by other bodies vested by law with authority to ascertain that the levies are sufficient to raise the amount that, with other amounts available, is sufficient to meet the payments under the contract payable from the levy of taxes.

SECTION 684. IC 36-9-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) The board may establish fees for waste collection and disposal. The board shall establish fees for waste disposal when necessary to pay principal or interest on any bonds issued under section 10 of this chapter. Fees established under this subsection shall apply to all persons owning real property benefited by waste collection, a facility for waste disposal, or both. The board may change and readjust fees from time to time.

(b) The board may fix the fees for waste collection on the basis of a schedule of charges for each classification of residence or building in use in the solid waste collection service district, and may fix the fees for waste disposal on the basis of a schedule of charges for each classification of residence or building in use in the waste disposal district. These classifications of residences and buildings shall be based on:

(1) weight or volume of the refuse received;

(2) the average number of containers or bags of refuse received;

(3) the relative difficulty associated with the disposal of the waste received; or

(4) any combination of these criteria or any other criteria the board determines to be logically related to the service.

(c) The collection of the fees authorized by this section may be effectuated through a periodic billing system or through a charge appearing on the semiannual property tax statement of the affected property owner.

(d) If the fees are not paid when due (by the affected property owner), a lien is created upon the property benefited by the collection and disposal of waste. When the property is sold at a tax sale under the procedures provided by statute, the amount of the purchase price attributable to the waste charge lien reverts to the ~~consolidated~~ city **of Indianapolis.**

(e) The board may exercise reasonable discretion in adopting differing schedules of fees, based upon variations in the cost of furnishing the services included within this chapter to various classes of owners of property, the distance of the property benefited from the facility, or any other variations the board determines to be logically related to the cost of the service.

(f) Fees shall be established only after a public hearing before the board at which all persons using facilities or owning property benefited by waste collection and disposal, and others interested, have had opportunity to be heard by the board concerning the proposed fees. After adoption of the resolution fixing fees and before the resolution takes effect, public notice of the hearing, setting forth the schedule of fees, shall be given. The hearing may be adjourned from time to time. After the hearing, the resolution establishing fees, either as originally passed or as amended, shall be passed and put into effect. A copy of the

schedule of fees so established shall be kept on file in the office of the board and shall be kept open to inspection by all persons interested. The fees established shall be extended to cover any additional territory later served that falls within the same class, without the necessity of any hearing or notice. Any change or readjustment of fees may be made in the same manner as they were originally established.

(g) An action to contest the validity of the fees adopted or the procedure by which they were adopted must be brought within thirty (30) days following the adoption of the fees.

(h) Fees imposed under this chapter may be used, together with any other revenues, to pay the cost of facilities for waste disposal, waste collection, the operation and maintenance of facilities, cost incurred under put or pay contracts, charges that may be pledged to the payment of principal of and interest on waste disposal district or revenue bonds, or amounts required by put or pay contracts.

(i) Before any fee established by the board for waste collection or disposal may take effect, the city-county legislative body must by ordinance approve, reject, or modify the fee.

SECTION 685. IC 36-9-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) The waste disposal district constitutes a special taxing district for the purpose of levying a special benefit tax for the purpose of providing the disposal of waste and the recovery of byproducts from waste.

(b) Whenever, upon investigation, the board determines that a facility or facilities for waste disposal is necessary for the public health and welfare, and that the construction, modification, or acquisition of the facility or facilities will be of public utility and benefit, the board may, upon approval of the city-county legislative body, issue waste disposal district bonds under this section for the payment of the cost of the facility.

(c) Before authorizing the waste disposal district bonds the board may either accept public bids for the facility or adopt a resolution approving a request for proposals all as provided in section 4 of this chapter.

(d) When plans and specifications have been prepared according to the public bidding requirements of IC 36-1-12, or a resolution adopted by the board approving a request for proposals, the board shall adopt a resolution declaring that, upon investigation, it has been found that it is necessary for the public health and welfare and will be of public utility and benefit to construct, modify, or acquire (and maintain where constructed) the facility or facilities and to acquire the property described for that purpose. The resolution shall be kept open to inspection by all persons interested in or affected by the acquisition of the property or the construction of the facility. Upon adoption of the resolution, the board shall give public notice of the adoption and its purpose, which notice must name a date not less than ten (10) days

after the date of the last publication on which the board will receive or hear remonstrances from persons interested in or affected by the facility or facilities and will determine their public utility and benefit.

(e) At the time fixed for the hearing, or at any time before that, any person owning real or personal property within the waste disposal district may file a written remonstrance with the board. At the hearing, which may be adjourned from time to time, the board shall hear all persons interested in the proceedings and all remonstrances filed. After considering the remonstrances, the board shall take final action determining the public utility and benefit of the proposed proceedings and confirm, modify and confirm, or rescind the resolution, which final action shall be duly recorded. This action is final and conclusive upon all persons, except that any person who has remonstrated in writing and who is aggrieved by the decision of the board may take an appeal as provided in subsection (f).

(f) Any person who has filed a written remonstrance with the board as provided in subsection (e), in case the board takes final action confirming the resolution in its original or any modified form, is entitled to appeal to the superior court of the county. Within ten (10) days after the final action of the board, the remonstrator must file in the office of the clerk of the court a copy of the resolution of the board and ~~his~~ **the** remonstrance, together with a surety bond conditioned to pay the costs of the appeal should the appeal be determined against ~~him.~~ **the remonstrator.** The only ground of remonstrance of which the court has jurisdiction on appeal is the question of whether it will be of public utility and benefit to construct, modify, or acquire the proposed facility, and the burden of proof is upon the remonstrator. The cause shall be summarily tried by the court without a jury. All remonstrances upon which an appeal are taken shall be consolidated and heard as one (1) cause of action by the court, and the cause shall be heard and determined by the court within thirty (30) days after the time of filing the appeal. Upon the date fixed for hearing, the court shall hear evidence upon the remonstrances and shall confirm the final action of the board on the resolution or sustain the remonstrance.

(g) Upon final action of the board, or court, confirming the resolution in its original or any modified form, all real or personal property located within the waste disposal district is subject to a special tax for the purpose of providing money to pay all or a part of the total cost of the acquisition, modification, or construction of the facility, which special tax is declared to constitute the amount of benefits resulting to all of the property in the district.

(h) For the purpose of raising money to pay the cost of the facility, and in anticipation of the special tax to be levied, the board shall, upon the approval of the legislative body, cause to be issued waste disposal district bonds in the name of the ~~consolidated~~ city **of Indianapolis** in accordance with IC 36-3-5-8.

(i) On adopting a resolution ordering the issuance of waste disposal district bonds, the board, with legislative body approval, shall then certify a copy of the resolution and a copy of the approval to the fiscal officer of the ~~consolidated~~ city **of Indianapolis,** who shall then prepare the bonds.

(j) The waste disposal district bonds are not, in any respect, a corporate obligation or indebtedness of the ~~consolidated~~ city **of Indianapolis,** but constitute an indebtedness of the waste disposal district. The waste disposal district bonds, and interest on them, issued under this section are payable out of a special tax levied upon all of the property of the waste disposal district and any other revenues made available for that purpose under this chapter. The waste disposal district bonds must so recite these terms upon their face, together with the purpose for which they are issued.

(k) All proceeds from the sale of waste disposal district bonds shall be kept as a separate and specific fund, to pay the cost of the facility, and no part of the proceeds may be used for any other purpose. Any surplus remaining out of the proceeds of the waste disposal district bonds, after all of the cost is fully paid, shall be paid into and becomes a part of the waste disposal district bond fund; however, money derived from sources other than the waste disposal district bond proceeds, such as state or federal grants or other contributions, are not so restricted as to application regardless of whether the contribution arises for a project financed from waste disposal district bond proceeds.

(l) For the purpose of raising money to pay the waste disposal district bonds issued under this section, the city-county legislative body shall levy each year a special tax upon all the property of the waste disposal district in such amount and manner as to meet and pay the principal of the waste disposal district bonds as they severally mature, together with all accruing interest on them. The tax so levied each year shall be certified to the fiscal officers of the ~~consolidated~~ city **of Indianapolis** and the county. The tax so levied and certified shall be estimated and entered upon the tax duplicate by the county auditor and shall be collected and enforced by the county treasurer in the same manner as county taxes are estimated, entered, collected and enforced. As the tax is collected by the county treasurer, it shall be accumulated and kept in a separate fund to be known as the waste disposal district bond fund, and shall be applied to the payment of the principal of and interest on the waste disposal district bonds as they become due and to no other purpose. In fixing the amount of the necessary levy the legislative body shall consider the amount of net revenues, if any, to be derived from the collection of fees under section 8 of this chapter or any other net revenues collected under this chapter above the amount of revenues necessary to be applied upon or reserved by or for the city for the operation, maintenance, and administrative expenses of the facilities. The board shall annually, in lieu of making the levy or to

reduce the amount of the levy, set aside by resolution the amount of the net revenues to be collected before maturity of the principal and interest of the waste disposal district bonds payable in the following calendar year. If the board adopts this resolution, then it is unlawful for the board to use any part of the amount so set aside out of the net revenues for any purpose other than the payment of waste disposal district bonds and the interest on them. A proportionate payment of this amount shall be made to the waste disposal district bond fund monthly.

(m) The board may not issue waste disposal district bonds under this section, payable by special taxation for that purpose in a total amount, including outstanding bonds already issued, in an amount exceeding six percent (6%) of the total adjusted value of taxable property in the district as determined under IC 36-1-15. All waste disposal district bonds issued in violation of this subsection are void.

SECTION 686. IC 36-9-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) The board may recommend to the city-county legislative body that it finance the cost of facilities for waste disposal by borrowing money and issuing revenue bonds from time to time under this section.

(b) The issuance of revenue bonds must be authorized by ordinance of the legislative body.

(c) The revenue bonds are special obligations of the ~~consolidated~~ city **of Indianapolis** and are payable solely from and secured by a lien upon the revenues of all or part of the facilities whether or not the facilities are being financed with revenue bonds under this section, as shall be more fully described in the ordinance authorizing the issuance of the revenue bonds. The ordinance may pledge and assign for the security of the revenue bonds all or part of the revenues or net revenues of the facilities.

(d) The revenue bonds, and interest on them, are not a debt of the ~~consolidated~~ city **of Indianapolis** or the board, nor a charge, lien, or encumbrance, legal or equitable, upon property of the board or the city, or upon the revenues of the board other than those revenues of the facilities that have been pledged to the payment of the revenue bonds. Every revenue bond must recite in substance that the revenue bond, including interest, is payable solely from the revenues pledged to its payment, and that neither the board nor the city is under any obligation to pay it, except from those revenues.

(e) In order that the payment of the revenue bonds and the interest on them be adequately secured, the ~~consolidated~~ city **of Indianapolis** and its officers, agents, and employees shall provide for such covenants and do such other acts and things that may be necessary, convenient, or desirable in order to secure the revenue bonds or that may tend to make the revenue bonds more marketable.

SECTION 687. IC 36-9-31-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) The

~~consolidated~~ city **of Indianapolis** may, upon request of the board:

(1) enter into agreements concerning, and acquire by any lawful means, real property or interests in real and personal property needed for the purposes of this section;

(2) enter into financing agreements to purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve facilities for waste disposal;

(3) lease facilities to users or developers with or without an option to purchase;

(4) sell facilities to users or developers for consideration, which may be paid in installments or otherwise;

(5) make direct loans to users or developers for the cost of acquisition, construction, or installation of facilities, including land, machinery, or equipment, in which event the bonds shall be secured by the pledge of one (1) or more bonds or other secured or unsecured debt obligations of the users or developers;

(6) enter into agreements with users or developers to allow the users or developers to wholly or partially acquire, construct, or modify facilities to be acquired by the city; and

(7) issue waste disposal development bonds under this section to accomplish the purposes of this section and to secure payment of the bonds as provided in this section.

(b) This section does not authorize the financing of facilities for a developer unless any agreement that may exist between a developer and a user is fully disclosed to, and approved by, the board.

(c) The board may, from time to time, enter into negotiations with any one (1) or more persons concerning the terms and conditions of financing facilities. Preliminary expenses in connection with negotiations may be paid from money furnished by the proposed user or developer, or from grant money, or from funds of the board.

(d) The board shall hold a public hearing on the proposed financing of the facilities after giving public notice. Upon findings by the board that the proposed financing will be of benefit to the health or welfare of the ~~consolidated~~ city **of Indianapolis** and that the proposed financing complies with the purposes and provisions of this chapter, the board shall, by resolution, approve the financing, including the form and terms of the financing agreement, the waste disposal development bonds, and the trust indenture, if any. The resolution of the board shall be transmitted by the secretary of the board to the legislative body.

(e) If the legislative body finds that the proposed financing will be of benefit to the health or welfare of the ~~consolidated~~ city **of Indianapolis** and complies with the purposes and provisions of this section, it may adopt an ordinance approving the proposed financing. The ordinance may also authorize the issuance of waste disposal development bonds payable solely from revenues and receipts derived

from a financing agreement or from payments made under a guaranty agreement by a developer, user, or any other person. The waste disposal development bonds are not in any respect a general obligation of the ~~consolidated~~ city **of Indianapolis.**

(f) Any financing agreement must provide for payments in an amount not less than an amount sufficient to pay the principal of, premium, if any, and interest on the waste disposal development bonds authorized for the financing of the facilities. The term of any financing agreement may not exceed forty (40) years from the date of any waste disposal development bonds issued under the agreement. However, a financing agreement does not terminate after forty (40) years if a default under it remains uncured, unless the termination is authorized by and according to the terms of the financing agreement. If the ~~consolidated~~ city **of Indianapolis** retains an interest in the facilities, the financing agreement must require the user or developer to pay all costs of maintenance, repair, taxes, assessments, insurance premiums, trustee's fees, and any other expenses relating to the facilities, so that the city will not incur any expenses on account of the facilities that are not covered by the payments provided for in the financing agreement.

(g) The ~~consolidated~~ city **of Indianapolis** may advance all expenses, premiums, and commissions that it considers necessary or advantageous in connection with the issuance.

(h) The ~~consolidated~~ city **of Indianapolis** is exempt from all property taxes on facilities. Developers and users are liable for property taxes on facilities as provided by law. This section does not deny any tax exemption a developer or user may have under other laws because of the nature of the facilities or the user.

(i) The user or developer is responsible for obtaining and maintaining all approvals and permits required for the construction of the facilities under this section.

SECTION 688. IC 36-9-31-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. If the legislative body finds that a refunding of outstanding bonds would be of benefit to the health and welfare of the ~~consolidated~~ city **of Indianapolis** and would comply with the purposes and provisions of this chapter, it may authorize the issuance of bonds under IC 5-1-5 to refund outstanding bonds issued in accordance with this chapter. A saving to the issuing body as provided in IC 5-1-5-2 is not required for the issuance of refunding bonds.

SECTION 689. IC 36-9-31-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) The ~~consolidated~~ city **of Indianapolis** pending receipt of any grant may, but within the limitation set forth in this section, borrow money from any person and evidence the debt so incurred by note or notes executed by the executive and fiscal officer of the ~~consolidated~~ city **of Indianapolis** and containing such terms and provisions as may be prescribed by the

board. The city may, in anticipation of the issuance of bonds issued under section 9, 10, or 11 of this chapter, borrow money from any person and evidence the debt so incurred by note or notes executed by the executive and fiscal officer and containing such terms and provisions as may be prescribed by the board.

(b) Any note or notes issued under this section or any renewal of them must mature not more than five (5) years from the date of issuance of the original note and must pledge for the payment of the principal and interest the proceeds of the grant or bonds.

(c) The board shall apply the proceeds of any note or notes issued under this section to the cost of the facility for which the grant is to be made or bonds issued, but no purchaser of any obligations is liable for the proper application of the proceeds.

SECTION 690. IC 36-9-31-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) All bonds issued under this chapter may:

(1) be issued as serial bonds or as term bonds or a combination of both types;

(2) be executed and delivered by the ~~consolidated~~ city **of Indianapolis** at any time and from time to time;

(3) bear such date or dates;

(4) bear interest at such rate or rates;

(5) be redeemable before their stated maturities on such terms and conditions and at premiums as necessary or advisable;

(6) be issued in any denomination or denominations of not less than five thousand dollars ($5,000);

(7) be in a form, either coupon or registered or a combination of both types;

(8) carry registration conversion privileges;

(9) be payable in a medium of payment and at a place or places, which may be at any one (1) or more banks or trust companies within or without Indiana;

(10) provide for the replacement of mutilated, destroyed, stolen, or lost bonds;

(11) be authenticated in a manner and upon compliance with conditions;

(12) establish reserves from the proceeds of the sale of bonds or from other funds, or both, to secure the payment of the principal and interest on the bonds issued under this chapter;

(13) establish reserves, from the proceeds of the sale of bonds or from other funds or both, for extensions, enlargements, additions, replacements, renovations, and improvements to or for the facilities; and

(14) contain other terms and covenants;

all as provided in the ordinance of the legislative body or the resolution of the board authorizing the bonds.

(b) The bonds issued under this chapter may mature at such time or times not to exceed forty (40) years.

(c) The bonds issued under this chapter may bear either the impressed or facsimile seal of the ~~consolidated~~ city **of Indianapolis** and shall be executed by the manual or facsimile signature of the city executive and attested by the manual or facsimile signature of the city fiscal officer, so long as one (1) of these signatures is manual.

(d) The coupons appertaining to the bonds issued under this chapter shall be executed by the facsimile signature of the city fiscal officer.

(e) The bonds and the interest coupons appertaining to them, if any, issued under this chapter are valid and binding obligations of the ~~consolidated~~ city **of Indianapolis** for all purposes in accordance with the terms of this chapter, notwithstanding that before delivery of them any of the persons whose signatures appear on them have ceased to be officers of the city, as if the persons had continued to be officers of the city until after delivery.

(f) The bonds issued under this chapter may be sold at public or private sale for such price or prices as may be provided in the ordinance authorizing their issuance.

SECTION 691. IC 36-9-31-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. The bonds issued under this chapter may be secured by a trust indenture by and between the ~~consolidated~~ city **of Indianapolis** and a corporate trustee, which may be any national or state bank having its principal office in Indiana and having trust powers. The trust indenture or resolution or ordinance under which the bonds are issued may:

(1) mortgage the land, any interest in land, or the facilities on account of which the bonds are issued;

(2) pledge the revenues or any other funds, or any part of them, to be received by the ~~consolidated~~ city **of Indianapolis;**

(3) contain such provisions for protecting and enforcing the rights and remedies of the bondholders or lenders as may be considered reasonable, including covenants setting forth the duties of the city and board in relation to the construction of the facilities and the custody, safeguarding, application, and investment of all money received or to be received by the city on account of the facilities financed by the issuance of the bonds;

(4) provide for the establishment of reserve funds from the bond proceeds or from other sources to the extent authorized;

(5) set forth the rights and remedies of the bondholders and trustee, and provisions restricting the individual right or actions of bondholders;

(6) contain provisions regarding investment of funds, sales, exchange or disposal of property, and manner of authorizing and making of payments without regard to any general statute relating to these matters;

(7) provide for the payment of the proceeds of the sale of bonds to such trustee, officer, bank, or depository as it may determine for their custody, and for the method of their disbursement, with such safeguards and restrictions as it may determine;

(8) provide for the appointment of a receiver by the superior court of the county under terms and conditions as are considered reasonable; and

(9) contain such other provisions as the authority may consider reasonable and proper for the security of the bondholders.

SECTION 692. IC 36-9-31-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. All revenues received by the ~~consolidated~~ city **of Indianapolis** under this chapter are exempt from all taxation.

SECTION 693. IC 36-9-31-23, AS AMENDED BY P.L.131-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) Subject to subsection (b), any facility:

(1) owned;

(2) operated; or

(3) financed after December 2, 2008;

under this chapter shall accept waste accumulated within the waste disposal district without discrimination as to whether or not the waste is collected by the ~~consolidated~~ city **of Indianapolis.** The fees made by any such facility for any services rendered or to be rendered, either directly or in connection with them, must be nondiscriminatory, but they may vary based upon the volume, weight, hazardousness, or difficulty of disposal of the waste disposed of or processed by the facility.

(b) If a person enters into a contract with the ~~consolidated~~ city **of Indianapolis** to accept the ~~consolidated~~ city's waste at a facility, the person may not be considered to be operating the facility for purposes of this section.

SECTION 694. IC 36-9-31-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. This chapter is supplemental to all other statutes covering the acquisition, construction, modification, use, and maintenance of facilities for waste disposal by ~~a consolidated~~ **the** city **of Indianapolis.** As to facilities acquired, constructed, modified, operated, or leased under this chapter, and the collection of wastes under this chapter, it is not necessary to comply with other statutes concerning the acquisition, construction, modification, use, and maintenance of facilities or the collection of waste by cities, except as specifically required by this chapter.

SECTION 695. IC 36-9-33-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all units (except townships and ~~counties having a consolidated city)~~ **Marion County)** that adopt ordinances under section 3 of this chapter after March 31, 1987.

SECTION 696. IC 36-9-35-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to each city in ~~a~~ **Lake** 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, by ordinance, established a water department as a municipal utility or a department of waterworks.

SECTION 697. IC 36-9-38-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 30. (a) For the purposes of anticipating the collection of assessments under this chapter, the municipality shall issue bonds payable out of the assessments. However, ~~a consolidated~~ **the** city **of Indianapolis** is not required to issue bonds under this section.

(b) The terms of the bonds may allow early retirement of the bonds for and to the extent of prepayment of assessments in anticipation of which the bonds were issued.

(c) The bonds bear interest at a rate or rates determined by the legislative body of the municipality and shall be executed, sold, and delivered in denominations determined to be appropriate by the municipal fiscal officer as bonds of a municipality are executed, sold, and delivered.

(d) If the bonds are sold at a public sale, the advertisement of the sale of the bonds shall be published in accordance with IC 5-3-1. The municipality may also sell the bonds by negotiated private sale to a financial institution.

(e) Unless the municipality chooses to sell the bonds by a negotiated private sale to a financial institution, the sale shall be made to the highest and best bidder, as provided in IC 36-9-36. However, the sale may not be for less than the face value of the bonds, plus interest from the date of the bonds to the date of delivery.

(f) The bonds and interest on the bonds are exempt from taxation to the extent provided by IC 6-8-5-1.

(g) The bonds are not a corporate obligation or an indebtedness of the municipality and are payable only out of money actually paid and collected under this chapter (or under IC 36-9-20 before its repeal in 1993). The bonds must state this fact on the bonds' face.

SECTION 698. 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 699. IC 36-10-3-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 38. (a) This section applies in ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(b) This section applies only if a municipality annexes territory that is part of a district under this chapter.

(c) Any annexed territory that is in the district before the effective date of the annexation ordinance remains a part of the district, and the property in the annexed territory is subject to the same levy for park and recreational purposes as other property within the district. The annexing municipality may not impose an additional levy on the property in the annexed territory for park and recreational purposes.

SECTION 700. IC 36-10-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to each second class city in which the legislative body has adopted all or part of this chapter by ordinance.

(b) This chapter applies to each third class city in which the legislative body has adopted all or part of this chapter by ordinance.

(c) In addition, in ~~a consolidated~~ **the** city **of Indianapolis,** sections 9(a) and 12 through 40 of this chapter apply to the department of parks and recreation and the board of parks and recreation, subject to IC 36-3-4-23.

SECTION 701. IC 36-10-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter:

"Board" refers to a board of park commissioners, or board of parks and recreation of ~~a consolidated~~ **the** city **of Indianapolis.**

"Department" refers to a department of public parks, or department of parks and recreation of ~~a consolidated~~ **the** city **of Indianapolis.**

"District" means the area within the jurisdiction of a department.

SECTION 702. 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~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(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 703. 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~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(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) 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 704. 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~~ **Hamilton** County. ~~having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).~~

(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 ordinance creating a municipal board governed by this section may provide for one (1) or two (2) ex officio members.

SECTION 705. IC 36-10-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This section applies to all townships except those in ~~a~~ **Marion** County. ~~having a consolidated city.~~

(b) The township executive may, upon petition of at least twenty-five (25) resident freeholders and approval of the township legislative body, purchase or improve suitable land or purchase, construct, reconstruct, renovate, remodel, or improve room space, buildings, or equipment for:

(1) a township community center for civic, social, recreation, or other township purposes; or

(2) a township recreational land area.

(c) A township may issue general obligation bonds for the purposes set forth in subsection (b) in the manner provided by IC 36-10-3 for the issue of bonds under that chapter.

(d) Money for the purposes set forth in subsection (b) must be appropriated as provided by statute from funds belonging to the township or from the proceeds of a general obligation bond.

(e) The executive may operate and maintain the community center or recreational land area. A property tax levy may be imposed as provided by statute for the cost of all or part of the operation and maintenance expense incurred under this section.

(f) The executive may rent to others all or part of the community

center or recreational land area when it is not needed for township purposes. The money received for rent shall be used to pay maintenance and utility expenses of the community center or recreational land area.

SECTION 706. IC 36-10-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to each township:

(1) in ~~a~~ **Marion** County; ~~having a consolidated city;~~ or

(2) containing a second class city within its boundaries that is not a county seat.

(b) If there is a public park or playground in the township under the jurisdiction of the township, the township executive shall manage the park or playground. The executive shall keep complete records of the management and all related transactions, including receipts such as fees, concessions, licenses, permits, and sales. The receipts shall be credited to the general fund of the township.

(c) An executive who violates this section commits a Class C infraction.

SECTION 707. IC 36-10-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies to ~~a~~ **North** Township ~~having a population of more than one hundred fifty thousand (150,000) located~~ in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) The township executive may purchase, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land for park purposes within the township, either inside or outside the corporate boundaries of a municipality, and may make necessary improvements.

(c) If the executive does not purchase, accept, or acquire land within the township for park purposes or make necessary improvements, two hundred (200) resident taxpayers and voters of the township may petition the executive and the legislative body in writing to:

(1) purchase, accept, or otherwise acquire the land described in the petition so that a township park may be established under this section; or

(2) make the improvements designated in the petition.

The petition must be addressed to the executive and legislative body and bear the signatures and addresses of the petitioners in ink, acknowledged before a notary public. After the petition is filed in the office of the executive, the executive shall have notice of the filing published in accordance with IC 5-3-1. The notice must name a date at least sixty (60) days after the date of the last publication on which the executive and legislative body will hear and consider the petition. The notice constitutes notice of the proceedings to all taxpayers within the township, whether resident or nonresident.

(d) At the hearing the executive and legislative body shall hear and

consider all remonstrances, whether written and signed in ink or from a resident of the township upon the question of whether the land should be purchased, accepted, or acquired by the township and a township park established, maintained, and improved. After the hearing, the executive and legislative body shall approve the petition unless twenty percent (20%) of the resident taxpayers of the township remonstrate in writing by filing their remonstrance on or before the day fixed for the hearing. In that case the executive and legislative body shall dismiss the petition.

(e) If land has been acquired for park purposes, the executive shall establish a park. After it is established, the executive shall provide for necessary improvements and construct facilities for the comfort and convenience of the public in the township park. Except as otherwise provided, all expenses incurred shall be paid out of the park and recreation fund of the township.

(f) If a park or parkland is acquired by a township under this section and the expense of the acquisition or of the development and improvement of the park is too great to be borne by the park and recreation fund of the township, the legislative body may authorize its chairman to issue the bonds of the township to procure money for these purposes. However, the total bonded indebtedness of the township for park purposes may not exceed one million dollars ($1,000,000). Upon special notice of the chairman in writing to each member of the legislative body stating the time, place, and purpose of the meeting, the legislative body may determine whether to issue the bonds of the township to pay the cost of acquiring, developing, or improving the park or parkland. If the legislative body determines that it is of public benefit to issue the bonds of the township, the legislative body, by a special order entered and signed upon the record, may authorize its chairman to issue the bonds of the township. The bonds may run for a period not to exceed ten (10) years, may bear interest at any rate, and may be sold for not less than their par value. Before issuing the bonds, the chairman shall publish notice of their sale in accordance with IC 5-3-1. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. The legislative body shall attend the sale and must concur before bonds are sold.

(g) The legislative body shall annually levy a sufficient tax to pay at least one-tenth (1/10) of the amount of the bonds, together with the accrued interest, each year, and the legislative body shall apply the annual tax to the payment of the bonds and interest each year. The tax levy is in addition to all other tax levies authorized by statute. A tax levy authorized by this section shall be levied and collected on all property within the boundaries of the township, including municipalities.

(h) There is established a special nonreverting operating fund for

park purposes to be known as the park and recreation fund. Appropriations may be made from the fund by the township's legislative body for park purposes only. The cost of the maintenance and improvement of the park shall be paid out of the park and recreation fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(i) Money in the form of fees procured from golf courses, swimming pools, skating rinks, clubhouses, social centers, or other similar facilities requiring major expenditures for maintenance and improvement shall be deposited in the park and recreation fund and shall be appropriated by the township legislative body either in the annual budget or by additional appropriation in the manner as set out in IC 6-1.1-18-5.

(j) The executive shall appoint a superintendent of parks. Said appointment shall be made within thirty (30) days of a vacancy in the position of superintendent of parks. If the executive fails to make said appointment within the prescribed period, the legislative body shall have the power to make said appointment. Political affiliation may not be considered in the selection of the superintendent. The superintendent must:

(1) be qualified by training or experience in the field of parks and recreation; and

(2) have a certificate or an advanced degree in the field of parks and recreation.

(k) The superintendent must do the following:

(1) Propose annually to the executive a plan for the operation of the park.

(2) Administer the plan as approved by the executive.

(3) Supervise the general maintenance of the park.

(4) Keep the records of the park and preserve all papers and documents of the park.

(5) Keep accurate records of park income and expenditures in the manner prescribed by the state board of accounts.

(6) Appoint and discharge employees of the park without regard to political affiliation.

(7) Prepare and present to the executive an annual report.

(8) Perform other duties that the executive directs.

(l) The executive shall execute an employment contract with the superintendent that must contain the terms and conditions of the superintendent's employment.

SECTION 708. 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:~~ **the following counties:**

(1) ~~more than seventy-three thousand (73,000) but less than~~

~~seventy-four thousand (74,000); or~~ **Grant County.**

(2) ~~more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).~~ **Hamilton County.**

(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 709. IC 36-10-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all counties ~~not having a consolidated city~~. **other than Marion County.**

SECTION 710. IC 36-10-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 711. IC 36-10-9-4, AS AMENDED BY P.L.182-2009(ss), SECTION 454, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The board is composed of nine (9) members. Six (6) members shall be appointed by the executive of the ~~consolidated~~ city **of Indianapolis,** one (1) member shall be appointed by the board of commissioners of the county, one (1) member shall be appointed by the legislative body of the ~~consolidated~~ city **of Indianapolis** from among the members of the legislative body, and one (1) member shall be appointed jointly by majority vote of a body consisting of one (1) member of the board of county commissioners of each county in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment. The board of county commissioners that has the greatest population of all counties in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment shall convene the meeting to make the joint appointment. Each county in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment is entitled to be represented at the meeting by one (1) member of the county's board of county commissioner, who shall be selected by that county's board of county commissioners. One (1) of the members appointed by the executive must be engaged in the hotel or motel business in the county. Not more than four (4) of the members appointed by the executive may be affiliated with the same political party.

(b) The terms of members are for two (2) years beginning on January 15 and until a successor is appointed and qualified. A member

may be reappointed after the member's term has expired.

(c) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(d) A board member may be removed for cause by the appointing authority who appointed the member.

(e) Each member, before entering upon the duties of office, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment, which shall be promptly filed with the records of the board.

(f) A member does not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

SECTION 712. IC 36-10-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The purchase or lease of material and work on a capital improvement shall be done by the board under statutes governing these activities by counties. However, if the total cost of construction or equipping of a capital improvement or of the alteration, maintenance, or repair of any building is estimated to be fifty thousand dollars ($50,000) or less, the board may procure materials and perform the work by its own employees and with owned or leased equipment without awarding a contract. In addition, in an emergency determined and declared by the board and entered in its records, the board may make emergency alterations, repairs, or replacements and contract for them without advertising for bids.

(b) Title to or interest in any property acquired shall be held in the name of the county, and the board has complete and exclusive authority to sell, lease, or dispose of it and to execute all conveyances, leases, contracts, and other instruments in connection with it. However, real property may not be sold without the approval of the executive of the ~~consolidated~~ city **of Indianapolis.**

SECTION 713. IC 36-10-9-12, AS AMENDED BY P.L.182-2009(ss), SECTION 458, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) A capital improvement may be financed in whole or in part by the issuance of bonds payable, to the extent stated in the resolution or trust agreement providing for the issuance of the bonds, solely from one (1) or more of the following sources:

(1) Net income received from the operation of the capital improvement and not required to be deposited in the capital improvement bond fund under section 11 of this chapter.

(2) Net income received from the operation of any other capital improvement or improvements and not required to be deposited in the capital improvement bond fund under section 11 of this chapter.

(3) Money in the capital improvement bond fund available for that purpose.

(4) Money in the capital improvement fund available for that purpose.

(5) Any other funds made available for that purpose.

The resolution or trust agreement may pledge all or part of those amounts to the repayment of the bonds and may secure the bonds by a lien on the amounts pledged.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall adopt a resolution authorizing the issuance of revenue bonds. The resolution must state the date or dates on which the principal of the bonds will mature (not exceeding forty (40) years from the date of issuance), the maximum interest rate to be paid, and the other terms upon which the bonds will be issued.

(c) If the city-county legislative body approves issuance of bonds under IC 36-3-6-9, the board shall submit the resolution to the executive of the ~~consolidated~~ city **of Indianapolis,** who shall review it. If the executive approves the resolution, the board shall take all actions necessary to issue bonds in accordance with the resolution. The board may, under section 13 of this chapter, enter into a trust agreement with a trust company as trustee for the bondholders. An action to contest the validity of bonds to be issued under this section may not be brought after the fifteenth day following:

(1) the receipt of bids for the bonds, if the bonds are sold at public sale; or

(2) the publication one (1) time in a newspaper of general circulation published in the county of notice of the execution and delivery of the contract of sale for the bonds;

whichever occurs first.

(d) Bonds issued under this section may be sold at public or private sale for the price or prices that are provided in the resolution authorizing the issuance of bonds. All bonds and interest are exempt from taxation in Indiana as provided in IC 6-8-5.

(e) When issuing revenue bonds, the board may covenant with the purchasers of the bonds that any funds in the capital improvement fund may be used to pay the principal on, or interest of, the bonds that cannot be paid from any other funds.

(f) The revenue bonds may be made redeemable before maturity at the price or prices and under the terms that are determined by the board in the authorizing resolution. The board shall determine the form of bonds, including any interest coupons to be attached, and shall fix the denomination or denominations of the bonds and the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside Indiana. All bonds must have all the qualities and incidents of negotiable instruments under statute.

Provision may be made for the registration of any of the bonds as to principal alone or to both principal and interest.

(g) The revenue bonds shall be issued in the name of the county and must recite on the face that the principal of and interest on the bonds is payable solely from the amounts pledged to their payment. The bonds shall be executed by the manual or facsimile signature of the president of the board, and the seal of the county shall be affixed or imprinted on the bonds. The seal shall be attested by the manual or facsimile signature of the auditor of the county. However, one (1) of the signatures must be manual, unless the bonds are authenticated by the manual signature of an authorized officer or a trustee for the bondholders. Any coupons attached must bear the facsimile signature of the president of the board.

(h) This chapter constitutes full and complete authority for the issuance of revenue bonds. No law, procedure, proceedings, publications, notices, consents, approvals, orders, acts, or things by the board or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to issue any revenue bonds except as prescribed in this chapter.

(i) Revenue bonds issued under this section are legal investments for private trust funds and the funds of banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and other financial institutions organized under statute.

SECTION 714. IC 36-10-9-15, AS AMENDED BY P.L.182-2009(ss), SECTION 459, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the board of commissioners of the county authorizing the issuance of general obligation bonds. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the city-county legislative body for approval under IC 36-3-6-9, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including

the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) If the city-county legislative body approves the issuance of bonds under IC 36-3-6-9, the board shall submit the resolution to the executive of the ~~consolidated~~ city **of Indianapolis,** who shall review the resolution. If the executive approves the resolution, the board shall take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the giving of notice of the determination to issue bonds;

(4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;

(5) the right of taxpayers to appear and be heard on the proposed appropriation;

(6) the approval of the appropriation by the department of local government finance; and

(7) the sale of bonds at public sale for not less than par value;

are applicable to the issuance of bonds under this section.

SECTION 715. IC 36-10-9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 20. (a) Four million dollars ($4,000,000) has been appropriated out of money in the general fund of the state not otherwise appropriated for distribution by the auditor and treasurer of state to a board that was in existence on March 11, 1967, to be expended by the board for the purpose of financing a convention center to be known as the Indiana convention exposition center. However, the four million dollar ($4,000,000) appropriation could not be spent by the board until funds and assets, exclusive of real property, in addition to this appropriation, had been received by the board under section 6 of this chapter of a total value of two million dollars ($2,000,000) in excess of the cost of the funds and assets to the board. The valuation of the funds and assets shall be conclusively determined by the board and the executive of the ~~consolidated~~ city **of Indianapolis.** This appropriation does not lapse at the end of any biennium.

(b) The four million dollars ($4,000,000), including accrued

interest, shall be repaid to the treasurer of state by December 31, 2000, in annual installments. The first payment shall be made on or before December 31, 1992. The amount of the payment must include interest at two percent (2%) per year The repayment shall be made by the board from net income received from the operation of the convention center, from available amounts in the capital improvement fund, and from any contributions, bequests, or other sources available to the board for this purpose.

SECTION 716. IC 36-10-9.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 717. IC 36-10-9.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~each~~ **Marion** County. ~~having a consolidated city.~~

SECTION 718. IC 36-10-9.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. The city-county legislative body may issue bonds or notes to fund all or any part of a facility to promote sports and fitness within the corporate boundaries of the ~~consolidated~~ city **of Indianapolis,** or to pay any costs associated with such a facility, including reimbursement of any costs associated with the facility that have been paid by any other entity.

SECTION 719. IC 36-10-9.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. Funding of such a facility or payment of costs or reimbursement for such a facility constitutes a public purpose by creating or maintaining jobs and employment and by providing for the health and welfare of residents of the ~~consolidated~~ city **of Indianapolis.**

SECTION 720. IC 36-10-9.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. If the proceeds of bonds or notes are used to reimburse any entity under section 2 of this chapter, the ~~consolidated~~ city **of Indianapolis** shall, acting through a board or commission designated for that purpose, contract or make arrangements for the use of the facility to serve the public health and welfare.

SECTION 721. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

SECTION 722. IC 36-10-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a~~ **the** city ~~having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~ **of Gary.**

SECTION 723. IC 36-10-12-2, AS ADDED BY P.L.1-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "children's museum"

means a museum located in ~~a~~ **Marion** County, ~~containing a consolidated city,~~ if the museum is:

(1) incorporated under the Indiana law without stock and without purpose of gain to the museum's members; and

(2) organized to maintain in the county a permanent museum containing objects and items:

(A) of interest primarily to children; and

(B) for the encouragement and education of children.

SECTION 724. IC 36-10-12-3, AS ADDED BY P.L.1-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. As used in this chapter, "incorporated town" means an incorporated town located in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 725. IC 36-10-12-4, AS ADDED BY P.L.1-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. As used in this chapter, "township" means a school township that is located in ~~a~~ **Marion** County. ~~containing a consolidated city.~~

SECTION 726. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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 historical society, subject to section 6 of this chapter.

SECTION 727. 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~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(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 728. 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:~~ **the following counties:**

(1) ~~more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000);~~ **Allen County.**

(2) ~~more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);~~ **Vanderburgh County.**

(3) ~~more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~ **Lake County.**

(4) ~~more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000); or~~ **St. Joseph County.**

~~(5) more than seventy-five thousand (75,000) but less than ninety thousand (90,000).~~

(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.

(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 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 729. IC 36-10-13-8, AS ADDED BY P.L.1-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to school corporations in ~~a county:~~ **the following counties:**

(1) ~~containing a consolidated city; or~~ **Marion County.**

(2) ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ **Lake County.**

(b) Subject to subsection (c), the governing body of a school corporation may annually appropriate sums to be paid to cultural institutions that are reasonably commensurate with the educational and cultural contributions made by the institutions to the school corporation and the school corporation's students.

(c) Before a cultural institution may receive payments under this section, the president and secretary of the cultural institution must file with the school corporation an affidavit stating that the cultural institution meets the following requirements:

(1) The governing board has adopted a resolution that entitles a representative of the school corporation to attend and speak at all meetings of the governing body.

(2) The cultural institution:

(A) admits the public to galleries, museums, and facilities at reasonable times and allows public use of those facilities free of charge; or

(B) provides alternative services free of charge to the public instead of admission to those facilities.

The governing body of the school corporation shall judge whether the alternative services are conducive to the education or cultural development of the public.

(3) The cultural institution has a permanent location in the municipality where the cultural institution conducts the cultural institution's principal educational or cultural purpose.

(4) The cultural institution has no general taxing authority.

The affidavit must be filed at least thirty (30) days before a request for an appropriation under this section.

(d) A cultural institution that complies with this section may continue to receive payments under this section as long as the school corporation appropriates sums for that purpose.

SECTION 730. 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~~ **Lake** 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 thousand (200,000) but less than three hundred thousand (300,000);~~ **St. Joseph County;**

rates and charges may be imposed or changed under this chapter only after approval by the county legislative body.

SECTION 731. 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~~ **Adams** County; ~~having a population of more than thirty-three thousand six hundred (33,600) but less than thirty-three thousand eight hundred (33,800);~~ 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 732. 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

(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~~ **Madison County and Porter** County. ~~containing only two (2) Class 1 public libraries and having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000), or more than one hundred forty-eight thousand (148,000) 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 733. 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~~ **Hancock** County; ~~having a population of more than fifty-five thousand (55,000) but less than sixty-five thousand (65,000);~~ 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

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 734. IC 36-12-2-16, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is:

(1) partly or fully within the boundaries of ~~a consolidated~~ **the** city **of Indianapolis;** and

(2) fully within the boundaries of one (1) county.

(b) Seven (7) members of a library board shall be appointed in the following order as the terms of previously appointed members expire:

(1) One (1) member appointed by the board of county commissioners 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.

(3) One (1) member appointed by the board of county commissioners of the county in which the library district is located.

(4) Two (2) members appointed by the school board of the school corporation in which the principal administrative offices of the public library are located.

(5) One (1) member appointed by the board of county commissioners of the county in which the library district is located.

(6) One (1) member appointed by the fiscal body of the county in which the library district is located.

SECTION 735. 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~~ **Miami** County. ~~having a population of more than thirty-six thousand seventy-five (36,075) 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 736. IC 36-12-4-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. In the case of the merger of a municipal public library and a:

(1) county public library; or

(2) public library located in whole or in part in ~~a consolidated~~ **the** city **of Indianapolis;**

the municipal public library shall merge into the county public library or public library located in whole or in part in the ~~consolidated~~ city **of Indianapolis.** The municipal board and the county board are then dissolved effective December 31 of the year of the merger and a newly created board shall take office January 1.

SECTION 737. 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~~ **the** city ~~having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);~~ **of Evansville;**

(C) that contains at least twenty-five thousand (25,000) volumes;

(D) that has real property valued at at least one hundred 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

(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 738. THE FOLLOWING ARE REPEALED [EFFECTIVE APRIL 1, 2012]: IC 3-5-2-12; IC 36-3-1-2; IC 36-3-1-3; IC 36-3-1-5.

SECTION 739. **An emergency is declared for this act.**