

Second Regular Session of the 122nd General Assembly (2022)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 37

---

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 1-1-3.5-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]:** **Sec. 9. (a) A reference in this section to amendments made to a statute is a reference to amendments made during the 2022 regular session of the general assembly.**

**(b) Notwithstanding any other bill enacted during the 2022 regular session of the Indiana general assembly, this subsection applies to each SECTION of each bill enacted during the 2022 regular session of the Indiana general assembly that satisfies all the following:**

- (1) The SECTION amends a noncode statute or a provision of the Indiana Code.**
- (2) The SECTION takes effect before April 1, 2022.**
- (3) The SECTION contains an amendment to a population parameter.**

**The amendment to a population parameter in a SECTION described in this subsection takes effect April 1, 2022, and the amendment to other provisions in a SECTION described in this subsection take effect as otherwise provided in the bill described in this subsection.**

**(c) Notwithstanding any other bill enacted during the 2022 regular session of the Indiana general assembly, this subsection**

SEA 37 — Concur



applies to each SECTION of each bill enacted during the 2022 regular session of the Indiana general assembly that satisfies all the following:

- (1) The SECTION enacts a noncode statute or a new provision of the Indiana Code.
- (2) The SECTION takes effect before April 1, 2022.
- (3) The SECTION contains a population parameter.

Notwithstanding section 3 of this chapter, a population parameter in a SECTION described in this subsection refers to the population of the described political subdivisions as tabulated following the 2020 Decennial Census and delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor during 2021.

SECTION 2. IC 3-6-5-1, AS AMENDED BY P.L.119-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) Except as provided in subsection (b), a board is established in each county of the state known as the (name of county) county election board.

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

- (1) A county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).
- (2) A county having a population of more than ~~one hundred seventy thousand (170,000)~~ **but less than one hundred seventy-five thousand (175,000): one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000).**

SECTION 3. IC 3-6-5.4-1, AS AMENDED BY P.L.119-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred seventy thousand (170,000)~~ **but less than one hundred seventy-five thousand (175,000): one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000).**

SECTION 4. IC 3-6-5.6-1, AS ADDED BY P.L.170-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred fifty thousand (150,000)~~ **but less than one hundred seventy thousand (170,000): one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000).**

SEA 37 — Concur



SECTION 5. IC 3-8-1-1.5, AS AMENDED BY P.L.173-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

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

(c) Except as provided in IC 33-35-5-7.5, before a candidate for the office of judge of a city court described in subsection (a)(1) or a town 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 6. IC 3-8-1-28.5, AS AMENDED BY P.L.173-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000)~~: **two hundred fifty thousand (250,000) and 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.

(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) Before a candidate for the office of judge of a city court may file

SEA 37 — Concur



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 7. IC 4-10-18-10, AS AMENDED BY P.L.119-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 ( $\frac{2}{3}$ ) 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.

**SEA 37 — Concur**



If an entity described in subsection (i) fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the consolidated city. If any other entity described in this section fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the entity. The amount withheld shall be transferred to the fund to the credit of the entity.

(e) A loan under this section may be made to a city located in a county having a population of more than ~~twenty-five thousand (25,000)~~ but less than ~~twenty-five thousand eight hundred (25,800)~~ **twenty-six thousand four hundred seventy (26,470) and less than twenty-seven thousand (27,000)** for the city's waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars (\$1,600,000).

(f) **As used in this subsection, "corridor" means the strip of land in Indiana abutting Lake Michigan and the tributaries of Lake Michigan.** 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 county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~ **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000)** for use by the airport authority in the county for the construction of runways. The amount of the loan may not exceed seven million dollars (\$7,000,000). The county may lend the proceeds of its loan to an airport authority for the public purpose of fostering economic growth in the county.

(h) A loan under this section may be made to a city having a population of more than ~~sixty thousand (60,000)~~ but less than ~~sixty-five thousand (65,000)~~ **fifty-eight thousand (58,000) and less than**



**fifty-nine thousand (59,000)** for the construction of parking facilities. The amount of the loan may not exceed three million dollars (\$3,000,000).

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

(j) A loan under this section may be made to a county having a population of more than ~~thirteen thousand (13,000)~~ but less than ~~fourteen thousand (14,000)~~ **twelve thousand five hundred (12,500) and less than thirteen thousand (13,000)** 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 8. IC 4-33-12-6, AS AMENDED BY P.L.293-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by sections 8 and 8.5 of this chapter, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in section 9(k) of this chapter, thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to:

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

(i) is located in a county having a population of more than ~~one hundred eleven thousand (111,000)~~ but less than one



~~hundred fifteen thousand (115,000);~~ **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000);** 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 located, if the riverboat is not located in a city described in clause (A).

(2) Except as provided in section 9(k) of this chapter, thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the county in which the riverboat is located. In the case of a county described in subdivision (1)(B), this thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax is in addition to the thirty-three and one-third percent (33 1/3%) received under subdivision (1)(B).

(3) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is located.

(4) Except as provided in section 9(k) of this chapter, five percent (5%) of the admissions tax and supplemental wagering tax collected by the licensed owner during a quarter 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 section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter 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) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the state general fund.

SECTION 9. IC 4-33-13-5, AS AMENDED BY P.L.238-2019, SECTION 2, AND AS AMENDED BY P.L.108-2019, SECTION 73, AND AS AMENDED BY P.L.293-2019, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

SEA 37 — Concur



[EFFECTIVE APRIL 1, 2022]: 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~~ auditor of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) An amount equal to the following shall be set aside for revenue sharing under subsection ~~(e)~~ (d):

(A) Before July 1, 2021, 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)~~ (d).

(B) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, 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)~~ (d).

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter multiplied by the result of:

(i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by

(ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020;

shall be set aside for revenue sharing under subsection ~~(e)~~ (d).

(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 *in which the riverboat is located* or that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

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





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

(iii) *Terre Haute*; 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 *that is not located in a city described in clause (A) or 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 auditor* 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 auditor* 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 June 30, ~~2015~~ 2019. After funds are appropriated under section 4 of this chapter, each month the *treasurer auditor* of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) *For state fiscal years beginning after June 30, 2019, but ending before July 1, 2021, fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.*

(2) *For state fiscal years beginning after June 30, 2021, fifty-six and five-tenths percent (56.5%) shall be paid as follows:*

(A) *Sixty-six and four-tenths percent (66.4%) shall be paid to the state general fund.*

(B) *Thirty-three and six-tenths percent (33.6%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).*

*However, if:*

(i) *at any time the balance in that fund exceeds twenty-five million dollars (\$25,000,000); or*

(ii) *in any part of a state fiscal year in which the operating agent has received at least one hundred million dollars (\$100,000,000) of adjusted gross receipts;*

*the amount described in this clause shall be paid to the state*



*general fund for the remainder of the state fiscal year.*

~~(2)~~ (3) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County 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.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County 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.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer as follows:

(i) Beginning after December 31, 2017, ten percent (10%) of the amount transferred under this clause in each calendar year shall be transferred to the South Central Indiana Regional Economic Development Corporation or a successor entity or partnership for economic development for the purpose of recruiting new business to Orange County as well as promoting the retention and expansion of existing businesses in Orange County.

(ii) The remainder of the amount transferred under this clause in each calendar year shall be transferred to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities.

To the extent possible, the Indiana economic development corporation shall provide for the transfer under item (i) to be made in four (4) equal installments. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making distributions to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships. The amount paid to the Orange County development commission shall proportionally reduce the amount payable to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or



their successor entities or partnerships.

(c) *This subsection does not apply to tax revenue remitted by an inland casino operating in Vigo County.* For each city and county receiving money under subsection (a)(2), the *treasurer auditor* of state shall determine the total amount of money paid by the *treasurer auditor* 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 auditor* 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 auditor* 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) (d) Except as provided in subsections (f) (k) and (m); (l), before August 15 of each year, the treasurer auditor 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); (g), 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~~ (e) Money received by a city, town, or county under subsection ~~f~~ (d) or ~~f~~ (g) 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~~ (f) *This subsection does not apply to an inland casino operating in Vigo County.* Before July 15 of each year, the *treasurer auditor* of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the *treasurer auditor* of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the *treasurer auditor* 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 ~~f~~ (h), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-9); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

(B) the amount of any admissions taxes deducted under



IC 6-3.1-20-7.

~~(f)~~ (g) This subsection applies only to a county containing a consolidated city: **Marion County**. The county auditor shall distribute the money received by the county under subsection ~~(e)~~ (d) as follows:

- (1) To each city, other than a **the** consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

~~(f)~~ (h) *This subsection does not apply to an inland casino operating in Vigo County.* This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed under subsection ~~(g)~~ (f) in a state fiscal year is equal to the following:

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:
  - (A) forty-eight million dollars (\$48,000,000); multiplied by
  - (B) the result of:
    - (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by
    - (ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection ~~(g)~~ (f) exceeds the maximum amount determined under this subsection, the amount

SEA 37 — Concur



distributed to an entity under subsection ~~(g)~~ (f) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

~~(f)~~ (i) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections ~~(g)~~ (f) and ~~(i)~~ (h). Beginning in July 2016, the *treasurer auditor* of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
  - (A) three million five hundred thousand dollars (\$3,500,000); minus
  - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The *treasurer auditor* of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority revenue fund established under IC 36-7.5-4-1.

~~(k)~~ (j) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund (*in the case of a school corporation, the school corporation may deposit the money into either the education fund (IC 20-40-2) or the operations fund (IC 20-40-18)*) or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection ~~(b)(2)(B)~~; (b)(3)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in subsection ~~(b)(2)(B)~~; (b)(3)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

Money distributed under subsection ~~(b)(2)(B)~~ (b)(3)(B) must be used



for the purposes specified in subsection ~~(b)(2)(B)~~: (b)(3)(B).

~~(k)~~ (k) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection ~~(e)~~ (d) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

~~(m)~~ (l) After June 30, 2021, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection ~~(e)~~ (d) shall be withheld and deposited in the state general fund.

SECTION 10. IC 5-1-14-7, AS AMENDED BY P.L.119-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) This section applies to:

- (1) each county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~; **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000)**; and
- (2) each second class city located in a county described in subdivision (1).

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

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

- (1) government building under IC 36-9-13;
- (2) structure under IC 36-1-10;
- (3) park purpose under IC 36-10-1;
- (4) park improvement under IC 36-10-4; and
- (5) redevelopment project or purpose under IC 36-7-14.

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

SECTION 11. IC 5-1-17-7, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 **Marion County** executive. ~~of a 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 ~~county having a consolidated city~~, **Marion County**, 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 **Marion County** executive. ~~of a county having a consolidated city.~~

**SEA 37 — Concur**



SECTION 12. IC 5-1-17-18, AS AMENDED BY P.L.109-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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,

**SEA 37 — Concur**



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) 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, or ~~the county having a consolidated city~~ **Marion County**, pursuant to an agreement between the National Football League franchised professional football team and the capital improvement board, the consolidated city, or ~~the county~~: **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 county~~, **Marion County**, the consolidated city, 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.

(2) 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 13. IC 5-1-17-25, AS ADDED BY P.L.214-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 25. The authority shall not issue bonds in a principal amount exceeding five hundred million dollars

SEA 37 — Concur



(\$500,000,000) to finance any capital improvement in a **Marion** County ~~having a consolidated first class city~~ unless:

- (1) on or before June 30, 2005, the county fiscal body:
  - (A) increases the rate of the tax authorized by IC 6-6-9.7 by the maximum amount authorized by IC 6-6-9.7-7(c);
  - (B) increases the rate of the tax authorized by IC 6-9-8 by the maximum amount authorized by IC 6-9-8-3(d);
  - (C) increases the rate of tax authorized by IC 6-9-12 by the maximum amount authorized by IC 6-9-12-5(b); and
  - (D) increases the rate of the tax authorized by IC 6-9-13 by the maximum amount authorized by IC 6-9-13-2(b); and
- (2) on or before October 1, 2005, the budget director makes a determination under IC 36-7-31-14.1 to increase the amount of money captured in a tax area established under IC 36-7-31 by up to eleven million dollars (\$11,000,000) per year, commencing July 1, 2007.

SECTION 14. IC 5-1.4-1-5, AS AMENDED BY P.L.119-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. "City" refers to any of the following:

- (1) A consolidated city.
- (2) A second class city.
- (3) A city having a population of more than ~~five thousand (5,000) but less than five thousand one hundred (5,100):~~ **five thousand (5,000) and less than five thousand one hundred thirty (5,130).**

SECTION 15. IC 5-1.4-1-10, AS AMENDED BY P.L.119-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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:~~ **any of the following counties:**
  - (A) **A county** that has a population of
    - (i) ~~more than four hundred thousand (400,000) but and less than seven hundred thousand (700,000).~~ **or**
    - (ii) ~~more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);~~ **or**
  - (B) **A county having a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**



~~(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 mayor** of a **the** consolidated city.
- (7) Any authority created under IC 36 that leases land or facilities to any qualified entity listed in subdivisions (1) through (6).

SECTION 16. IC 5-10.4-4-1, AS AMENDED BY P.L.217-2017, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) The members of the fund include:

- (1) legally qualified and regularly employed teachers in the public schools;
- (2) persons employed by a governing body, who were qualified before their election or appointment;
- (3) legally qualified and regularly employed teachers at Ball State University, Indiana State University, University of Southern Indiana, and Vincennes University;
- (4) legally qualified and regularly employed teachers in a state educational institution whose teachers devote their entire time to teaching;
- (5) legally qualified and regularly employed teachers in state benevolent, charitable, or correctional institutions;
- (6) legally qualified and regularly employed teachers in an experimental school in a state university who teach elementary or high school students;
- (7) as determined by the board, certain instructors serving in a state educational institution extension division not covered by a state retirement law;
- (8) employees and officers of the department of education and of the fund who were qualified before their election or appointment;
- (9) a person who:
  - (A) is employed as a nurse appointed under IC 20-34-3-6 by a school corporation located in a city having a population of more than ~~eighty thousand (80,000)~~ but less than ~~eighty thousand four hundred (80,400)~~; **sixty-nine thousand (69,000) and less than sixty-nine thousand five hundred (69,500)**; 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

SEA 37 — Concur



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.

(d) The members of the fund do not include individuals who participate in the teachers' defined contribution plan under IC 5-10.4-8.

SECTION 17. IC 5-13-9-2, AS AMENDED BY P.L.47-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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. A security purchased by the treasurer of state under this subdivision must have a stated final maturity of not more than ten (10) years after the date of purchase.

(b) If an investment under subsection (a) 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 city having a population of more than ~~five thousand (5,000)~~ but less than ~~five thousand one hundred (5,100)~~ **five thousand (5,000) and less than five thousand one hundred thirty (5,130)** 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 town with a population of more than ~~five thousand (5,000)~~ but less than ~~ten thousand (10,000)~~ located in a county having a population of more than ~~one hundred forty thousand (140,000)~~ but less than ~~one hundred fifty thousand (150,000)~~ **ten thousand (10,000) and less than twenty thousand (20,000) located in a county having a population of more than one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000)** may also invest money in a host community agreement future fund established by ordinance of the town in:

- (1) municipal securities; and
- (2) equity securities;

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





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 18. IC 5-13-9-5.6, AS AMENDED BY P.L.43-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 after the date of purchase or entry into a repurchase agreement for a conservancy district located in a city having a population of more than ~~five thousand (5,000)~~ but less than ~~five thousand one hundred (5,100)~~; **five thousand (5,000) and less than five thousand one hundred thirty (5,130)**;
- (2) five (5) years after the date of purchase or entry into a repurchase agreement for investments made from a host community agreement future fund established by ordinance of a town with a population of more than ~~five thousand (5,000)~~ but less than ~~ten thousand (10,000)~~ located in a county having a population of more than ~~one hundred forty thousand (140,000)~~ but less than ~~one hundred fifty thousand (150,000)~~; **ten thousand (10,000) and less than twenty thousand (20,000) located in a county having a population of more than one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000)**; or
- (3) two (2) years after the date of purchase or entry into a repurchase agreement for:
  - (A) a fund not described in subdivision (1) or (2); or
  - (B) a political subdivision that:
    - (i) is not described in subdivision (1) or (2); and
    - (ii) does not have in effect an investment policy and ordinance under section 5.7 of this chapter.

SECTION 19. IC 6-1.1-10-15, AS AMENDED BY P.L.180-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) The acquisition and improvement of land for use by the public as an airport and the maintenance of commercial passenger aircraft is a municipal purpose regardless of whether the airport or maintenance facility is owned or operated by a municipality. The owner of any airport located in this state, who holds a valid and current public airport certificate issued by the Indiana department of transportation, may claim an exemption for only so much of the land as



is reasonably necessary to and used for public airport purposes. A person maintaining commercial passenger aircraft in a county having a population of:

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

(2) more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and 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 for airport operation and maintenance purposes, which includes the following property:

(A) Leased property that:

(i) is used for agricultural purposes; and

(ii) is located within the area that federal law and regulations of the Federal Aviation Administration restrict to activities and purposes compatible with normal airport operations.

(B) Runway protection zones.

(C) Avigation easements.

(D) Safety and transition areas, as specified in IC 8-21-10 concerning the regulation of tall structures and 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.

(E) Land purchased using funds that include grant money provided by the Federal Aviation Administration or the Indiana department of transportation.

(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 20. IC 6-1.1-10-16.5, AS AMENDED BY P.L.119-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 16.5. (a) This section applies to real property located in either of the following:

(1) A county having a population of more than ~~twenty thousand (20,000)~~ but less than ~~twenty thousand five hundred (20,500)~~: **twenty thousand (20,000) and less than twenty thousand four hundred (20,400).**

(2) A county having a population of more than ~~twenty-four thousand five hundred (24,500)~~ but less than ~~twenty-five thousand (25,000)~~: **twenty-four thousand six hundred (24,600) and less than twenty-five thousand (25,000).**

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

(1) The tract is located:

(A) under a lake or reservoir; or

(B) adjacent to a lake or reservoir.

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

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

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

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

SECTION 21. IC 6-1.1-12.1-2, AS AMENDED BY P.L.288-2013,

SEA 37 — Concur



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A designating body may find that a particular area within its jurisdiction is an economic revitalization area. However, the deduction provided by this chapter for economic revitalization areas not within a city or town shall not be available to retail businesses.

(b) In a county containing a consolidated city or within a city or town, a designating body may find that a particular area within its 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 the number of years specified by the designating body under section 17 of this chapter. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings described in subsection (c):

- (1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.
- (2) Any dwellings in the area are not permanently occupied and are:
  - (A) the subject of an order issued under IC 36-7-9; or
  - (B) evidencing significant building deficiencies.
- (3) Parcels of property in the area:
  - (A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
  - (B) are owned by a unit of local government.

However, in a city in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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 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 county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~, **two hundred fifty thousand (250,000) and 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;

(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;

(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 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 17 of this chapter.

(k) 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 22. IC 6-1.1-12.1-4.7, AS AMENDED BY P.L.288-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4.7. (a) Section 4.5(d) of this chapter does not apply to new manufacturing equipment located in a township having a population of more than ~~four thousand (4,000)~~ but less than ~~seven thousand (7,000)~~ located in a county having a population of more than ~~forty-two thousand (42,000)~~ but less than ~~forty-two thousand three hundred (42,300)~~ **three thousand nine hundred (3,900) and less than seven thousand (7,000) located in a county having a population of more than forty-three thousand (43,000) and less than forty-three thousand five hundred (43,500)** 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(d) of this chapter does not apply to new manufacturing equipment located in a county having a population of more than ~~thirty-three thousand five hundred (33,500)~~ but less than ~~thirty-four thousand (34,000)~~ **thirty-three thousand (33,000) and less than thirty-three thousand one hundred (33,100)** 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(e) of this chapter.

SECTION 23. IC 6-1.1-12.1-10, AS AMENDED BY P.L.119-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10. (a) This section applies to a town having a population of more than ~~two thousand five hundred (2,500)~~ located in a county having a population of more than ~~twenty-seven thousand (27,000)~~ but less than ~~twenty-eight thousand (28,000)~~. **one thousand (1,000) located in a county having a population of more than twenty-eight thousand (28,000) and less than twenty-eight thousand one hundred eighty-one (28,181).**

(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 24. IC 6-1.1-18.5-9.5, AS AMENDED BY P.L.119-2012, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9.5. (a) This section applies to civil taxing units located in a county having a population of more than ~~one hundred eleven thousand (111,000)~~ but less than ~~one hundred fifteen thousand (115,000)~~. **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000).**

(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 25. IC 6-1.1-21.5-1, AS AMENDED BY P.L.119-2012, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. As used in this chapter, "qualified taxing unit" means each of the following:

- (1) A city having a population of more than ~~twenty-nine thousand six hundred (29,600)~~ but less than ~~twenty-nine thousand nine hundred (29,900)~~. **twenty-six thousand (26,000) and less than twenty-eight thousand (28,000).**
- (2) The sanitary district of a city described in subdivision (1).
- (3) The library district of a city described in subdivision (1).
- (4) The school corporation located in a city described in subdivision (1).

SECTION 26. IC 6-1.1-21.8-2, AS AMENDED BY P.L.119-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "qualified taxing unit" means a taxing unit located in a county having a population of more than ~~one hundred fifty thousand (150,000)~~ but less than ~~one hundred seventy thousand (170,000)~~. **one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000).**

SECTION 27. IC 6-3.1-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county



having a population of more than ~~one hundred five thousand (105,000)~~ but less than ~~one hundred ten thousand (110,000)~~; **one hundred thousand (100,000) and less than one hundred ten thousand (110,000)**, "taxpayer" includes a pass through entity.

SECTION 28. IC 6-3.6-6-8.5, AS AMENDED BY P.L.247-2017, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8.5. (a) This section applies only to Marion County.

(b) The adopting body may allocate additional revenue to fund the operation of a public library in a ~~county containing a consolidated city~~ **Marion County** as provided in an election, if any, made by the county fiscal body under IC 36-3-7-6. An allocation under this section shall be made from the part of the additional revenue that would otherwise be allocated as certified shares.

(c) The adopting body may allocate additional revenue to 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. An allocation under this section shall be made from the part of the additional revenue that would otherwise be allocated as certified shares.

(d) The adopting body may allocate additional revenue to fund the operation of a public communications systems and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b). The additional revenue shall be allocated and distributed before the allocation and distribution of the remaining tax revenue under this chapter.

SECTION 29. IC 6-9-1-2, AS AMENDED BY P.L.119-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) In a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**, there is hereby created on and after January 1, 1973, a special funds board of managers.

(b) The board of managers shall be composed of eleven (11) members as follows:

- (1) Six (6) appointed by the mayor of the city having the largest population in the county, one (1) of whom shall be from the hotel motel industry.
- (2) Three (3) appointed by the mayor of the city having the second largest population in the county, one (1) of whom may be from the hotel motel industry.

SEA 37 — Concur



(3) Two (2) appointed by the board of county commissioners of ~~such~~ the 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~~ **Not** 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 the member's duties, shall take and subscribe an oath of office in the usual



form, to be endorsed upon the member's certificate of appointment, which shall be promptly filed with the county's circuit court clerk. Each member of the board of managers must be a resident of the county during 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 the member's duties.

SECTION 30. IC 6-9-1-5, AS AMENDED BY P.L.69-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) In a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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.

(b) Except as otherwise provided in this section, the tax imposed under subsection (a) is imposed 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. After June 30, 2021, the county fiscal body may adopt an ordinance to increase the tax rate to not more than eight percent (8%).

(c) The tax 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.

(d) 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.

(e) If the county fiscal body adopts an ordinance to increase the tax rate after June 30, 2021, under subsection (b), the county fiscal body shall:

(1) specify the effective date of the ordinance to provide that the ordinance takes effect:

(A) at least thirty (30) days after the adoption of the ordinance;

SEA 37 — Concur



and

(B) on the first day of a month; and

(2) immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(f) If the county fiscal body does not immediately send a certified copy of the ordinance to the commissioner of the department of state revenue as required under subsection (e), the department of state revenue shall treat an increase in the tax rate under this section as having been adopted on the later of:

(1) the first day of the month that is not less than thirty (30) days after the ordinance is sent to the department of state revenue; or

(2) on the effective date specified in the ordinance.

SECTION 31. IC 6-9-2-2, AS AMENDED BY P.L.81-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 Northwest, 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 city of Gary.

(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

**SEA 37 — Concur**



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 eighty thousand (80,000) but less than eighty thousand four hundred (80,400):~~ **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 eighty thousand five hundred (80,500) but less than one hundred thousand (100,000):~~ **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 twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900):~~ **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 Northwest nine percent (9%) of the revenue received under this chapter for that year. The



money received by Purdue University Northwest 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 eighty thousand (80,000) but less than eighty thousand four hundred (80,400):~~ **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 eighty thousand five hundred (80,500) but less than one hundred thousand (100,000):~~ **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 Northwest. The money received by Purdue University Northwest 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 city of Gary. 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 city of Gary.

(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 32. IC 6-9-4-1, AS AMENDED BY P.L.119-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred thirty-five thousand (135,000)~~ but less than ~~one hundred thirty-eight thousand (138,000)~~: **one hundred thirty-nine thousand (139,000) and less than one hundred sixty thousand (160,000).**

SECTION 33. IC 6-9-6-1, AS AMENDED BY P.L.119-2012, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred eleven thousand (111,000)~~ but less than ~~one hundred fifteen thousand (115,000)~~: **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000).**

SECTION 34. IC 6-9-7-1, AS AMENDED BY P.L.119-2012, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to ~~a county having a population of more than one hundred seventy thousand (170,000)~~ but less than ~~one hundred seventy-five thousand (175,000)~~: **Tippecanoe County.**

SECTION 35. IC 6-9-7-7, AS AMENDED BY P.L.122-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) The county treasurer shall establish an innkeeper's tax fund. The treasurer shall deposit in that fund all money

SEA 37 — Concur



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) 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.

(2) Ten percent (10%) shall be distributed to a community development corporation that serves a metropolitan area in the county that includes:

(A) ~~a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000); Lafayette;~~ and

(B) ~~a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600); West Lafayette;~~

for the community development corporation's use in tourism, recreation, and economic development activities.

(3) Ten percent (10%) shall be distributed to Historic Prophetstown to be used by Historic Prophetstown for carrying out its purposes.

(4) Ten percent (10%) shall be distributed to the Wabash River Enhancement Corporation to assist the Wabash River Enhancement Corporation in carrying out its purposes.

(5) Ten percent (10%) shall be distributed to the department of natural resources for the development of projects in the state park on the ~~county's largest river;~~ **Wabash River**, including its tributaries.

(6) Twenty percent (20%) shall be distributed as determined by the county fiscal body.

(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)(2).



- (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 may issue bonds for the development of Prophetstown State Park under IC 5-1.2-6.

SECTION 36. IC 6-9-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~: **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**

SECTION 37. IC 6-9-10-1, AS AMENDED BY P.L.119-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~sixty-eight thousand nine hundred (68,900)~~ but less than ~~seventy thousand (70,000)~~: **sixty-five thousand (65,000) and less than sixty-six thousand six hundred (66,600).**

SEA 37 — Concur



SECTION 38. IC 6-9-10.5-1, AS AMENDED BY P.L.119-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~twenty-four thousand five hundred (24,500)~~ but less than ~~twenty-five thousand (25,000)~~: **twenty-four thousand six hundred (24,600) and less than twenty-five thousand (25,000).**

SECTION 39. IC 6-9-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred five thousand (105,000)~~ but less than ~~one hundred ten thousand (110,000)~~: **one hundred thousand (100,000) and less than one hundred ten thousand (110,000).**

SECTION 40. IC 6-9-14-1, AS AMENDED BY P.L.119-2012, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~fifteen thousand (15,000)~~ but less than ~~fifteen thousand five hundred (15,500)~~: **fifteen thousand four hundred fifty (15,450) and less than sixteen thousand (16,000).**

SECTION 41. IC 6-9-15-1, AS AMENDED BY P.L.119-2012, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~thirty-two thousand (32,000)~~ but less than ~~thirty-two thousand five hundred (32,500)~~: **thirty-three thousand one hundred (33,100) and less than thirty-three thousand one hundred fifty (33,150).**

SECTION 42. IC 6-9-17-1, AS AMENDED BY P.L.119-2012, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~: **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000).**

SECTION 43. IC 6-9-19-1, AS AMENDED BY P.L.119-2012, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~: **two hundred thousand (200,000) and less than two hundred fifty thousand (250,000).**

SECTION 44. IC 6-9-20-1, AS AMENDED BY P.L.119-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a



population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~: **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000).**

SECTION 45. IC 6-9-21-1, AS AMENDED BY P.L.119-2012, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred fifteen thousand (115,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~: **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000).**

SECTION 46. IC 6-9-25-9.5, AS AMENDED BY P.L.38-2021, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 may be used by the county for the financing, construction, renovation, improvement, equipping, or maintenance of the following capital improvements:

- (1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.
- (2) Drainage or flood control facilities that serve economic development purposes.
- (3) Road improvements used on an access road for an industrial park that serve economic development purposes.
- (4) A covered horse show arena.
- (5) A historic birthplace memorial.
- (6) A historic gymnasium and community center in a town ~~in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300)~~: **having a population of more than two thousand (2,000) and less than two thousand two hundred (2,200) located in a county having a population of more than forty-eight thousand (48,000) and less than fifty thousand (50,000).**
- (7) Main street renovation and picnic and park areas in a town ~~in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300)~~: **having a population of more than two thousand (2,000) and less than two thousand two hundred (2,200) located in a county having a population of more than forty-eight thousand (48,000) and less than fifty thousand (50,000).**



- (8) A community park, expo center, 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.
- (11) The construction, renovation, improvement, or repair of county roads.

Money in the fund may not be used for the personnel expenses and other 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. Money pledged to the payment of an obligation entered into under this subsection may not be used for any other purpose as long as the obligation remains outstanding.

SECTION 47. IC 6-9-26-1, AS AMENDED BY P.L.119-2012, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~: **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000).**

SECTION 48. IC 6-9-26-12.5, AS AMENDED BY P.L.197-2016, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 shall be transferred to the following:

- (1) Forty percent (40%) of the money deposited shall be transferred to the fiscal officer of a city having a population of more than ~~fifty-five thousand (55,000)~~ but less than ~~sixty thousand (60,000)~~: **fifty-four thousand (54,000) and less than fifty-eight thousand (58,000).**
- (2) Forty percent (40%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for the following purposes:
  - (A) The financing, construction, or equipping of a secure



detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).

(B) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory expenses related to the financing, construction, or equipping of a facility described in clause (A).

(C) The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in clause (A).

(3) Twenty percent (20%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subdivision (1).

(c) 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 (b)(2), money deposited in the county economic development project fund shall be transferred to the following:

(1) Seventy percent (70%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection (b)(1).

(2) Thirty percent (30%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subsection (b)(1).

(d) Money transferred to a city fiscal officer under subsection (b)(1) or (c)(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 6-3.6-10-2 (local income tax for economic development purposes).

SECTION 49. IC 6-9-27-1, AS AMENDED BY P.L.119-2012, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following:

(1) A town

(A) located in a county having a population of more than sixty thousand (60,000) but less than sixty-eight thousand nine hundred (68,900); and

(B) having a population of more than nine thousand (9,000)- having a population of more than nine thousand (9,000) located in a county having a population of more than seventy-one thousand (71,000) and less than seventy-nine thousand (79,000).

(2) A town

SEA 37 — Concur



- (A) located in a county having a population of more than thirty-seven thousand one hundred twenty-five (37,125) but less than thirty-seven thousand five hundred (37,500); and  
 (B) having a population of less than one thousand (1,000). **having a population of less than one thousand (1,000) located in a county having a population of more than forty thousand (40,000) and less than forty-three thousand (43,000).**
- (3) A town  
 (A) located in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000); and  
 (B) having a population of more than twenty-five thousand (25,000). **having a population of more than thirty thousand (30,000) located in a county having a population of more than one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000).**
- (4) A town  
 (A) located in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000); and  
 (B) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000). **having a population of more than twenty-five thousand (25,000) and less than thirty thousand (30,000) located in a county having a population of more than one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000).**
- (5) A town  
 (A) located in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000); and  
 (B) having a population of more than ten thousand (10,000) but less than twenty thousand (20,000). **having a population of more than twenty thousand (20,000) and less than twenty-five thousand (25,000) located in a county having a population of more than one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000).**
- (6) A city having a population of more than eleven thousand seven hundred (11,700) but less than eleven thousand nine hundred (11,900). **eleven thousand nine hundred (11,900) and**





**less than twelve thousand (12,000).**

SECTION 50. IC 6-9-28-1, AS AMENDED BY P.L.119-2012, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies only to a county having a population of more than ~~one hundred forty thousand (140,000)~~ but less than ~~one hundred fifty thousand (150,000)~~; **one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000).**

SECTION 51. IC 6-9-32-1, AS AMENDED BY P.L.119-2012, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~forty-two thousand three hundred (42,300)~~ but less than ~~forty-three thousand (43,000)~~ that **forty-six thousand four hundred (46,400) and less than forty-seven thousand (47,000), if the county** had adopted an innkeeper's tax under IC 6-9-18 before July 1, 1999.

(b) The:

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and
- (4) tax collection procedures;

established under IC 6-9-18 before July 1, 1999, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established under IC 6-9-18 before July 1, 1999, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided under this chapter. The appointing authority shall make other subsequent appointments to the commission as provided under this chapter.

SECTION 52. IC 6-9-33-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**

SECTION 53. IC 6-9-36-1, AS AMENDED BY P.L.119-2012, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following counties:

- (1) A county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).
- (2) A county having a population of more than ~~one hundred fifty~~

SEA 37 — Concur



~~thousand (150,000) but less than one hundred seventy thousand (170,000): one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000).~~

SECTION 54. IC 6-9-37-1, AS AMENDED BY P.L.119-2012, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000)~~ that **one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000)**, if the county had adopted an innkeeper's tax under IC 6-9-18 before July 1, 2005.

(b) The:

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and
- (4) tax collection procedures;

established under IC 6-9-18 before July 1, 2005, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established under IC 6-9-18 before July 1, 2005, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided in this chapter. The appointing authority shall make other subsequent appointments to the commission as provided in this chapter.

SECTION 55. IC 6-9-38-1, AS AMENDED BY P.L.119-2012, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a population of more than ~~sixty-eight thousand nine hundred (68,900) but less than seventy thousand (70,000): sixty-five thousand (65,000) and less than sixty-six thousand six hundred (66,600).~~

SECTION 56. IC 6-9-53-1, AS ADDED BY P.L.290-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~thirty-eight thousand two hundred (38,200) but less than thirty-eight thousand five hundred (38,500)~~ that **thirty-six thousand (36,000) and less than thirty-six thousand five hundred (36,500)**, if the county had adopted an innkeeper's tax under IC 6-9-18 before July 1, 2019.

(b) The:

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and

SEA 37 — Concur



(4) tax collection procedures; established under IC 6-9-18 before July 1, 2019, 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, 2019, 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 57. IC 7.1-3-20-16, AS AMENDED BY P.L.220-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) Except as provided in sections 16.3 and 16.4 of this chapter, 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) Subject to section 16.1 of this chapter and except as provided in section 16.3 of this chapter, 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;

**SEA 37 — Concur**



within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project 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. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(e) Except as provided in sections 16.3 and 16.4 of this chapter, 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:

- (1) a building that:
  - (A) was formerly used as part of a passenger and freight railway station; and
  - (B) was built before 1900; or
- (2) a complex of buildings that:
  - (A) is part of an economic development area established under IC 36-7-14; and
  - (B) includes, as part of the renovation project, the use and repurposing of two (2) or more buildings and structures that are:
    - (i) at least seventy-five (75) years old; and
    - (ii) located at a site at which manufacturing previously occurred over a period of at least seventy-five (75) years.

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

(f) Except as provided in section 16.3 of this chapter, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

- (1) A town ~~that:~~
  - (A) ~~is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and~~



~~(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700):~~  
**having a population of more than twenty-three thousand (23,000) and less than twenty-three thousand nine hundred (23,900) located in a county having a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000).**

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

(g) Except as provided in section 16.3 of this chapter, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

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

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

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

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

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. A permit holder and any lessee or proprietor of the permit premises is subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an



initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) Except as provided in section 16.3 of this chapter, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

- (1) a town ~~with~~ **having** a population of more than twenty thousand (20,000); or
- (2) a city ~~with~~ **having** a population of more than ~~forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);~~ **forty-nine thousand four hundred (49,400) and less than fifty thousand (50,000);**

located in a county having a population of more than ~~one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000);~~ **one hundred twenty thousand (120,000) and less than one hundred thirty thousand (130,000)**. The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, and except as provided in section 16.3 of this chapter, 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

**SEA 37 — Concur**



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' 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.

(j) Subject to section 16.2 of this chapter and except as provided in section 16.3 of this chapter, the commission may issue not more than six (6) new three-way, two-way, or one-way permits 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 on land within a municipal lakefront development project. A permit issued under this subsection may not be transferred. If the commission issues six (6) 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 six (6) 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. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars (\$10,000).

(k) Except as provided in section 16.3 of this chapter, the commission may issue not more than nine (9) new three-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be a proprietor, as owner or lessee, or both, of a restaurant located:

- (1) within a motorsports investment district (as defined in IC 5-1-17.5-11); or
- (2) not more than one thousand five hundred (1,500) feet from a motorsports investment district.

The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the



commission issues nine (9) 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 nine (9) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(l) Except as provided in section 16.3 of this chapter, the commission may issue not more than two (2) new three-way permits to sell alcoholic beverages for on-premises consumption for premises located within a qualified motorsports facility (as defined in IC 5-1-17.5-14). The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues two (2) 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 two (2) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

SECTION 58. IC 8-1-2-103, AS AMENDED BY P.L.136-2018, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 103. (a) No public utility, or agent or officer of a public utility, 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 with any service rendered or to be rendered, than that prescribed in the published schedules or tariffs then in force or established as provided in this chapter, 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 the municipality, or any institution or agency of such municipality, to furnish such free service or service at special rates.

(c) This subsection applies to a public utility that provides water for public fire protection services in both a county containing a consolidated city and in portions of counties that are adjacent to the county containing a consolidated city. This subsection applies throughout the territory served by the public utility. In the case of a public utility furnishing water and beginning on January 1, 1994, the charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be included in the basic rates of the customers of the public utility. However, the construction cost of any fire hydrant installed after December 31, 1993, at the request of a municipality, township, county, or other governmental unit shall be paid for by or on behalf of the municipality, township, county, or other governmental unit. The change in the recovery of current revenue authorized by this section shall be reflected in a new schedule of rates to be filed with the commission at least thirty (30) days before the time the new schedule of rates is to take effect. The new schedule of rates shall:

- (1) eliminate fire protection charges billed directly to governmental units, other than charges for the construction cost for new hydrants installed after December 31, 1993; and

**SEA 37 — Concur**



(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

**SEA 37 — Concur**



applicable to general rate proceedings. The commission shall approve the new schedule of rates that are to be effective on a date specified in the ordinance.

(e) This subsection applies to a municipally owned water utility in a city having a population of more than ~~fifty thousand (50,000)~~ but less than ~~fifty-one thousand (51,000)~~; **fifty-three thousand (53,000) and less than fifty-four thousand (54,000)**. The city may adopt a plan to recover costs as described in subsection (d) without passing an ordinance, if the plan applies only to customers of the utility residing in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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

SEA 37 — Concur



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 59. IC 8-1-2.7-9, AS AMENDED BY P.L.119-2012, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) Except as provided under subsection (c) or section 15 of this chapter, when a utility successfully withdraws from commission jurisdiction, the commission does not have authority to regulate the following:

- (1) Rates and charges.
- (2) Stocks, bonds, notes, or other evidence of indebtedness.
- (3) Rules.
- (4) The annual report filing requirement.

(b) When the number of patrons served by a withdrawn utility described in section 1.3(a)(1)(A) or 1.3(a)(2)(A) of this chapter reaches five thousand (5,000), the utility:

- (1) becomes subject to the annual report filing requirement described in IC 8-1-2-16; and
- (2) shall immediately notify the commission of the number of patrons served by the utility.

Upon receiving notice under subdivision (2), the commission may reassert jurisdiction over the utility, in whole or in part, after notice and hearing if the commission finds that the public interest so requires.

(c) As used in this subsection, "utility" refers to a utility described in section 1.3(a)(1)(B) of this chapter that is located in a county having a population of more than ~~sixteen thousand (16,000)~~ but less than ~~seventeen thousand (17,000)~~; **fifteen thousand four hundred (15,400) and less than fifteen thousand four hundred fifty (15,450)**. 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 60. IC 8-1.5-4-3, AS AMENDED BY P.L.119-2012, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. The department of waterworks has jurisdiction over a special taxing district (referred to as "the waterworks district" in this chapter) that consists of:

- (1) in the case of a second class city located in a county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~, **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000)**, all the territory within that county; or
- (2) in the case of any other municipality, all the territory within the corporate boundaries of the municipality, or the territory served by the waterworks if larger or smaller than the corporate boundaries.

SECTION 61. IC 8-1.5-4-14, AS AMENDED BY P.L.119-2012, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 city having a population of more than ~~forty-seven thousand (47,000)~~ but less than ~~forty-nine thousand (49,000)~~: **fifty-one thousand (51,000) and less than fifty-three thousand (53,000)**. The cost and value of maintaining hydrants and other facilities for fire protection may be recovered from customers of the waterworks residing in either of the following, beginning on a date determined by the city:

(1) In a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~: **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**.

(2) In a township having a population of more than ~~nine thousand (9,000)~~ but less than ~~nine thousand five hundred (9,500)~~ located in a county having a population of more than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~: **nine thousand (9,000) and less than ten thousand (10,000) located in a county having a population of more than two hundred thousand (200,000) and less than two hundred fifty thousand (250,000)**.

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 62. IC 8-9.5-7-1, AS AMENDED BY P.L.119-2012, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) The following may create, by an ordinance adopted by its legislative body, an automated transit district:

(1) A consolidated city.

SEA 37 — Concur



(2) A city having a population of more than one hundred thousand (100,000) ~~but~~ **and** less than one hundred ten thousand (110,000). 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 63. IC 8-10-5-5, AS AMENDED BY P.L.119-2012, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) A port authority created in accordance with the provisions of this chapter shall be governed by a board of directors. Except as provided in subsection (c), members of a board of directors of a port authority created by the exclusive action of a municipal corporation shall consist of the number of members it deems necessary and be appointed by the mayor with the advice and consent of the common council. Members of a board of directors of a port authority created by the exclusive action of a county shall consist of such members as it deems necessary and be appointed by the county commissioners of such county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among such political subdivisions in such proportions as such political subdivisions may agree and appointed in the same manner as this section provides for their appointment when such political subdivision creates its own port authority. When a port authority is created by a combination of political subdivisions, the number of directors composing the board shall be determined by agreement between such political subdivisions.

(b) In the case of a port authority created under section 2 of this chapter in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** 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 the~~ board at the same time.

(5) ~~In no event may~~ **Not** more than four (4) members of one (1) political party **may** 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 city having a population of more than ~~eighty thousand five hundred (80,500) but less than one hundred thousand (100,000):~~ **seventy-five thousand (75,000) and less than seventy-nine thousand (79,000)**. The board of directors of the port authority consists of five (5) members appointed as follows:

(1) Three (3) members appointed by the mayor of the city.

(2) Two (2) members appointed by the legislative body of the city.

(d) The appointing authority may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

(e) At the time of appointment, a director must be a resident of one (1) of the following:

(1) The political subdivision from which the director is appointed.

(2) The county within which the port authority is established.

At all times, a majority of the directors must be residents of the political subdivisions from which the members are appointed.

(f) The directors of any port authority first appointed shall serve staggered terms. Thereafter each successor shall serve for a term of four (4) years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term and any director shall be eligible for reappointment.

(g) The directors shall elect one (1) of their membership as chairman, and another as vice chairman, and shall designate their terms of office, and shall appoint a secretary who need not be a director. A majority of the board of directors shall constitute a quorum the affirmative vote of which shall be necessary for any action taken by the port authority. No vacancy in the membership of the board shall impair the rights of a quorum to exercise all the rights and perform all the duties of the port authority.

(h) Each member of the board of directors of a port authority shall be entitled to receive from the port authority such sum of money as the board of directors may determine as compensation for the member's service as director and reimbursement for the member's reasonable expenses in the performance of the member's duties.

SECTION 64. IC 8-10-5-8.5, AS AMENDED BY P.L.119-2012,

SEA 37 — Concur





SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8.5. Port authorities created in a county having a population of more than four hundred thousand (400,000) ~~but and~~ 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(a)(7) of this chapter in any city having a population of:

- (1) more than ~~eighty thousand five hundred (80,500)~~ but less than ~~one hundred thousand (100,000)~~; **seventy-five thousand (75,000) and less than seventy-nine thousand (79,000)**; or
- (2) more than ~~twenty-nine thousand six hundred (29,600)~~ but less than ~~twenty-nine thousand nine hundred (29,900)~~; **twenty-six thousand (26,000) and less than twenty-eight thousand (28,000)**.

SECTION 65. IC 8-10-9-1, AS AMENDED BY P.L.119-2012, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a city having a population of more than ~~twenty-nine thousand six hundred (29,600)~~ but less than ~~twenty-nine thousand nine hundred (29,900)~~; **twenty-six thousand (26,000) and less than twenty-eight thousand (28,000)**.

SECTION 66. IC 8-14-8-3, AS AMENDED BY P.L.119-2012, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. For purposes of this chapter, "qualified county" means a county having a population of: ~~refers to any of the following counties:~~

- (1) more than ~~fifty-seven thousand (57,000)~~ but less than ~~sixty thousand (60,000)~~; **A county having a population of more than sixty thousand (60,000) and less than sixty-five thousand (65,000)**.
- (2) more than ~~forty thousand (40,000)~~ but less than ~~forty-two thousand (42,000)~~; **A county having a population of more than forty-three thousand five hundred (43,500) and less than forty-five thousand (45,000)**.
- (3) more than ~~thirty-three thousand five hundred (33,500)~~ but less than ~~thirty-four thousand (34,000)~~; **A county having a population of more than thirty-three thousand (33,000) and less than thirty-three thousand one hundred (33,100)**.
- (4) more than ~~thirty thousand (30,000)~~ but less than ~~thirty-two thousand (32,000)~~; **A county having a population of more than thirty-three thousand three hundred (33,300) and less than thirty-four thousand (34,000)**.
- (5) more than ~~twenty-five thousand eight hundred (25,800)~~ but



less than twenty-six thousand (26,000); **A county having a population of more than twenty-five thousand (25,000) and less than twenty-six thousand (26,000).**

(6) ~~more than eighteen thousand (18,000) but less than nineteen thousand five hundred (19,500);~~ **A county having a population of more than nineteen thousand (19,000) and less than nineteen thousand eight hundred (19,800).**

(7) ~~more than twenty thousand nine hundred (20,900) but less than twenty-one thousand (21,000);~~ **A county having a population of more than nineteen thousand eight hundred (19,800) and less than nineteen thousand eight hundred fifty (19,850).**

(8) ~~more than twelve thousand eight hundred (12,800) but less than thirteen thousand (13,000);~~ **A county having a population of more than twelve thousand two hundred (12,200) and less than twelve thousand five hundred (12,500).**

(9) ~~more than ten thousand (10,000) but less than ten thousand five hundred (10,500);~~ **or A county having a population of more than nine thousand eight hundred (9,800) and less than ten thousand (10,000).**

(10) ~~more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000);~~ **A county having a population of more than ten thousand (10,000) and less than twelve thousand (12,000).**

SECTION 67. IC 8-14-16-1, AS AMENDED BY P.L.119-2012, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies only to the following counties:

(1) ~~A county having a population of more than thirty-four thousand (34,000) but less than thirty-four thousand three hundred (34,300);~~ **thirty-four thousand four hundred (34,400) and less than thirty-five thousand (35,000).**

(2) ~~A county having a population of more than thirty-seven thousand one hundred twenty-five (37,125) but less than thirty-seven thousand five hundred (37,500);~~ **forty thousand (40,000) and less than forty-three thousand (43,000).**

(3) ~~A county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000);~~ **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000).**

(4) ~~A county having a population of more than one hundred eighty-five thousand (185,000) but less than two hundred fifty~~



~~thousand (250,000): two hundred thousand (200,000) and less than two hundred fifty thousand (250,000).~~

(5) A county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000): two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).~~

(6) A county having a population of more than ~~one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000): one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000).~~

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

SECTION 68. IC 8-15.5-1-2, AS AMENDED BY P.L.165-2021, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental 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 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 user fees for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of user fees. However, during the period beginning July 1, 2011, and ending June 30, 2023, 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 user fees 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.

However, neither the authority nor the department may issue a request for proposals for a public-private agreement under this article that would authorize an operator to impose user fees unless the budget committee has reviewed the request for proposals.

(c) Except as provided in subsection (b), 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) Imposing user fees on motor vehicles for use of Interstate Highway 69.

(2) Imposing user fees 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.

(d) 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 for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for a state park inn and related improvements ~~in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000):~~ **at Potato Creek State Park.**

SECTION 69. IC 8-15.5-2-3.2, AS AMENDED BY P.L.9-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.2. "Facility project" means a project to plan, design, acquire, construct, reconstruct, equip, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a state park inn and related improvements ~~in an existing state park located in a county with~~



a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000) at Potato Creek State Park that is or will be owned by or leased in the name of the state or the authority and is the subject of a public-private agreement under this article.

SECTION 70. IC 8-22-2-1, AS AMENDED BY P.L.119-2012, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county having a population



of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and 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 county having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred eleven thousand (111,000)~~ **one hundred twenty thousand (120,000) and less than one hundred thirty thousand (130,000)**.

(2) A county having a population of more than ~~thirty-seven thousand five hundred (37,500)~~ but less than ~~thirty-eight thousand (38,000)~~ **thirty-six thousand seven hundred (36,700) and less than thirty-seven thousand (37,000)**.

Notwithstanding subsection (b), if a county has established a board under this chapter, the county executive may add one (1) additional member to the board so that the board has a total of five (5) members. Not more than three (3) of the five (5) members of the board may be of the same political party. The one (1) additional member shall serve in the same manner, be accorded the same status, and perform the same duties as the four (4) initial members, and serve a four (4) year term.

(g) This subsection does not apply to a board subject to subsection (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 71. IC 8-22-3-4, AS AMENDED BY P.L.84-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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. Except as provided in subsection (h) and section 4.5(f) of this chapter, the members of the board shall be appointed by the executive of the entity, and not more

SEA 37 — Concur



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 ~~city having a population of more than sixteen thousand four hundred (16,400) but less than seventeen thousand (17,000)~~ **the city 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.



(h) If an airport authority is established under this section by the fiscal body of Clark County, the board must consist of four (4) members. Subject to section 4.5(f) of this chapter (concerning the initial members of the board):

- (1) three (3) of the members of the board shall be appointed by the county executive of Clark County; and
- (2) one (1) of the members of the board shall be appointed by the legislative body of the town of Sellersburg.

The board may consist of five (5) members if the fiscal body of Clark County adopts an ordinance or resolution as provided in subsection (g). Subject to section 4.5(f) of this chapter (concerning the initial members of the board), if the board consists of five (5) members, three (3) of the members of the board shall be appointed by the county executive of Clark County, one (1) of the members of the board shall be appointed by the fiscal body of Clark County, and one (1) of the members of the board shall be appointed by the legislative body of the town of Sellersburg.

SECTION 72. IC 8-22-3-4.1, AS AMENDED BY P.L.74-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 shall appoint six (6) 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 **Marion** County legislative body of ~~the county having the consolidated city~~ shall appoint one (1) member. The member appointed under this subdivision must be a resident of ~~the Marion~~ County. ~~having the consolidated city.~~
- (3) The county executive of each of the following Indiana counties shall each appoint one (1) member:
  - (A) Hendricks County.
  - (B) Hancock County.
  - (C) Hamilton County.
  - (D) Morgan 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)

SEA 37 — Concur





must also be a resident of a township that: **either of the following townships in Marion County:**

(1) is located in the county having the consolidated city; and **Decatur Township.**

(2) has a population of:

(A) less than fifty thousand (50,000); or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred forty thousand (140,000): **Wayne Township.**

(d) A member of the board appointed under subsection (b)(3)(A) must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than twenty-five thousand (25,000) but less than twenty-eight thousand (28,000): **Guilford Township in Hendricks County.**

(e) The member of the board appointed under subsection (b)(3)(D) must be a resident of:

(1) Morgan County; and

(2) one (1) of the following two (2) townships in Morgan County:

(A) Brown Township.

(B) Madison Township.

(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 73. IC 8-22-3.5-1, AS AMENDED BY P.L.119-2012, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following:

(1) Each county having a consolidated city.

(2) Each city having a population of more than ~~eighty thousand (80,000) but less than eighty thousand four hundred (80,400):~~ **sixty-nine thousand (69,000) and less than sixty-nine thousand five hundred (69,500).**

SEA 37 — Concur



(3) Each county having a population of more than ~~one hundred five thousand (105,000)~~ but less than ~~one hundred ten thousand (110,000)~~: **one hundred thousand (100,000) and less than one hundred ten thousand (110,000).**

(4) Each county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~: **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**

(5) Each county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~: **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000).**

(6) Each county having a population of more than ~~one hundred fifteen thousand (115,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~: **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000).**

(7) Each city having a population of more than ~~fifty-five thousand (55,000)~~ but less than ~~sixty thousand (60,000)~~: **fifty-four thousand (54,000) and less than fifty-eight thousand (58,000).**

SECTION 74. IC 8-22-3.6-3, AS AMENDED BY P.L.38-2021, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) An authority that is located in a:

(1) city having a population of more than ~~eighty thousand (80,000)~~ but less than ~~eighty thousand four hundred (80,400)~~; **sixty-nine thousand (69,000) and less than sixty-nine thousand five hundred (69,500);**

(2) county having a population of more than ~~one hundred five thousand (105,000)~~ but less than ~~one hundred ten thousand (110,000)~~; **one hundred thousand (100,000) and less than one hundred ten thousand (110,000);** or

(3) county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and 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 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. The department of local government finance may either hold the hearing in the affected county or through electronic means. 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 75. IC 8-22-3.7-4.5, AS AMENDED BY P.L.119-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" means the following:

- (1) A city having a population of more than ~~eighty thousand (80,000)~~ but less than ~~eighty thousand four hundred (80,400)~~ **sixty-nine thousand (69,000) and less than sixty-nine thousand**



**five hundred (69,500).**

(2) A county having a population of more than ~~one hundred five thousand (105,000)~~ but less than ~~one hundred ten thousand (110,000)~~: **one hundred thousand (100,000) and less than one hundred ten thousand (110,000).**

(3) A county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~: **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**

SECTION 76. IC 9-21-8-44.5, AS AMENDED BY P.L.168-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 44.5. (a) As used in this section, "compression release engine brake" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

(b) A person who drives a motor vehicle equipped with compression release engine brakes on the Indiana toll road in a county having a population of more than ~~one hundred fifty thousand (150,000)~~ but less than ~~one hundred seventy thousand (170,000)~~ **one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000)** 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.

(c) This subsection does not apply to a motor vehicle that has compression release engine brakes with a factory installed muffler or an equivalent after market muffler. A person may not drive a motor vehicle equipped with compression release engine brakes unless the motor vehicle is equipped with a muffler in good working condition so that excessive noise is prevented.

SECTION 77. IC 11-12-11-6, AS ADDED BY P.L.204-2016, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	\$ 14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000

SEA 37 — Concur



Cass County	17,500
Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500
Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000
Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000
Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500
Madison County	101,500
Marion County	294,000
Marshall County	35,000

SEA 37 — Concur



Martin County	3,500
Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500
Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500
Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500
Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500



(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

Adams County	.0053
Allen County	<del>.0548</del> <b>.0568</b>
Bartholomew County	<del>.0118</del> <b>.0121</b>
Benton County	<del>.0014</del> <b>.0013</b>
Blackford County	<del>.0020</del> <b>.0018</b>
Boone County	<del>.0087</del> <b>.0104</b>
Brown County	<del>.0024</del> <b>.0023</b>
Carroll County	<del>.0031</del> <b>.0030</b>
Cass County	<del>.0060</del> <b>.0056</b>
Clark County	<del>.0170</del> <b>.0178</b>
Clay County	<del>.0041</del> <b>.0039</b>
Clinton County	<del>.0051</del> <b>.0049</b>
Crawford County	<del>.0017</del> <b>.0016</b>
Daviess County	.0049
Dearborn County	<del>.0077</del> <b>.0075</b>
Decatur County	<del>.0040</del> <b>.0039</b>
Dekalb County	<del>.0065</del> <b>.0064</b>
Delaware County	<del>.0181</del> <b>.0165</b>
Dubois County	<del>.0065</del> <b>.0064</b>
Elkhart County	<del>.0305</del> <b>.0310</b>
Fayette County	<del>.0037</del> <b>.0034</b>
Floyd County	<del>.0115</del> <b>.0119</b>
Fountain County	<del>.0027</del> <b>.0024</b>
Franklin County	<del>.0036</del> <b>.0034</b>
Fulton County	<del>.0032</del> <b>.0030</b>
Gibson County	<del>.0052</del> <b>.0049</b>
Grant County	<del>.0108</del> <b>.0098</b>
Greene County	<del>.0051</del> <b>.0045</b>
Hamilton County	<del>.0423</del> <b>.0512</b>
Hancock County	<del>.0108</del> <b>.0118</b>
Harrison County	<del>.0061</del> <b>.0058</b>
Hendricks County	<del>.0224</del> <b>.0258</b>
Henry County	<del>.0076</del> <b>.0072</b>
Howard County	<del>.0128</del> <b>.0123</b>
Huntington County	<del>.0057</del> <b>.0054</b>
Jackson County	<del>.0065</del> <b>.0068</b>
Jasper County	<del>.0052</del> <b>.0048</b>
Jay County	<del>.0033</del> <b>.0030</b>
Jefferson County	<del>.0050</del> <b>.0049</b>





Jennings County	.0044 .0041
Johnson County	.0215 .0238
Knox County	.0059 .0054
Kosciusko County	.0119 .0118
LaGrange County	.0057 .0060
Lake County	.0765 .0735
LaPorte County	.0172 .0166
Lawrence County	.0071 .0066
Madison County	.0203 .0192
Marion County	.1393 .1440
Marshall County	.0073 .0068
Martin County	.0016 .0014
Miami County	.0057 .0053
Monroe County	.0213 .0206
Montgomery County	.0059 .0056
Morgan County	.0106
Newton County	.0022 .0020
Noble County	.0073 .0070
Ohio County	.0009
Orange County	.0031 .0029
Owen County	.0033 .0031
Parke County	.0027 .0024
Perry County	.0030 .0028
Pike County	.0020 .0018
Porter County	.0253 .0255
Posey County	.0040 .0037
Pulaski County	.0021 .0018
Putnam County	.0059 .0054
Randolph County	.0040 .0036
Ripley County	.0044 .0043
Rush County	.0027 .0025
St. Joseph County	.0412 .0402
Scott County	.0037 .0034
Shelby County	.0069 .0066
Spencer County	.0032 .0029
Starke County	.0036 .0034
Steuben County	.0053 .0051
Sullivan County	.0033 .0031
Switzerland County	.0016 .0014
Tippecanoe County	.0266 .0274
Tipton County	.0025 .0023
Union County	.0012 .0010



Vanderburgh County	.0277 .0266
Vermillion County	.0025 .0023
Vigo County	.0166 .0156
Wabash County	.0051 .0046
Warren County	.0013 .0012
Warrick County	.0092 .0094
Washington County	.0044 .0042
Wayne County	.0106 .0098
Wells County	.0043 .0042
White County	.0038 .0036
Whitley County	.0051 .0050

SECTION 78. IC 12-24-18-1, AS AMENDED BY P.L.119-2012, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a city having a population of more than ~~thirty-six thousand five hundred (36,500)~~ but less than ~~thirty-six thousand eight hundred twenty-five (36,825)~~ **thirty-five thousand (35,000) and less than thirty-seven thousand (37,000).**

SECTION 79. IC 12-30-7-1, AS AMENDED BY P.L.119-2012, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county ~~that meets~~ **if all of** the following conditions **apply to the county:**

- (1) The county has a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~ **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**
- (2) The county maintains, owns, or maintains and owns a county home for the support and care of persons who are aged, blind, destitute, homeless, infirm, chronically ill, or in need of nursing or convalescent care, but who do not require hospitalization.
- (3) The county maintains, owns, or maintains and owns a hospital for the treatment of patients afflicted with tuberculosis and other chronic diseases that contracts with other counties for the treatment of citizens of the other counties.

(b) This chapter applies to a county ~~that meets~~ **if both of** the following conditions **apply to the county:**

- (1) The county has a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**
- (2) The county maintains or owns a county home for the support



and care of persons who are aged, blind, destitute, homeless, infirm, chronically ill, or in need of nursing or convalescent care, but who do not require hospitalization.

SECTION 80. IC 13-17-5-5.4, AS AMENDED BY P.L.119-2012, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5.4. (a) This section applies to the following counties:

(1) A county having a population of more than ~~seventy-one thousand (71,000)~~ but less than ~~seventy-five thousand (75,000)~~; **eighty thousand four hundred (80,400) and less than eighty-two thousand (82,000).**

(2) A county having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred eleven thousand (111,000)~~; **one hundred twenty thousand (120,000) and less than one hundred thirty thousand (130,000).**

(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 81. IC 13-17-5-9, AS AMENDED BY P.L.119-2012, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county having a population of more than ~~seventy-one thousand (71,000)~~ but less than ~~seventy-five thousand (75,000)~~; **eighty thousand four hundred (80,400) and less than eighty-two thousand (82,000).**

(2) A county having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred eleven thousand (111,000)~~; **one hundred twenty thousand (120,000) and less than one hundred thirty thousand (130,000).**

(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 82. IC 13-17-11-2, AS AMENDED BY P.L.119-2012, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. The department may not issue a permit for the construction or the operation of a thermal oxidation unit that would be used only to remediate soil contaminated by petroleum or a petroleum byproduct if the thermal oxidation unit would be constructed or operated in a county that:

- (1) has a population of:
  - (A) more than four hundred thousand (400,000) ~~but and~~ less than seven hundred thousand (700,000); or
  - (B) more than ~~one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000);~~ **one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000);** and
- (2) is located in an air quality control area that has been classified as a nonattainment area under the federal Clean Air Act (42 U.S.C. 7401 et seq.);

unless it can be demonstrated that the thermal oxidation unit is in compliance with a state implementation plan submitted under Section 182 of the federal Clean Air Act (42 U.S.C. 7511a).

SECTION 83. IC 13-18-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section applies only in a county having a population of more than ~~three hundred thousand (300,000) but less than four hundred thousand (400,000);~~ **three hundred fifty thousand (350,000) and 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 84. IC 13-20-23-1, AS AMENDED BY P.L.119-2012, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to townships located in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**.

SECTION 85. IC 13-21-3-5, AS AMENDED BY P.L.60-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) of the following:

SEA 37 — Concur



(A) A member who is the executive of a city in the county that is not the municipality having the largest population in the county and who is appointed by the executive of the county to represent the municipalities in the county other than the municipality having the largest population.

(B) A member who is a member of the legislative body of a town in the county that is not the municipality having the largest population in the county and who is appointed by the executive of the county to represent the municipalities in the county other than the municipality having the largest population.

(C) If the county contains only one (1) municipality, a member who is a freeholder whose freehold is located in the conservancy district that:

- (i) is located entirely within the county; and
- (ii) contains the greatest number of freeholds of any conservancy district located in the county;

and who is appointed to the board of the county district by the board of the conservancy district.

(6) One (1) additional member appointed by the county executive from the membership of the county executive.

(b) If a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** 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 county having a population of more than ~~two hundred fifty thousand (250,000)~~ **but less than two hundred seventy thousand (270,000) two hundred fifty thousand (250,000) and 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 county having a population of more than ~~two hundred fifty thousand (250,000)~~ **but less than two hundred seventy thousand (270,000) two hundred fifty thousand (250,000) and 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 county having a consolidated city is designated a county district, the board of public works established under IC 36-3-5-6 constitutes the board of the county district.

(d) If a county designated as a county district has a population of more than four hundred thousand (400,000) ~~but~~ **and** 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 86. IC 13-21-3-6, AS AMENDED BY P.L.119-2012, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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.

**SEA 37 — Concur**





(3) One (1) member:

(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or

(B) if a town is the municipality having the largest population in the county, who is appointed from the membership of the fiscal body of that town.

(4) One (1) member of the legislative body of the municipality having the largest population in each participating county, appointed by the legislative body of that municipality.

(5) One (1) or more members who are the executives of cities under subsection (b), if applicable.

(6) Additional members appointed by the executive of each participating county from the membership of the executive, as permitted under subsection (c).

(7) One (1) additional member appointed by the executive of the participating county having the largest population from the membership of the executive if the appointments made under subdivisions (1) through (6) result in an even number of members.

(b) If a county having a population of more than four hundred thousand (400,000) ~~but and~~ less than seven hundred thousand (700,000) has joined in a joint district, the executive of the three (3) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and 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.

SEA 37 — Concur



(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 87. IC 13-21-3-12.2, AS AMENDED BY P.L.119-2012, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12.2. (a) This section applies to a county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~: **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000)**.

(b) In addition to the powers granted to a district under section 12 of this chapter, a district may make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant property.

SECTION 88. IC 13-21-3-14.5, AS AMENDED BY P.L.119-2012, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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

SEA 37 — Concur



development or operation of a publicly owned solid waste landfill in a county having a population of more than ~~one hundred eleven thousand (111,000)~~ **but less than one hundred fifteen thousand (115,000): one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000)**. The operation of the landfill must have begun before July 1, 2001.

(4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) ~~but and~~ 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 89. IC 13-21-3-15, AS AMENDED BY P.L.119-2012, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) A district located in a county having a population of more than ~~thirty-three thousand five hundred (33,500)~~ but less than ~~thirty-four thousand (34,000)~~ **thirty-three thousand (33,000) and less than thirty-three thousand one hundred (33,100)** 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.

SEA 37 — Concur



(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 90. IC 13-21-13-1, AS AMENDED BY P.L.119-2012, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) A board may impose fees on the disposal of solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than ~~one hundred eleven thousand (111,000)~~ but less than ~~one hundred fifteen thousand (115,000)~~ **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000)** 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 91. IC 14-13-2-7, AS AMENDED BY P.L.160-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) The commission has:

- (1) before July 1, 2012, five (5) members appointed by the governor; and
- (2) after June 30, 2012, nine (9) members appointed by the governor.

(b) The following requirements apply to the governor's appointments under subsection (a)(1):

(1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

- (i) city;
- (ii) town; or
- (iii) township (if the member resides in an unincorporated area of the county);

that borders the Little Calumet River.

(B) At least three (3) of the members must have a background in:

- (i) construction;
- (ii) project management; or
- (iii) flood control;

or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

(c) The following apply to the membership of the commission after June 30, 2012:

(1) Before August 1, 2012, the governor shall appoint four (4) additional members to the commission for four (4) year terms as follows:

(A) One (1) member nominated by the mayor of ~~a~~ **the** city ~~having a population of more than eighty thousand five hundred~~

SEA 37 — Concur



~~(80,500) but less than one hundred thousand (100,000): of Hammond.~~

~~(B) One (1) member nominated by the mayor of a the city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400): of Gary.~~

~~(C) Two (2) members nominated by the board of county commissioners of Lake County.~~

(2) Notwithstanding section 8 of this chapter, the term of the member described in subsection (b)(1) expires January 7, 2013. The governor shall appoint one (1) member nominated by the department of natural resources for a four (4) year term beginning January 7, 2013.

(3) Notwithstanding section 8 of this chapter, the terms of the members described in subsection (b)(2) expire January 1, 2014. The governor shall appoint for four (4) year terms beginning January 1, 2014, four (4) members, each of whom must have been nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(4) A member appointed to succeed a member appointed under subdivision (1) or (2) must be nominated by the nominating authority that nominated the member's predecessor, and a member appointed to succeed a member appointed under subdivision (3) must be nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(d) The following apply to a member appointed under subsection (c) and to any member appointed to succeed a member appointed under subsection (c):

(1) After July 31, 2012, not more than five (5) members of the commission may belong to the same political party.

(2) Each member must have a background in:

(A) construction;

(B) project management;

(C) flood control; or

(D) a similar professional background.

(3) A member may not be an employee or elected official of a city, town, or county governmental unit.

(4) The members:

(A) appointed under subsection (c)(3); or

(B) appointed to succeed members appointed under subsection (c)(3);

must be from different municipalities.

(5) Neither the two (2) members appointed under subsection



(c)(1)(C) nor any two (2) members appointed to succeed them may be from the same district created under IC 36-2-2-4(b).

SECTION 92. IC 14-15-3-17, AS AMENDED BY P.L.195-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 17. (a) Except as provided in subsection (b), a person may not operate a motorboat within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

(b) This subsection applies to lakes formed by hydroelectric dams in a county having a population of: **either of the following counties:**

(1) ~~more than twenty-four thousand five hundred (24,500) but less than twenty-five thousand (25,000);~~ **or A county having a population of more than twenty-four thousand six hundred (24,600) and less than twenty-five thousand (25,000).**

(2) ~~more than twenty thousand (20,000) but less than twenty thousand five hundred (20,500).~~ **A county having a population of more than twenty thousand (20,000) and less than twenty thousand four hundred (20,400).**

A person may not operate a motorboat 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 93. IC 14-26-6-2, AS AMENDED BY P.L.119-2012, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. This chapter does not apply to any of the following:

(1) An artificial lake that is created or used in or in connection with the following:

- (A) Supplying a city or town with water.
- (B) The generation of electric energy.
- (C) The storage of water for a use described in clause (A) or (B).

(2) The waters of Lake Michigan.

(3) A lake owned or controlled by the department.

(4) The waters of an artificial lake in a town located in a county having a population of ~~more than forty-seven thousand five hundred (47,500) but less than forty-eight thousand (48,000).~~ **forty-seven thousand (47,000) and less than forty-eight**





**thousand (48,000).**

SECTION 94. IC 14-27-6-1, AS AMENDED BY P.L.119-2012, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following:

(1) A city having a population of more than one hundred ten thousand (110,000) ~~but~~ **and** less than one hundred fifty thousand (150,000).

(2) The county in which a city described in subdivision (1) exists.

SECTION 95. IC 14-28-1-22.2, AS ADDED BY P.L.199-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 22.2. (a) This section applies to local floodplain administrators in a county having a population of more than ~~one hundred forty thousand (140,000)~~ **but less than one hundred fifty thousand (150,000): one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000).**

(b) A local floodplain administrator may issue a variance approving a structure located within a floodway without a permit issued by the director of the department under section 22 of this chapter if:

- (1) the structure is not used as an abode or residence;
- (2) the structure is constructed after January 1, 2018, but not later than July 1, 2020; and
- (3) the lowest floor of the structure is not more than fifteen-hundredths (0.15) of a foot below two (2) feet above the one hundred (100) year flood elevation.

(c) This section expires July 1, 2022.

SECTION 96. IC 14-33-2-18, AS AMENDED BY P.L.119-2012, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) This section applies only to a district to be located in a county having a population of more than ~~one hundred forty thousand (140,000)~~ **but less than one hundred fifty thousand (150,000): one hundred seventy-four thousand (174,000) and less than one hundred eighty thousand (180,000).**

(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 97. IC 14-33-5.4-1, AS AMENDED BY P.L.119-2012, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies only to conservancy districts located wholly within a county having a

**SEA 37 — Concur**



population of more than ~~twenty-three thousand three hundred (23,300)~~ but less than ~~twenty-four thousand (24,000)~~: **twenty-three thousand (23,000) and less than twenty-three thousand three hundred seventy-five (23,375).**

(b) This article governs conservancy districts located wholly within a county having a population of more than ~~twenty-three thousand three hundred (23,300)~~ but less than ~~twenty-four thousand (24,000)~~ **twenty-three thousand (23,000) and less than twenty-three thousand three hundred seventy-five (23,375)** generally except when this article conflicts with a section of this chapter.

SECTION 98. IC 14-33-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to districts:

- (1) established after July 1, 1983; and
- (2) containing all or part of a county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~: **three hundred fifty thousand (350,000) and 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) 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 99. IC 16-19-3-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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;

SEA 37 — Concur



- (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 county having a population of more than ~~three hundred thousand (300,000)~~ but less than four hundred thousand ~~(400,000)~~ **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)** that comply with IC 13-18-12-9.

SECTION 100. IC 16-20-1-30, AS ADDED BY P.L.220-2011, SECTION 311, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 30. (a) ~~In a 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~~ **An individual** who ~~were employees of~~ **was an employee of** a city-county health department in **Allen County** under IC 16-1-7-16 (before its repeal) on December 31, 1985, **are is** 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 101. IC 16-20-2-2, AS AMENDED BY P.L.119-2012, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) Except as provided in IC 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b) The executive of a county having a population of more than ~~one~~



hundred seventy thousand (~~170,000~~) but less than one hundred seventy-five thousand (~~175,000~~) **one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000)** may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive in a county having a population of more than ~~one hundred seventy thousand (170,000)~~ but less than ~~one hundred seventy-five thousand (175,000)~~ **one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000)** may adopt health ordinances that apply to the entire county.

(d) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than ~~one hundred seventy thousand (170,000)~~ but less than ~~one hundred seventy-five thousand (175,000)~~ **one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000)** is void.

SECTION 102. IC 16-20-2-7, AS AMENDED BY P.L.5-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 as provided in subsection (b):

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

(2) A county having a population of more than ~~seventy-one thousand (71,000)~~ but less than ~~seventy-five thousand (75,000)~~: **eighty thousand four hundred (80,400) and less than eighty-two thousand (82,000).**

(b) The executive of each second class city located in a county described in subsection (a) 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.

SECTION 103. IC 16-20-2-18, AS AMENDED BY P.L.119-2012, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) This section applies to a county having a population of more than ~~one hundred seventy thousand~~



~~(170,000) but less than one hundred seventy-five thousand (175,000):~~  
**one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000).**

(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 104. IC 16-20-4-5, AS AMENDED BY P.L.119-2012, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department.

(b) A local official, city legislative body, city fiscal body, or county may not establish a full-time or part-time city health department in a county having a population of more than ~~one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000):~~  
**one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000).**

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than ~~one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000)~~ **one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000)** is void.

SECTION 105. IC 16-20-4-27, AS AMENDED BY P.L.119-2012, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 27. (a) This section applies to ~~each city having a population of any of the following cities:~~

(1) ~~More than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600):~~ **A city having a population of more than forty thousand (40,000) and less than forty-five thousand (45,000).**

(2) ~~More than sixty-five thousand (65,000) but less than seventy thousand (70,000):~~ **A city having a population of more than seventy thousand (70,000) and less than seventy-five thousand (75,000).**

(b) Each year the fiscal officer of each city shall transfer to the community health clinic located in the county in which the city is located an amount equal to the revenue raised from a property tax rate



of sixty-seven hundredths of one cent (\$0.0067) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the city.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 106. IC 16-22-2-3.1, AS AMENDED BY P.L.119-2012, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.1. (a) This section applies to a hospital operated under IC 16-12-4-2 (before its repeal on July 1, 1993) that is located in a county having a population of more than ~~forty-two thousand three hundred (42,300)~~ but less than ~~forty-three thousand (43,000)~~: **forty-six thousand four hundred (46,400) and less than forty-seven thousand (47,000).**

(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 107. IC 16-22-2-4, AS AMENDED BY P.L.119-2012, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to the governing ~~boards board~~ of a county ~~hospitals hospital~~ in a county having a population of more than ~~thirty-eight thousand two hundred (38,200)~~ but less than ~~thirty-eight thousand five hundred (38,500)~~: **thirty-six thousand (36,000) and less than thirty-six thousand five**



**hundred (36,500).**

(b) Subject to subsection (c), the governing board of a county hospital consists of seven (7) members, as follows:

- (1) Three (3) members must be the members of the county executive.
- (2) Four (4) members, one (1) of whom may be a licensed physician, shall be appointed by the judge of the circuit court of the county.

(c) Not more than two (2) members of a governing board appointed under this section may reside in a county other than the county in which the hospital is located. A member who is not a resident of the county in which the hospital is located must:

- (1) be an Indiana resident; and
- (2) be appointed upon a submission made under section 11 of this chapter by the governing board of the hospital to the appointing authority.

(d) The term of office for members of the governing board, other than the members of the county executive, is two (2) years.

SECTION 108. IC 16-22-2-5, AS AMENDED BY P.L.119-2012, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section applies to a county ~~hospitals~~ **hospital in counties a county** having a population of more than ~~seventeen thousand three hundred fifty (17,350) but less than eighteen thousand (18,000):~~ **sixteen thousand seven hundred (16,700) and less than nineteen thousand (19,000).**

(b) Subject to subsection (e), the hospital and the affairs and business of the hospital shall be under the management and control of a governing board consisting of seven (7) members as follows:

- (1) Three (3) members must be members of the county executive.
- (2) Two (2) members shall be appointed by the county fiscal body, one (1) of whom may be a licensed physician.
- (3) Two (2) members shall be appointed by the county executive.

(c) One (1) of the members initially appointed by the county fiscal body serves for one (1) year and one (1) of the members initially appointed serves for two (2) years. After the initial appointment, the members serve for two (2) years.

(d) One (1) of the members initially appointed by the county executive serves for one (1) year and one (1) of the members initially appointed serves for two (2) years. After the initial appointment, the members serve for two (2) years.

(e) Not more than two (2) members of a governing board appointed under this section may reside in a county other than the county in





which the hospital is located. A member who is not a resident of the county in which the hospital is located must:

- (1) be an Indiana resident; and
- (2) be appointed upon a submission made under section 11 of this chapter by the governing board of the hospital to the appointing authority.

SECTION 109. IC 16-22-2-7, AS AMENDED BY P.L.119-2012, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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:

**SEA 37 — Concur**



- (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 (14,000)~~ but less than ~~fifteen thousand (15,000)~~; **thirteen thousand (13,000) and less than fifteen thousand (15,000)**;
  - (2) more than ~~twenty-four thousand five hundred (24,500)~~ but less than ~~twenty-five thousand (25,000)~~; **twenty-four thousand six hundred (24,600) and less than twenty-five thousand (25,000)**;
- or
- (3) more than ~~thirty-three thousand two hundred (33,200)~~ but less than ~~thirty-three thousand two hundred fifty (33,250)~~; **thirty-three thousand one hundred fifty (33,150) and less than thirty-three thousand three hundred (33,300)**;
- 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 110. IC 16-22-2-12, AS AMENDED BY P.L.119-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. (a) This section applies to governing boards of a county hospital in a county having a population of more than:

SEA 37 — Concur



(1) ~~seventeen thousand three hundred fifty (17,350) but less than eighteen thousand (18,000); sixteen thousand seven hundred (16,700) and less than nineteen thousand (19,000);~~

(2) ~~twenty-six thousand (26,000) but less than twenty-six thousand five hundred (26,500); and twenty-four thousand five hundred (24,500) and less than twenty-four thousand six hundred (24,600); or~~

(3) ~~forty-two thousand three hundred (42,300) but less than forty-three thousand (43,000); forty-six thousand four hundred (46,400) and less than forty-seven thousand (47,000).~~

(b) The appointing authority shall appoint a member to fill a vacancy on the governing board within sixty (60) days after the vacancy occurs.

SECTION 111. IC 16-23-7-1, AS AMENDED BY P.L.119-2012, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a nonprofit hospital corporation:

(1) in a city having a population of:

(A) ~~more than one hundred ten thousand (110,000) but and less than one hundred fifty thousand (150,000); or~~

(B) ~~more than one hundred thousand (100,000) but and less than one hundred ten thousand (110,000);~~

(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 112. IC 16-23-8-1, AS AMENDED BY P.L.119-2012, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a nonprofit hospital corporation:

(1) in a city having a population of:

(A) ~~more than fifty-five thousand (55,000) but less than sixty thousand (60,000); fifty-four thousand (54,000) and less than fifty-eight thousand (58,000); or~~

(B) ~~more than sixty thousand (60,000) but less than sixty-five thousand (65,000); fifty-eight thousand (58,000) and less than fifty-nine thousand (59,000);~~

(2) in a county without a city or other public hospital;

(3) that admits persons for care and treatment without regard to race, color, or religious creed;



- (4) the revenue of which derived from the care of persons able to pay and from all other sources is expended in the maintenance and operation of the hospital and for the care of persons who are unable to pay to the extent of the hospital's ability to do so;
- (5) the revenue of which is insufficient to support and maintain the hospital and enable the hospital to supply the need and demand for hospital care and nursing in the city, either alone or in conjunction with other hospitals in the city; and
- (6) in a city that has no city hospital under the city's control that is supported entirely by public money.

SECTION 113. IC 16-23-9-1, AS AMENDED BY P.L.119-2012, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a nonprofit hospital corporation that:

- (1) is located in a township having a population of more than eight thousand (8,000) ~~but~~ **and** less than ten thousand (10,000) located in a county having a population of more than ~~forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500);~~ **forty-six thousand (46,000) and less than forty-six thousand four hundred (46,400);**
- (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 114. IC 16-24-1-4, AS AMENDED BY P.L.119-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) The county executive of a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and 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.

SEA 37 — Concur



(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 115. IC 16-24-1-9, AS AMENDED BY P.L.119-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section applies to a county having a population of:

- (1) more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)**; or
- (2) more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**.

(b) The board of managers of the hospital consists of seven (7) members chosen by the county executive. The members must:

- (1) be chosen without regard for political affiliation;
- (2) be citizens of the county; and
- (3) include at least two (2) licensed physicians.

(c) The term of office of each member of the board is four (4) years. The terms of not more than two (2) of the managers expire annually. The terms of the members of the board may not be altered. The initial appointments are for the respective terms of three (3) years, two (2) years, and one (1) year. Appointments of successors are for terms of four (4) years. Appointments to fill vacancies are for the unexpired term.

SECTION 116. IC 16-24-1-15, AS AMENDED BY P.L.119-2012, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) This section applies to a county having a population of any of the following:

- (1) More than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~; **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000)**.
- (2) More than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~; **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000)**.
- (3) More than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~; **two hundred**



**thousand (200,000) and less than two hundred fifty thousand (250,000).**

(4) More than ~~one hundred fifteen thousand (115,000) but less than one hundred twenty-five thousand (125,000):~~ **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000).**

(b) The board of managers of a hospital for the treatment of patients afflicted with tuberculosis or other diseases, including chronic diseases and those requiring convalescent care, that contracts with other counties for the treatment of the citizens of other counties, may provide not more than one-half (1/2) of the cost of a program of group life insurance and group health, accident, and hospitalization insurance for the hospital's employees. The members of the families and dependents of the employees may participate in a program of group health, accident, and hospitalization insurance at no cost to the hospital.

SECTION 117. IC 16-24-1-16, AS AMENDED BY P.L.119-2012, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 16. (a) The governing board shall appoint a business manager for a tuberculosis hospital located in the following counties:

(1) **A county** having a consolidated city.

(2) **A county** having a population of more than ~~three hundred thousand (300,000) but less than four hundred thousand (400,000):~~ **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**

(3) **A county** having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

(b) The business manager is directly responsible to and serves at the pleasure of the governing board. The governing board shall prescribe the duties of the business manager.

SECTION 118. IC 16-24-2-1, AS AMENDED BY P.L.119-2012, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) As used in this section, "county" refers to any of the following:

(1) A county having a population of more than ~~three hundred thousand (300,000) but less than four hundred thousand (400,000):~~ **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**

(2) A county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand~~



~~(270,000)~~: **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

(3) A county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~: **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000).**

(4) A county having a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~: **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000).**

(b) This chapter applies to a county, if the county meets the following conditions:

(1) The county owns a hospital for the treatment of patients with tuberculosis or other diseases, including chronic diseases and diseases requiring convalescent care.

(2) The county contracts with other counties for the treatment of the citizens of those other counties.

SECTION 119. IC 16-41-25-1, AS AMENDED BY P.L.261-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) The state department shall adopt rules under IC 4-22-2 that provide for a reasonable period not exceeding thirty (30) days in which a plan review and permit for residential septic systems must be approved or disapproved.

(b) This subsection applies to a county with a population of more than ~~seventy-seven thousand (77,000)~~ but less than ~~eighty thousand (80,000)~~: **eighty thousand (80,000) and less than eighty thousand four hundred (80,400).** 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 120. IC 20-23-4-44, AS AMENDED BY P.L.119-2012,

SEA 37 — Concur



SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than ~~one hundred seventy thousand (170,000)~~ but less than ~~one hundred seventy-five thousand (175,000)~~: **one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000)**.

(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 121. IC 20-23-8-7, AS AMENDED BY P.L.119-2012, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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);

SEA 37 — Concur





- (B) five (5); or
  - (C) seven (7);
- members.
- (2) Whether the governing board shall be elected, appointed, or both.
  - (3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.
  - (4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.
  - (5) If the governing board will have members who are elected and members who are appointed, the following information:
    - (A) The number of appointed members.
    - (B) When and by whom each of the appointed members are appointed.
    - (C) A general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.
    - (D) The number of elected members.
    - (E) A general description of the manner of election that conforms with the requirements of IC 20-23-4-27.
  - (6) The limitations on:
    - (A) residence;
    - (B) term of office; and
    - (C) other qualifications;
 required by members of the governing body.
  - (7) The time the plan takes effect.

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

(b) Except as provided in subsection (a)(1), in a city having a population of more than ~~fifty-five thousand (55,000)~~ but less than ~~sixty thousand (60,000)~~; **fifty-four thousand (54,000) and less than fifty-eight thousand (58,000)**, the governing body described in a plan may have up to nine (9) members.

SECTION 122. IC 20-23-8-13, AS AMENDED BY P.L.43-2021, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than ~~eighty thousand (80,000)~~ but less than ~~eighty thousand four hundred (80,400)~~; **sixty-nine thousand (69,000) and less than sixty-nine thousand five**



**hundred (69,500).**

(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 secretary of education under section 22 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

SECTION 123. IC 20-23-12-2, AS AMENDED BY P.L.119-2012, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ~~eighty thousand (80,000) but less than eighty thousand four hundred (80,400)~~; **sixty-nine thousand (69,000) and less than sixty-nine thousand five hundred (69,500)**.

SECTION 124. IC 20-23-13-1, AS AMENDED BY P.L.219-2013, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that has a population of more than ~~eighty thousand five hundred (80,500) but less than one hundred thousand (100,000)~~; **seventy-five thousand (75,000) and less than seventy-nine thousand (79,000)**, 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.

(c) The term of each person elected to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school



corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 that immediately follows the person's election.

SECTION 125. IC 20-23-14-2, AS AMENDED BY P.L.119-2012, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ~~twelve thousand five hundred (12,500)~~ but less than ~~twelve thousand seven hundred (12,700)~~; **thirteen thousand (13,000) and less than thirteen thousand three hundred (13,300)**.

SECTION 126. IC 20-23-15-2, AS AMENDED BY P.L.119-2012, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that:

- (1) is located in a county having a population of:
  - (A) more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)**; or
  - (B) more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**; and

- (2) has at least twenty thousand (20,000) students.

SECTION 127. IC 20-23-17-1, AS AMENDED BY P.L.119-2012, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a school corporation

- (1) located in a city that has a population of more than ~~forty-seven thousand (47,000)~~ but less than ~~forty-nine thousand (49,000)~~; **fifty-one thousand (51,000) and less than fifty-three thousand (53,000)**. and

- (2) for which a referendum has been held:

- (A) as required by statute; and
- (B) in which a majority of the votes cast approves choosing the members of the governing body as provided in this chapter.

SECTION 128. IC 20-23-17.2-1, AS AMENDED BY P.L.119-2012, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than ~~twenty-nine thousand six hundred (29,600)~~ but less than ~~twenty-nine thousand nine hundred (29,900)~~; **twenty-six thousand (26,000) and**



**less than twenty-eight thousand (28,000).**

SECTION 129. IC 20-46-8-1, AS AMENDED BY P.L.159-2020, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) A school corporation may impose an annual property tax levy for its operations fund.

(b) For property taxes first due and payable in 2019, the maximum permissible property tax levy a school corporation may impose for its operations fund (IC 20-40-18) is the following:

STEP ONE: Determine the sum of the following:

(A) The 2018 maximum permissible transportation levy determined under IC 20-46-4 (repealed January 1, 2019).

(B) The 2018 maximum permissible school bus replacement levy determined under IC 20-46-5 (repealed January 1, 2019).

(C) The 2018 amount that would be raised from a capital projects fund tax rate equal to the sum of:

(i) the maximum capital projects fund rate that the school corporation was authorized to impose for 2018 under IC 20-46-6 (repealed January 1, 2019), after any adjustment under IC 6-1.1-18-12 (but excluding any rate imposed for qualified utility and insurance costs); plus

(ii) the capital projects fund rate imposed for qualified utility and insurance costs in 2018.

(D) For school corporations described in IC 36-10-13-7, the 2018 levy as provided in section 6 of this chapter (repealed January 1, 2019) to provide funding for an art association.

(E) For a school corporation in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**, the 2018 levy as provided in section 7 of this chapter (repealed January 1, 2019) to provide funding for a historical society.

(F) For a school corporation described in IC 36-10-14-1, the 2018 levy as provided in section 8 of this chapter (repealed January 1, 2019) to provide funding for a public playground.

STEP TWO: Determine the product of:

(A) The amount determined in STEP ONE, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to each of these levies for 2018 (regardless of whether the school corporation imposed the entire amount of that maximum permissible levy for the previous year); multiplied by



(B) the maximum levy growth quotient determined under IC 6-1.1-18.5-2.

STEP THREE: Determine the result of the following:

(A) Determine the sum of:

- (i) the amount determined in STEP TWO; plus
- (ii) the amount granted due to an appeal to increase the levy for transportation for 2019.

(B) Make the school bus replacement adjustment for 2019.

(c) After 2019, the maximum permissible property tax levy a school corporation may impose for its operations fund for a particular year is the following:

STEP ONE: Determine the product of:

(A) the maximum permissible property tax levy for the school corporation's operations fund for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the previous year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy for the previous year); multiplied by

(B) the maximum levy growth quotient determined under IC 6-1.1-18.5-2.

STEP TWO: Determine the result of the following:

(A) Determine the sum of:

- (i) the amount determined in STEP ONE; plus
- (ii) the amount granted due to an appeal to increase the maximum permissible operations fund levy for the year under section 3 of this chapter for transportation.

(B) Make the school bus replacement adjustment permitted by section 3 of this chapter.

SECTION 130. IC 22-11-3.1-2, AS AMENDED BY P.L.119-2012, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A contractor doing work, other than work for a political subdivision, in a county having a population of:

(1) more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000); or

(2) more than ~~one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000);~~ **one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000);**

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

SEA 37 — Concur



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 131. IC 25-37-1-15, AS AMENDED BY P.L.119-2012, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. A county having a population of more than ~~seventeen thousand two hundred fifty (17,250)~~ but less than ~~seventeen thousand three hundred fifty (17,350)~~ **sixteen thousand (16,000) and less than sixteen thousand four hundred (16,400)** may require that the holder of a registered retail merchant's certificate under IC 6-2.5-8 obtain a transient merchant license.

SECTION 132. IC 31-31-8-4, AS AMENDED BY P.L.119-2012, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to a county having a population of more than ~~one hundred eleven thousand (111,000)~~ but less than ~~one hundred fifteen thousand (115,000)~~: **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000)**.

(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 133. IC 32-25-4-3.5, AS AMENDED BY P.L.119-2012, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) This section applies only to a condominium located on the shore of a lake located in a township with a population of more than ~~three thousand (3,000)~~ but less than ~~three thousand one hundred (3,100)~~ located in a county having a population of more than ~~forty-seven thousand (47,000)~~ but less than ~~forty-seven thousand five hundred (47,500)~~: **two thousand (2,000) and less than two thousand seven hundred eighty (2,780) located in a county having a population of more than forty-six thousand (46,000) and less than forty-six thousand four hundred (46,400)**.

(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

SEA 37 — Concur



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.

**SEA 37 — Concur**



SECTION 134. IC 32-25-7-1, AS AMENDED BY P.L.119-2012, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 township with a population of more than ~~three thousand (3,000)~~ but less than ~~three thousand one hundred (3,100)~~ located in a county having a population of more than ~~forty-seven thousand (47,000)~~ but less than ~~forty-seven thousand five hundred (47,500)~~. **two thousand (2,000) and less than two thousand seven hundred eighty (2,780) located in a county having a population of more than forty-six thousand**





**(46,000) and less than forty-six thousand four hundred (46,400).** 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 135. IC 33-35-2-6.5, AS ADDED BY P.L.74-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6.5. A city court in a city having a population of more than ~~ten thousand five hundred (10,500) but less than eleven thousand (11,000)~~ **ten thousand four hundred (10,400) and less than eleven thousand (11,000)** has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed one thousand five hundred dollars (\$1,500). However, the city court does not have jurisdiction in actions for:

- (1) slander;
- (2) libel;
- (3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
- (4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
- (5) actions in equity.

SECTION 136. IC 33-39-6-7, AS AMENDED BY P.L.119-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. The prosecuting attorney of each judicial circuit of the second class ~~within~~ a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and 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

SEA 37 — Concur



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 137. IC 33-40-6-4, AS AMENDED BY P.L.69-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) For purposes of this section, the term "county auditor" includes a person who:

- (1) is the auditor of a county that is a member of a multicounty public defender's office; and
- (2) is responsible for the receipt, disbursement, and accounting of all monies distributed to the multicounty public defender's office.

(b) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the public defense fund for an amount equal to fifty percent (50%) of the county's expenditures for indigent defense services provided to a defendant against whom the death sentence is sought under IC 35-50-2-9.

(c) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the public defense fund for an amount equal to forty percent (40%) of the county's or multicounty public defender's office's expenditures for indigent defense services provided in all noncapital cases except misdemeanors.

(d) A request under this section from a county described in ~~IC 33-40-7-1(3)~~ **IC 33-40-7-1(5)** may be limited to expenditures for indigent defense services provided by a particular division of a court.

SECTION 138. IC 33-40-7-1, AS AMENDED BY P.L.13-2013, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter does not apply to a ~~county that:~~ **the following counties:**

- (1) ~~contains a consolidated city;~~ **Marion County.**
- (2) ~~A county has having~~ a population of
  - (A) ~~more than three hundred thousand (300,000) but less than four hundred thousand (400,000);~~ **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**
  - (B) ~~more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);~~ or
  - (C) ~~more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000);~~ or
- (3) **A county having a population of more than two hundred**



**fifty thousand (250,000) and less than three hundred thousand (300,000).**

**(4) A county having a population of more than one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000).**

~~(3) has~~ **(5) A county having** a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000), except as provided in sections 5 and 11 of this chapter.

SECTION 139. IC 33-40-7-5, AS AMENDED BY P.L.69-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) The board, or joint board of a multicounty public defender's office created under section 3.5 of this chapter, shall prepare a comprehensive plan that must include at least one (1) of the following methods of providing legal defense services to indigent persons:

- (1) Establishing a county or multicounty public defender's office.
- (2) Contracting with an attorney, a group of attorneys, or a private organization.
- (3) Using an assigned counsel system of panel attorneys for case by case appointments under section 9 of this chapter.
- (4) In a county described in section ~~1(3)~~ **1(5)** of this chapter, establishing a public defender's office for the criminal division of the superior court.

(b) The plan prepared under subsection (a) shall be submitted to the Indiana public defender commission.

(c) If a multicounty public defender's joint board is established under section 3.5 of this chapter, the comprehensive plan shall establish a multicounty public defender's office.

SECTION 140. IC 33-40-7-11, AS AMENDED BY P.L.69-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) For purposes of this section, the term "county auditor" includes a person who:

- (1) is the auditor of a county that is a member of a multicounty public defender's office described in section 3.5 of this chapter; and
- (2) is responsible for the receipt, disbursement, and accounting of all monies distributed to the multicounty public defender's office.

(b) A county public defender board or the joint board of a multicounty public defender's office shall submit a written request for reimbursement to the county auditor. The request must set forth the total of the county's or multicounty public defender's office's



expenditures for indigent defense services to the county auditor and may be limited in a county described in section ~~1(3)~~ **1(5)** of this chapter to expenditures for indigent defense services provided by a particular division of a court. The county auditor shall review the request and certify the total of the county's or multicounty's expenditures for indigent defense services to the Indiana public defender commission.

(c) Upon certification by the Indiana public defender commission that the county's multicounty public defender's office's indigent defense services meet the commission's standards, the auditor of state shall issue a warrant to the treasurer of state for disbursement to the county of a sum equal to forty percent (40%) of the county's multicounty public defender's office's certified expenditures for indigent defense services provided in noncapital cases except misdemeanors.

(d) If a county's indigent defense services fail to meet the standards adopted by the Indiana public defender commission, the public defender commission shall notify the county public defender board or the joint board of a multicounty public defender's office and the county fiscal body of the failure to comply with the Indiana public defender commission's standards. Unless the county or multicounty public defender board corrects the deficiencies to comply with the standards not more than ninety (90) days after the date of the notice, the county's or multicounty's eligibility for reimbursement from the public defense fund terminates at the close of that fiscal year.

SECTION 141. IC 35-38-2-1, AS AMENDED BY P.L.119-2012, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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;

**SEA 37 — Concur**



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:

**SEA 37 — Concur**



(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to the probation department or the clerk.

(j) This subsection applies to a city or town located in a county having a population of more than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~; **two hundred thousand (200,000) and less than two hundred fifty thousand (250,000)**. Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

(k) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(l) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (d) or (e).

(m) The probation department shall forward the credit card service fees collected under subsection (l) to the county treasurer or city or town fiscal officer in accordance with subsection (f) or (g). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 142. IC 36-1-11-3.2, AS AMENDED BY P.L.119-2012, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.2. (a) This section applies to a ~~city having a population of:~~ **the following cities:**

(1) **A city having a population of more than ~~eighty thousand (80,000)~~ but less than ~~eighty thousand four hundred (80,400)~~; ~~sixty-nine thousand (69,000)~~ and less than ~~sixty-nine thousand five hundred (69,500)~~.**

(2) **A city having a population of more than ~~twenty-nine thousand six hundred (29,600)~~ but less than ~~twenty-nine thousand~~**



~~nine hundred (29,900); or twenty-six thousand (26,000) and less than twenty-eight thousand (28,000).~~

**(3) A city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000): seventy-five thousand (75,000) and less than seventy-nine thousand (79,000).**

(b) Notwithstanding section 3(c) of this chapter, the fiscal body of a city must approve:

- (1) every sale of real property having an appraised value of ten thousand dollars (\$10,000) or more;
- (2) every lease of real property for which the total annual rental payments will be five thousand dollars (\$5,000) or more; and
- (3) every transfer of real property under section 14 or 15 of this chapter.

SECTION 143. IC 36-1-14-1.5, AS ADDED BY P.L.226-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1.5. (a) This section applies to a municipality that meets both of the following:

- (1) The municipality has a municipally owned utility that has donated funds of the municipally owned utility to a local economic development organization before July 1, 2012.
- (2) The municipality is a city having a population of more than ~~eleven thousand (11,000) but less than eleven thousand four hundred fifty (11,450):~~ **eleven thousand (11,000) and less than eleven thousand nine hundred (11,900).**

(b) As used in this section, "local economic development organization" includes the following:

- (1) A nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana.
- (2) A nonprofit educational organization whose primary purpose is educating and developing local leadership for economic development initiatives.
- (3) Any similar organization, including a partnership between private enterprise and one (1) or more units, the purposes of which include:
  - (A) promoting development activities in one (1) or more units;
  - (B) coordinating local efforts to attract jobs and new business investment;
  - (C) providing assistance to existing businesses to foster growth





and job retention; and

(D) sustaining and improving the quality of life in the units served.

(c) A municipal legislative body, with the approval of the board (as defined in IC 8-1.5-3-2) of the municipality's municipally owned utility, may donate funds from the municipally owned utility's surplus earnings (as defined in IC 8-1.5-3-11) to a local economic development organization as long as the terms and conditions of any bond ordinance, resolution, indenture, contract under IC 8-1-2.2, or similar instrument binding upon the municipally owned utility are complied with before the donation is made.

SECTION 144. IC 36-1.5-4-5, AS AMENDED BY P.L.233-2015, SECTION 334, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. ~~(a)~~ **Except as provided in subsection (b)**; A reorganization approved under this chapter takes effect when all of the following have occurred:

(1) The later of:

(A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:

- (i) the reorganization has been approved by the voters of each reorganizing political subdivision; or
- (ii) in the case of a reorganization described in section 1(a)(7) or 1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) or 32(c) of this chapter;

is recorded as required by section 31 of this chapter; or

(B) the date specified in the finally adopted plan of reorganization.

(2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:

(A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not being consolidated into one (1) of the reorganizing political subdivisions;

(B) the reorganized political subdivision will have different boundaries than any of the reorganizing political subdivisions;

(C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or

(D) the finally adopted plan of reorganization requires new



appointed or elected officers before the reorganization becomes effective.

~~(b) A reorganization approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A consolidation 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.~~

SECTION 145. IC 36-2-1-2, AS AMENDED BY P.L.113-2010, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

- (1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;
- (2) contain a clear, distinct description of the requested boundary change; and
- (3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

- (1) whether the signatures on the petition are genuine; and
- (2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of \_\_\_\_\_ County and \_\_\_\_\_ County change?".

(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the



county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county, which shall examine the returns. If a majority of the voters of each interested county voted in favor of change, the executive shall:

- (1) enter an order declaring their boundaries to be changed as described in the petition; and
- (2) if the county has received territory from the transfer, adopt revised descriptions of:
  - (A) county commissioner districts under IC 36-2-2-4; and
  - (B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district and at least one (1) county council district.

(f) The executive of each county shall file a copy of the order described in subsection (e)(1) with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of the county.

~~Except as provided in subsection (g);~~ The transfer of territory becomes effective when the last county order is filed under this subsection.

~~(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order 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.~~

~~(h)~~ (g) An election under this section may be held only once every three (3) years.

~~(i) Notwithstanding subsection (g) as that subsection existed on December 31, 2009; a boundary change 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 an amended order or any other additional action being required.~~

SECTION 146. IC 36-2-2-4, AS AMENDED BY P.L.271-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This subsection does not apply to a county having a population of: **the following counties:**

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



(700,000). ~~or~~

(2) **A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000): two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

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

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

- (1) the members of the Indiana election commission;
- (2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and
- (3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **two hundred fifty thousand (250,000) and 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.

SEA 37 — Concur



(e) Except as provided by subsection (g), 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).

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive or county redistricting commission determines that a division under subsection (e) is not required, the county executive or county redistricting commission shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive or county redistricting commission shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

- (1) adopted under subsection (e) or (f); or
- (2) recertified under subsection (g).

(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 147. IC 36-2-2-4.7, AS AMENDED BY P.L.22-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4.7. (a) Except as provided in subsection (c), whenever the executive divides the county into districts under section 4 of this chapter, the executive shall adopt an ordinance.

(b) The executive shall file a copy of an ordinance adopted under



subsection (a) with the circuit court clerk.

(c) This subsection applies to a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**. Whenever the executive divides the county into districts under section 4 of this chapter, the executive shall adopt a resolution at two (2) separate public meetings. The executive shall file a copy of the resolution adopted under this subsection with the circuit court clerk.

SECTION 148. IC 36-2-2-5, AS AMENDED BY P.L.119-2012, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) 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 and~~ less than seven hundred thousand (700,000); or
- (2) more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**;

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

SECTION 149. IC 36-2-3-2, AS AMENDED BY P.L.119-2012, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) The seven (7) member county council elected under this chapter is the county fiscal body. The fiscal body shall act in the name of "The \_\_\_\_\_ County Council".

(b) Notwithstanding subsection (a), in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**, the

SEA 37 — Concur



county council has nine (9) members.

SECTION 150. IC 36-2-3-4, AS AMENDED BY P.L.278-2019, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This subsection does not apply to a county having a population of: **the following counties:**

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

(2) **A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000): two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

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

(c) This subsection applies to a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **two hundred fifty thousand (250,000) and 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

SEA 37 — Concur



(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) Except as provided by subsection (g), 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).

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive, county redistricting commission, or county fiscal body determines that a division under subsection (e) is not required, the county executive, county redistricting commission, or county fiscal body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive, county redistricting commission, or county fiscal body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

(1) adopted under subsection (e) or (f); or

(2) recertified under subsection (g).

(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 151. IC 36-2-3.5-1, AS AMENDED BY P.L.119-2012, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to **the**





**following counties:**

- (1) A county having a population of:
  - (A) more than four hundred thousand (400,000) ~~but and~~ less than seven hundred thousand (700,000). ~~or~~
  - (B) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); and
- (2) A county having a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**
- ~~(2)~~ **(3)** Any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

SECTION 152. IC 36-3-2-7, AS AMENDED BY P.L.194-2021, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) This section governs the transfer of territory that is either:

- (1) inside the corporate boundaries of the consolidated city and contiguous to an excluded city; or
- (2) inside the corporate boundaries of an excluded city and contiguous to the consolidated city.

IC 36-4-3 does not apply to such a transfer.

(b) If the owners of land located in territory described in subsection (a) want to have that territory transferred from one (1) municipality to the other, they must file:

- (1) a petition for annexation of that territory with the legislative body of the contiguous municipality; and
- (2) a petition for disannexation of that territory with the legislative body of the municipality containing that territory.

Each petition must be signed by at least fifty-one percent (51%) of the owners of land in the territory sought to be transferred. The territory must be reasonably compact in configuration, and its boundaries must generally follow streets or natural boundaries.

(c) Each legislative body shall, not later than sixty (60) days after a petition is filed with it under subsection (b), either approve or disapprove the petition, with the following results:

- (1) ~~Except as provided in subsection (h);~~ If both legislative bodies approve, the transfer of territory takes effect:
  - (A) on the effective date of the approval of the latter legislative body to act; and
  - (B) when a copy of each transfer approval has been filed under subsection (f).

**SEA 37 — Concur**



(2) If the legislative body of the contiguous municipality disapproves or fails to act within the prescribed period, the proceedings are terminated.

(3) If the legislative body of the contiguous municipality approves but the legislative body of the other municipality disapproves or fails to act within the prescribed period, the proceedings are terminated unless there is an appeal under subsection (d).

(d) In the case described by subsection (c)(3), the petitioners may, not later than sixty (60) days after the disapproval or expiration of the prescribed period, appeal to the circuit court. The appeal must allege that the benefits to be derived by the petitioners from the transfer outweigh the detriments to the municipality that has failed to approve, which is defendant in the appeal.

(e) The court shall try an appeal under subsection (d) as other civil actions, but without a jury. If the court determines that:

- (1) the requirements of this section have been met; and
- (2) the benefits to be derived by the petitioners outweigh the detriments to the municipality;

it shall order the transfer of territory to take effect on the date its order becomes final ~~subject to subsection (h)~~; and shall file the order under subsection (f). However, if the municipality, or a district of it, is furnishing sanitary sewer service or municipal water service in the territory, or otherwise has expended substantial sums for public facilities (other than roads) specially benefiting the territory, the court shall deny the transfer.

(f) A municipal legislative body that approves a transfer of territory under subsection (c) or a court that approves a transfer under subsection (e) shall file a copy of the approval or order, setting forth a legal description of the territory to be transferred, with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of each county in which the municipality is located.

(g) Not later than ten (10) days after the second of the two (2) approvals is filed under subsection (f), the municipality that annexes the territory shall provide notice to the chairman of the alcohol and tobacco commission as set forth in IC 7.1-4-9-7 of any retailer's or dealer's premises located within the annexed territory.

~~(h) A transfer of territory under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A transfer of territory 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:

(~~h~~) (h) A petition for annexation or disannexation under this section may not be filed with respect to land as to which a transfer of territory has been disapproved or denied within the preceding three (3) years.

(~~i~~) (i) The legislative body of a municipality annexing territory under this section shall assign the territory to at least one (1) municipal legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than thirty (30) days after the transfer of territory becomes effective under this section.

(~~k~~) Notwithstanding subsection (h) as that subsection existed on December 31, 2009; a transfer of territory that took effect January 2, 2010; because of the application of subsection (h); as that subsection existed on December 31, 2009; is instead considered to take effect January 1, 2010; without any additional action being required:

SECTION 153. IC 36-4-2-9, AS AMENDED BY P.L.113-2010, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) Except as provided in subsection (c); A merger approved under this chapter takes effect when:

- (1) the officers of the new municipality are elected and qualified, as prescribed by section 13 of this chapter; and
- (2) a copy of the agreement under section 2 of this chapter or the certified election results under section 7 of this chapter are filed with:

- (A) the office of the secretary of state; and
- (B) the circuit court clerk of each county in which the municipality is located.

(b) On the effective date of the merger, the merging municipalities cease to exist and are merged into a single municipality of the class created by the combined population of the merging municipalities. The new municipality shall be governed by the laws applicable to that class.

(~~c~~) A merger approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A merger 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:

(~~d~~) Notwithstanding subsection (c) as that subsection existed on December 31, 2009; a merger that took effect January 2, 2010; because of the application of subsection (c); as that subsection existed on December 31, 2009; is instead considered to take effect January 1, 2010; without any additional action being required:

SEA 37 — Concur



SECTION 154. IC 36-4-3-4, AS AMENDED BY P.L.38-2021, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 as either of the following:
  - (A) An airport or landing field.
  - (B) A wastewater treatment facility or water treatment facility. After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.
- (3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:
  - (A) a municipally owned or regulated sanitary landfill, golf course, or hospital;
  - (B) a police station of the municipality; or
  - (C) a solar electric generating facility that is or will be interconnected to an electric utility owned by the municipality.

However, if territory annexed under subdivision (2) or (3) ceases to be used for the purpose for which the territory was annexed 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. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.

(b) This subsection applies to municipalities in a county having any of the following ~~populations:~~ **counties:**

- (1) **A county having a population of more than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000); sixty-six thousand six hundred (66,600) and less than seventy**

SEA 37 — Concur



**thousand (70,000).**

(2) A county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-seven thousand (77,000)~~: **eighty-two thousand (82,000) and less than eighty-three thousand (83,000).**

(3) A county having a population of more than ~~seventy-one thousand (71,000)~~ but less than ~~seventy-five thousand (75,000)~~: **eighty thousand four hundred (80,400) and less than eighty-two thousand (82,000).**

(4) A county having a population of more than ~~forty-seven thousand (47,000)~~ but less than ~~forty-seven thousand five hundred (47,500)~~: **forty-six thousand (46,000) and less than forty-six thousand four hundred (46,400).**

(5) A county having a population of more than ~~thirty-eight thousand five hundred (38,500)~~ but less than ~~thirty-nine thousand (39,000)~~: **thirty-seven thousand (37,000) and less than thirty-seven thousand nine hundred (37,900).**

(6) A county having a population of more than ~~thirty-seven thousand (37,000)~~ but less than ~~thirty-seven thousand one hundred twenty-five (37,125)~~: **thirty-six thousand five hundred (36,500) and less than thirty-six thousand seven hundred (36,700).**

(7) A county having a population of more than ~~thirty-three thousand three hundred (33,300)~~ but less than ~~thirty-three thousand five hundred (33,500)~~: **thirty-two thousand (32,000) and less than thirty-three thousand (33,000).**

(8) A county having a population of more than ~~twenty-three thousand three hundred (23,300)~~ but less than ~~twenty-four thousand (24,000)~~: **twenty-three thousand (23,000) and less than twenty-three thousand three hundred seventy-five (23,375).**

(9) A county having a population of more than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~: **two hundred thousand (200,000) and less than two hundred fifty thousand (250,000).**

(10) A county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~: **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

(11) A county having a population of more than ~~thirty-two thousand five hundred (32,500)~~ but less than ~~thirty-three thousand (33,000)~~: **thirty thousand nine hundred (30,900) and less than**



**thirty-two thousand (32,000).**

(12) **A county having a population of more than ~~seventy-seven thousand (77,000)~~ but less than ~~eighty thousand (80,000)~~; ~~eighty thousand (80,000)~~ and less than eighty thousand four hundred (80,400).**

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 county with a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~ **two hundred fifty thousand (250,000) and 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); or
  - (B) in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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 city having a population of more than ~~twenty-nine thousand nine hundred (29,900) but less than thirty-one thousand (31,000)~~; **twenty-eight thousand (28,000) and less than twenty-nine thousand (29,000)**. The city legislative body 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.

(i) This subsection applies to a city having a population of more than ~~thirty-one thousand seven hundred twenty-five (31,725) but less than thirty-five thousand (35,000) in a county having a population of at least one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000)~~; **thirty-four thousand (34,000) and less than thirty-four thousand five hundred (34,500)**. The city legislative body may, by ordinance, annex territory under section 5.1 of this chapter:

- (1) that is not contiguous to the city;
- (2) that is south of the southernmost boundary of the city;
- (3) the entire area of which is not more than four (4) miles from the city's boundary; and
- (4) that does not extend more than one (1) mile to the east of a state highway (as designated by the state highway authorities).

Territory annexed under this subsection is not considered a part of the



city for purposes of annexation of additional territory. A city may not require connection to a sewer installed to provide service to territory annexed under this subsection.

SECTION 155. IC 36-4-3-7, AS AMENDED BY P.L.236-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), ~~(d)~~, or ~~(f)~~; ~~(e)~~, in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

~~(b)~~ An ordinance described in subsection ~~(d)~~ or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance 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.

~~(e)~~ ~~(b)~~ Subsections ~~(d)~~ and ~~(e)~~ ~~(c)~~ and ~~(d)~~ apply to fire protection districts that are established after July 1, 1987, and to which subsection ~~(g)~~ ~~(f)~~ does not apply. For the purposes of this section, territory that has been:

- (1) added to an existing fire protection district under IC 36-8-11-11; or
- (2) approved by ordinance of the county legislative body to be added to an existing fire protection district under IC 36-8-11-11, notwithstanding that the territory's addition to the fire protection district has not yet taken effect;

shall be considered a part of the fire protection district as of the date that the fire protection district was originally established.

~~(d)~~ Except as provided in subsection ~~(b)~~; ~~(c)~~ Whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. Except in the case of an annexation to which subsection ~~(g)~~ ~~(f)~~ applies, the municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed





territory within ten (10) days of the date the ordinance is adopted.

~~(e)~~ **(d)** If the fire protection district from which a municipality annexes territory under subsection ~~(d)~~ **(c)** is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

~~(f)~~ **(e)** This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to ~~subsections (b) and (d);~~ **subsection (c)**, and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

~~(g)~~ **(f)** Whenever a municipality annexes territory that lies within a fire protection district that has a total net assessed value (as determined by the county auditor) of more than one billion dollars (\$1,000,000,000) on the date the annexation ordinance is adopted:

- (1) the annexed area shall remain a part of the fire protection district after the annexation takes effect; and
- (2) the fire protection district shall continue to provide fire protection services to the annexed area.

The municipality shall not tax the annexed territory for fire protection services. The annexing municipality shall establish a special fire fund for all fire protection services that are provided by the municipality within the area of the municipality that is not within the fire protection district, and which shall not be assessed to the annexed special taxing district. The annexed territory that lies within the fire protection district shall continue to be part of the fire protection district special taxing district.

SECTION 156. IC 36-4-3-7.1, AS AMENDED BY P.L.257-2019, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7.1. ~~Notwithstanding section 7(b) of this chapter;~~ An ordinance adopted under section 4 or 5.1 of this

**SEA 37 — Concur**



chapter takes effect immediately upon the expiration of the remonstrance and appeal period under section 11, 11.1, or 15.5 of this chapter and after the publication, filing, and recording required by section 22(a) of this chapter if all of the following conditions are met:

- (1) The annexed territory has no population.
- (2) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.
- (3) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits.

SECTION 157. IC 36-4-3-8.5, AS AMENDED BY P.L.119-2012, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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

SEA 37 — Concur



(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 158. IC 36-4-3-12, AS AMENDED BY P.L.113-2010, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. ~~(a)~~ The circuit or superior court shall:

(1) on the date fixed under section 11 of this chapter, hear and determine the remonstrance without a jury; and

(2) without delay, enter judgment on the question of the annexation according to the evidence that either party may introduce.

~~(b) If the court enters judgment in favor of the annexation, the annexation may not take effect during the year preceding the year in which a federal decennial census is conducted. An annexation 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.~~

SECTION 159. IC 36-4-3-15.5, AS AMENDED BY P.L.207-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15.5. (a) Except as provided in subsection (b):

(1) an owner of land within one-half (1/2) mile of territory proposed to be annexed under this chapter; or

(2) a municipality located in the same county as the territory proposed to be annexed;

may, not later than sixty (60) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(b) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Either of the following may appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located:

(1) An owner of land within one-half (1/2) mile of the territory proposed to be annexed under this chapter.

(2) A municipality located in the same county as the territory proposed to be annexed.

An appeal under this subsection must be filed not later than thirty (30)



days after the publication of the annexation ordinance. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(c) Upon the determination of the court that the complaint is sufficient, the judge shall fix a time for a hearing to be held not later than sixty (60) days after the determination. Notice of the proceedings shall be served by summons upon the proper officers of the annexing municipality. The municipality shall become a defendant in the cause and be required to appear and answer. The judge of the circuit or superior court shall, upon the date fixed, proceed to hear and determine the appeal without a jury, and shall, without delay, give judgment upon the question of the annexation according to the evidence introduced by the parties. If the evidence establishes that the territory sought to be annexed is contiguous to the annexing municipality, the court shall deny the appeal and dismiss the proceeding. If the evidence does not establish the foregoing factor, the court shall issue an order to prevent the proposed annexation from taking effect. The laws providing for change of venue from the county do not apply, but changes of venue from the judge may be had. Costs follow judgment. Pending the appeal, and during the time within which the appeal may be taken, the territory sought to be annexed is not a part of the annexing municipality.

~~(d) If the court enters a judgment in favor of the municipality, the annexation may not take effect during the year preceding a year in which a federal decennial census is conducted. An annexation 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.~~

SECTION 160. IC 36-4-3-19, AS AMENDED BY P.L.38-2021, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 19. (a) If disannexation is ordered under this chapter by the works board of a municipality and no appeal is taken, the clerk of the municipality shall, without compensation and not later than ten (10) days after the order is made, make and certify a complete transcript of the disannexation proceedings to the auditor of each county in which the disannexed lots or lands lie and to the office of the secretary of state. The county auditor shall list those lots or lands appropriately for taxation. The proceedings of the works board shall not be certified to the county auditor or to the office of the secretary of state if an appeal to the circuit court has been taken.

(b) In all proceedings begun in or appealed to the circuit court, if vacation or disannexation is ordered, the clerk of the court shall



immediately after the judgment of the court, or after a decision on appeal to the supreme court or court of appeals if the judgment on appeal is not reversed, certify the judgment of the circuit court, as affirmed or modified, to each of the following:

- (1) The auditor of each county in which the lands or lots affected lie, on receipt of one dollar (\$1) for the making and certifying of the transcript from the petitioners for the disannexation.
- (2) The office of the secretary of state.
- (3) The circuit court clerk of each county in which the lands or lots affected are located.
- (4) The county election board of each county in which the lands or lots affected are located.
- (5) If a board of registration exists, the board of each county in which the lands or lots affected are located.
- (6) The office of census data established by IC 2-5-1.1-12.2.

(c) The county auditor shall forward a list of lots or lands disannexed under this section to the following:

- (1) The county highway department of each county in which the lands or lots affected are located.
- (2) The county surveyor of each county in which the lands or lots affected are located.
- (3) Each plan commission, if any, that lost or gained jurisdiction over the disannexed territory.
- (4) The township trustee of each township that lost or gained jurisdiction over the disannexed territory.
- (5) The sheriff of each county in which the lands or lots affected are located.
- (6) The office of the secretary of state.
- (7) The office of census data established by IC 2-5-1.1-12.2.
- (8) The department of local government finance, not later than August 1, in the manner described by the department.

The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the list of disannexed lots or lands or may charge the clerk a fee for photoreproduction of the list.

(d) A disannexation described by this section takes effect upon the clerk of the municipality filing the order with:

- (1) the county auditor of each county in which the annexed territory is located; and
- (2) the circuit court clerk, or if a board of registration exists, the board of each county in which the annexed territory is located.

(e) The clerk of the municipality shall notify the office of the secretary of state and the office of census data established by



IC 2-5-1.1-12.2 of the date a disannexation is effective under this chapter.

(f) A disannexation order under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A disannexation order 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.

SECTION 161. IC 36-4-3-23 IS REPEALED [EFFECTIVE APRIL 1, 2022]. Sec. 23. Notwithstanding sections 7, 12, 15.5, and 19 of this chapter, as those sections existed on December 31, 2009; an annexation or disannexation that took effect January 2, 2010; because of the application of section 7(b), 12(b), 15.5(d), or 19(f) of this chapter, as those sections existed on December 31, 2009; is instead considered to take effect January 1, 2010; without the adoption of an amended ordinance or the entry of an amended judgment or order under this chapter.

SECTION 162. IC 36-4-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) The fiscal officer shall present the report of budget estimates to the city legislative body under IC 6-1.1-17. After reviewing the report, the legislative body shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other city purposes during the ensuing budget year. The legislative body, in the appropriation ordinance, may reduce any estimated item from the figure submitted in the report of the fiscal officer, but it may increase an item only if the executive recommends an increase. The legislative body shall promptly act on the appropriation ordinance.

(b) In preparing the ordinances described in subsection (a) the legislative body shall make an allowance for the cost of fire protection to annexed territory described in ~~IC 36-4-3-7(d)~~, **IC 36-4-3-7(c)**, for the year fire protection is first offered to that territory.

SECTION 163. IC 36-5-1-7.1, AS AMENDED BY P.L.147-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7.1. The petitioners ~~of in~~ a county having a population of more than ~~seventy thousand (70,000)~~ but less than ~~seventy thousand fifty (70,050)~~ **seventy-nine thousand (79,000) and less than eighty thousand (80,000)** are 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 county containing a consolidated



city.

SECTION 164. IC 36-5-1-10.1, AS AMENDED BY P.L.219-2013, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10.1. (a) If a majority of the voters voting on the public question under section 8 of this chapter vote "yes", the county executive shall adopt an ordinance incorporating the town.

(b) An ordinance adopted under subsection (a) must:

(1) either:

(A) provide that all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or

(B) divide the town into not less than three (3) nor more than seven (7) districts; and

(2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If the date that an ordinance is adopted under this section is not later than June 1 of a general or municipal election year, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(c) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(d) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(e) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(f) ~~Except as provided in subsection (g),~~ An ordinance adopted under this section becomes effective when filed with:

**SEA 37 — Concur**



- (1) the office of the secretary of state; and
- (2) the circuit court clerk of each county in which the town is located.

~~(g) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance 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.~~

~~(h) (g) Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.~~

~~(i) Notwithstanding subsection (g) as that subsection existed on December 31, 2009; an ordinance 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 the adoption of an ordinance or an amended ordinance or any other additional action being required.~~

SECTION 165. IC 36-5-1-18, AS AMENDED BY P.L.219-2013, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) If at least two-thirds (2/3) of the votes cast in an election under section 16 of this chapter are affirmative, the dissolution or change of name takes effect in the manner prescribed by this section.

(b) A change of name takes effect thirty (30) days after the filing of the statement required by section 17 of this chapter.

(c) ~~Except as provided in subsection (d);~~ A dissolution takes effect six (6) months after the filing of the statement required by section 17 of this chapter. The property owned by the town after payment of debts and liabilities shall be disposed of in the manner chosen by a majority of the voters of the town at a special election for that purpose. Dissolution of a town does not affect the validity of a contract to which the town is a party.

~~(d) A dissolution under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution 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.~~

~~(e) Notwithstanding subsection (d) as that subsection existed on December 31, 2009; a dissolution that took effect January 2, 2010; because of the application of subsection (d); as that subsection existed on December 31, 2009; is instead considered to take effect January 1;~~





2010; without any additional action being required.

SECTION 166. IC 36-5-1.1-9, AS AMENDED BY P.L.113-2010, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) A person aggrieved by a decision made by the county executive under section 6 of this chapter may, within thirty (30) days, appeal that decision or result to the circuit court for the county containing more than fifty percent (50%) in assessed valuation of the land in the town. The appeal is instituted by giving written notice to the clerk of the circuit court and filing with the county executive a bond for five hundred dollars (\$500), with surety approved by the county executive. The bond must provide:

- (1) that the appeal will be duly prosecuted; and
- (2) that the appellants will pay all costs if the appeal is decided against them.

(b) When an appeal is instituted, the county executive shall file with the clerk of the circuit court a transcript of all proceedings in the case, together with all papers filed in the case. The county executive may not take further action in the case until the appeal is heard and determined.

(c) An appeal under this section shall be heard by the circuit court without a jury. Change of venue from the judge may be granted, but change of venue from the county may not be granted. If the court orders the dissolution to take place, the circuit court clerk shall, immediately after the judgment of the court, certify the judgment of the circuit court to:

- (1) the clerk of the municipality;
- (2) the circuit court clerk of any other county in which the town is located; and
- (3) the office of the secretary of state.

(d) ~~Except as provided in subsection (e);~~ The dissolution takes effect sixty (60) days after the order is certified.

~~(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 the year in which the 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 167. IC 36-5-1.1-10, AS AMENDED BY P.L.113-2010,

SEA 37 — Concur



SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) 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 168. 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, 2022]: 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

**SEA 37 — Concur**



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)~~ (g) 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;

(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)~~ (h) 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 169. IC 36-5-1.1-10.6, AS AMENDED BY

SEA 37 — Concur



P.L.113-2010, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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)~~ (f) 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;
- (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.

SEA 37 — Concur



~~(h)~~ (g) 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 170. IC 36-5-4-13, AS AMENDED BY P.L.119-2012, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 ~~fifteen thousand (15,000)~~ but less than ~~fifteen thousand five hundred (15,500)~~; **fifteen thousand four hundred fifty (15,450) and less than sixteen thousand (16,000)**; and
- (2) town
  - (A) located in a county having a population of more than ~~thirty-seven thousand one hundred twenty-five (37,125)~~ but

SEA 37 — Concur



~~less than thirty-seven thousand five hundred (37,500); and~~  
~~(B) having a population of less than one thousand (1,000);~~  
**having a population of less than one thousand (1,000)**  
**located in a county having a population of more than forty**  
**thousand (40,000) and less than forty-three thousand**  
**(43,000);**

may not transfer money under this section to or from a food and beverage tax receipts fund established under IC 6-9.

SECTION 171. IC 36-6-1-3, AS AMENDED BY P.L.113-2010, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) When part of a township is owned by the state or the United States, devoted to a public use, and withdrawn from taxation for local purposes, and:

- (1) less than eighteen (18) square miles of the township remains subject to taxation; or
- (2) the township is divided into two (2) or more separate sections by the government owned part;

the county executive may issue an order to alter the boundaries of the township and adjoining townships on receipt of a petition signed by at least thirty-five percent (35%) of the resident freeholders of a part of the township adjoining another township.

(b) ~~Except as provided in subsection (c);~~ A boundary alteration under this section is effective when a copy of the order is filed with:

- (1) the circuit court clerk; and
- (2) the office of the secretary of state.

(c) ~~A boundary alteration under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A boundary alteration 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.~~

(d) ~~Notwithstanding subsection (c) as that subsection existed on December 31, 2009; a boundary alteration that took effect January 2, 2010; because of the application of subsection (c); as that subsection existed on December 31, 2009; is instead considered to take effect January 1, 2010; without any additional action being required.~~

SECTION 172. IC 36-6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Townships other than those described in section 3 of this chapter may be altered or abolished by the issuance of an order by the county executive on receipt of a petition signed by a majority of the freeholders of the affected township or townships. The alteration or abolition must



conform to the terms of the petition.

(b) ~~Except as provided in subsection (c);~~ The alteration or abolition becomes effective when the county executive files a copy of the order with:

- (1) the circuit court clerk; and
- (2) the office of the secretary of state.

(c) ~~The alteration or abolition of a township may not take effect during the year preceding a year in which a federal decennial census is conducted. An alteration or abolition that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.~~

SECTION 173. IC 36-6-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5.5. (a) This section applies to an area that meets the following conditions:

- (1) Contains not more than seven hundred (700) acres.
- (2) Has a river along at least twenty-five percent (25%) of the perimeter of the area.
- (3) Abuts a different township from the township in which the area is situated.

(b) An area is transferred from the township in which the area is situated to the township that the area abuts if the following conditions are met:

- (1) The transfer results in a rectangular shape for the boundaries of both of the affected townships.
- (2) A petition:
  - (A) containing a legal description of the area; and
  - (B) signed by at least fifty-one percent (51%) of the freeholders in the area;
 is filed with the circuit court clerk and the office of the secretary of state.

(c) ~~Section 5(c) of this chapter applies to the alteration of township boundaries under this section.~~

(d) ~~Except as provided in subsection (c);~~ (c) If the conditions specified in this section are met, the transfer occurs when the filing requirements of subsection (b) are met.

(e) ~~The transfer may not take effect during the year preceding a year in which a federal decennial census is conducted. A transfer that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.~~

SECTION 174. IC 36-6-1-11 IS AMENDED TO READ AS

SEA 37 — Concur



FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) An action taken by a county executive under this chapter may be appealed to the circuit court of the county. The appeal shall be heard de novo on all questions presented.

(b) If the court orders the name change, alteration, or abolition of a township to take place, the circuit court clerk shall, immediately after the judgment of the court, certify the judgment of the circuit court to:

- (1) the township executive; and
- (2) the office of the secretary of state.

Except as provided in subsection (c), The order takes effect sixty (60) days after certification.

~~(c) The name change, alteration, or abolition of a township may not take effect during the year preceding a year in which a federal decennial census is conducted. An alteration or abolition that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.~~

SECTION 175. IC 36-7-4-202, AS AMENDED BY P.L.119-2012, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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-five thousand (175,000) but less than one hundred eighty-five thousand (185,000);~~ **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000);** or
- (2) more than ~~one hundred fifteen thousand (115,000) but less than one hundred twenty-five thousand (125,000);~~ **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000);**

the legislative bodies of that county and of the city having the largest population in that county may establish by identical ordinances a metropolitan plan commission as a department of county government. These ordinances must specify the legal name of the commission for purposes of section 404(a) of this chapter.

(b) AREA. There may be established in each county an area planning department in the county government, having:

- (1) an area plan commission;
- (2) an area board of zoning appeals;
- (3) an executive director; and
- (4) such staff as the area plan commission considers necessary.

SEA 37 — Concur





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 the ordinance to each legislative body within the county. When a county and at least one (1) municipality within the county each adopt an ordinance adopting the area planning law and fix a date for the establishment of the department, the legislative body of the county shall establish the planning department.

(c) METRO. A metropolitan development commission is established in the department of metropolitan development of the consolidated city. The legislative body of the consolidated city may adopt ordinances to regulate the following:

- (1) The time that the commission holds its meetings.
- (2) The voting procedures of the commission.

SECTION 176. IC 36-7-4-918.6, AS AMENDED BY P.L.10-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 918.6. (a) This section applies to the following:

- (1) A municipality in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).
- (2) A county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

(b) ADVISORY–AREA. Notwithstanding sections 918.2, 918.4, and 918.5 of this chapter, a zoning or subdivision control ordinance shall require that the board of zoning appeals submit any of the following petitions to the legislative body for approval or disapproval:

- (1) Special exceptions.
- (2) Special uses.
- (3) Use variances.

(c) ADVISORY–AREA. The board of zoning appeals shall file a petition under this section with the clerk of the legislative body with:

- (1) a favorable recommendation;
- (2) an unfavorable recommendation; or
- (3) no recommendation.

(d) ADVISORY–AREA. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the petition at its first regular meeting after the board of zoning appeals files its



recommendation.

(e) **ADVISORY—AREA.** A petition is granted or denied when the legislative body votes on the petition as follows:

(1) In a county described in subsection (a)(1), the legislative body shall vote on the petition within ninety (90) days after the board of zoning appeals makes its recommendation. If the legislative body does not vote to deny the petition within ninety (90) days, the petition is considered approved.

(2) In a county described in subsection (a)(2), the legislative body shall vote on the petition within sixty (60) days after the board of zoning appeals makes its recommendations. If the legislative body does not vote to deny the petition within sixty (60) days, the petition is approved.

(f) **ADVISORY—AREA.** If the legislative body approves a petition, it must make the determination in writing as required under section 918.2, 918.4, or 918.5 of this chapter or as required by the zoning ordinance.

SECTION 177. IC 36-7-4-1210.5, AS AMENDED BY P.L.119-2012, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1210.5. (a) **ADVISORY.** As used in this section, "municipality" refers to the most populous municipality in the jurisdiction of the plan commission.

(b) **ADVISORY.** This section applies to a plan commission operating under a joinder agreement in a **Hamilton** County.

~~(1) having a population of more than two hundred seventy thousand (270,000) but less than three hundred thousand (300,000); and~~

~~(2) containing:~~

~~(A) a township having a population of more than thirty-two thousand (32,000) but less than fifty thousand (50,000); or~~

~~(B) a township having a population of more than nine thousand (9,000) but less than fifteen thousand (15,000).~~

(c) **ADVISORY.** Notwithstanding section 1210 of this chapter, a plan commission described in subsection (b) shall have nine (9) members as follows:

(1) Four (4) members who are residents of the municipality, to be appointed for four (4) year terms by the executive of the municipality.

(2) Three (3) members who are residents of the municipality, to be appointed for four (4) year terms by the legislative body of the municipality.

(3) Two (2) members who are residents of the township, to be

**SEA 37 — Concur**



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): **either of the following:**

**(1) Westfield Washington Township of Hamilton County.**

**(2) Jackson Township of Hamilton County.**

(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 178. IC 36-7-5.1-11, AS AMENDED BY P.L.84-2016, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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, superior court, or probate court of any county that contains the entire joint district or any part of the joint district.

(c) Except as provided in subsection (d), a member must be a resident of a county where a part of the joint district is located or reside within ten (10) miles of the borders of the district.

(d) In a joint district that contains all or part of a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-seven thousand (77,000)~~; **eighty-two thousand (82,000) and less than eighty-three thousand (83,000)**, 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.

SEA 37 — Concur



SECTION 179. IC 36-7-7.5-1, AS AMENDED BY P.L.119-2012, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to ~~a county having the following population:~~ **the following counties:**

(1) ~~A county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000):~~ **forty-three thousand five hundred (43,500) and less than forty-five thousand (45,000).**

(2) ~~A county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000):~~ **nineteen thousand eight hundred fifty (19,850) and less than twenty thousand (20,000).**

(3) ~~A county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000):~~ **ten thousand (10,000) and less than twelve thousand (12,000).**

SECTION 180. IC 36-7-7.6-1, AS AMENDED BY P.L.119-2012, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the area consisting of the following counties:

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

(2) A county having a population of more than ~~one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000):~~ **one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000).**

(3) A county having a population of more than ~~one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000):~~ **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000).**

SECTION 181. IC 36-7-7.7-2, AS ADDED BY P.L.83-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. The following definitions apply throughout this chapter:

(1) "Eligible political subdivision" means any of the following:

(A) A county.

(B) A municipality.

(C) An urban mass transportation system (as described in IC 36-9-4).

(2) "Metropolitan planning area" of the MPO means the aggregate geographic territory of the following political subdivisions:

(A) A county having a ~~population of more than seven hundred~~



~~thousand (700,000):~~ **consolidated city.**

(B) All eligible political subdivisions in a county having a ~~population of more than seven hundred thousand (700,000):~~ **consolidated city.**

(C) All counties immediately adjacent to a county having a ~~population of more than seven hundred thousand (700,000):~~ **consolidated city.**

(D) All eligible political subdivisions in a county immediately adjacent to a county having a ~~population of more than seven hundred thousand (700,000):~~ **consolidated city.**

(3) "MPO" means the Indianapolis metropolitan planning organization established by section 3 of this chapter.

SECTION 182. IC 36-7-11-8.5, AS AMENDED BY P.L.119-2012, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);~~ **two hundred fifty thousand (250,000) and 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 183. IC 36-7-11-22, AS AMENDED BY P.L.119-2012, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 22. (a) This section applies only to a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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 184. IC 36-7-13-10, AS AMENDED BY P.L.119-2012, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 thirty-five thousand (135,000)~~ but less than ~~one hundred thirty-eight thousand (138,000)~~; **one hundred thirty-nine thousand (139,000) and less than one hundred sixty thousand (160,000);**
- (2) more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000);** or

SEA 37 — Concur



(3) more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)**;

the executive of the municipality may submit an application to an advisory commission on industrial development requesting that an area within the municipality be designated as a district.

(b) After approval by ordinance or resolution of the legislative body of a county, the executive of the county may submit an application to an advisory commission on industrial development requesting that an area within the county, but not within a municipality, be designated as a district. However, in a county having a population of more than ~~one hundred fifteen thousand (115,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~; **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000)**, 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 185. IC 36-7-13-10.7, AS AMENDED BY P.L. 119-2012, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10.7. (a) This section applies to a district designated under section 10.5 of this chapter and approved by the budget agency before January 1, 2002, in a city having a population of more than ~~twenty-nine thousand nine hundred (29,900)~~ but less than ~~thirty-one thousand (31,000)~~; **twenty-eight thousand (28,000) and less than twenty-nine thousand (29,000)**.

(b) An area is added to and becomes part of a district described in subsection (a) if the area consists of property that:

- (1) is located in a city having a population of more than ~~twenty-nine thousand nine hundred (29,900)~~ but less than ~~thirty-one thousand (31,000)~~; **twenty-eight thousand (28,000) and less than twenty-nine thousand (29,000)**; and
- (2) experienced a loss of at least three hundred (300) jobs during the calendar year ending December 31, 2001.

(c) After the addition of property to a district described in subsection (a) under this section, the gross retail base period amount determined under section 2.4 of this chapter for the district before the addition of the property to the district under this section shall be increased by an amount equal to:

- (1) the aggregate amount of state gross retail and use taxes remitted:
  - (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 186. IC 36-7-13-12, AS AMENDED BY P.L.119-2012, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. (a) If a municipal or county executive has submitted an application to an advisory commission on industrial development requesting that an area be designated as a district under this chapter and the advisory commission has compiled and prepared the information required under section 11 of this chapter concerning the area, the advisory commission may adopt a resolution designating the area as a district if it makes the findings described in subsection (b), (c), (d), or (e). In a county described in subsection (c), an advisory commission may designate more than one (1) district under subsection (c).

(b) For an area located in a county having a population of more than ~~one hundred thirty-five thousand (135,000)~~ but less than ~~one hundred thirty-eight thousand (138,000)~~, **one hundred thirty-nine thousand (139,000) and less than one hundred sixty thousand (160,000)**, 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 county having a population of more than ~~one hundred thirty-five thousand (135,000)~~ but less than ~~one hundred thirty-eight thousand (138,000)~~; **one hundred thirty-nine thousand (139,000) and less than one hundred sixty thousand (160,000)**.

(c) For a county having a population of more than ~~one hundred fifteen thousand (115,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~; **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000)**, 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 county having a population of more than ~~one hundred fifteen thousand (115,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~; **one hundred ten thousand (110,000) and less than one hundred twelve thousand (112,000)**.
- (d) For an area located in a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and 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 county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**.

(e) For an area located in a county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)**, an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

- (1) The area contains a building or buildings:
  - (A) with at least eight hundred thousand (800,000) gross square feet; and
  - (B) having leasable floor space, at least fifty percent (50%) of which is or will become vacant.
- (2) There are significant obstacles to redevelopment of the area due to any of the following problems:
  - (A) Obsolete or inefficient buildings as evidenced by a decline of at least seventy-five percent (75%) in their assessed valuation during the preceding ten (10) years.
  - (B) Transportation or access problems.
  - (C) Environmental contamination.
- (3) At least four hundred (400) fewer persons are employed in the area than were employed in the area during the year that is fifteen (15) years previous to the current year.
- (4) The area has been designated as an economic development target area under IC 6-1.1-12.1-7.
- (5) The unit has appropriated, pooled, set aside, or pledged at least two hundred fifty thousand dollars (\$250,000) for purposes of addressing the redevelopment obstacles described in subdivision (2).
- (6) The area is located in a county having a population of more than ~~three hundred thousand (300,000)~~ but less than ~~four hundred thousand (400,000)~~; **three hundred fifty thousand (350,000) and 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 187. IC 36-7-14-15.5, AS AMENDED BY P.L. 119-2012, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15.5. (a) This section applies to a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~: **two hundred fifty thousand (250,000) and 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 188. IC 36-7-14-39.2, AS AMENDED BY P.L.257-2019, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 39.2. (a) This section applies to a county having a population of more than ~~two hundred fifty thousand (250,000)~~ but less than ~~two hundred seventy thousand (270,000)~~: **two hundred fifty thousand (250,000) and 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, subject to section 39(j) of this chapter, 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 189. IC 36-7-26-1, AS AMENDED BY P.L.119-2012, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following:

- (1) A city having a population of more than ~~eighty thousand five hundred (80,500)~~ **but less than one hundred thousand (100,000): seventy-five thousand (75,000) and less than seventy-nine thousand (79,000).**
- (2) A city having a population of more than one hundred thousand (100,000) ~~but and~~ less than one hundred ten thousand (110,000).
- (3) A city having a population of more than one hundred fifty thousand (150,000) ~~but less than five hundred thousand (500,000):~~ **and less than six hundred thousand (600,000).**
- (4) A city having a population of more than one hundred ten thousand (110,000) ~~but and~~ less than one hundred fifty thousand (150,000).

SECTION 190. IC 36-7-29-1, AS AMENDED BY P.L.119-2012, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following units:

- (1) A city having a population of more than ~~eight thousand seven hundred (8,700)~~ **but less than nine thousand (9,000): nine thousand eight hundred fifty (9,850) and less than nine thousand nine hundred (9,900).**
- (2) A county having a population of more than ~~one hundred seventy thousand (170,000)~~ **but less than one hundred seventy-five thousand (175,000): one hundred eighty-five**

SEA 37 — Concur



**thousand (185,000) and less than two hundred thousand (200,000).**

SECTION 191. IC 36-7-31.3-4, AS AMENDED BY P.L.197-2016, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) The local income tax imposed under IC 6-3.6.
- (4) Except in a county having a population of more than ~~three hundred thousand (300,000)~~ but less than four hundred thousand (~~400,000~~); **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)**, a food and beverage tax imposed under IC 6-9.

SECTION 192. IC 36-7-31.3-8, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2022 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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.

SEA 37 — Concur





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 eighty thousand (80,000) but less than eighty thousand four hundred (80,400); 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 Fort Wayne and Purdue University Fort Wayne campus are added to the tax area designated by the county. For state fiscal years:

- (1) beginning before July 1, 2021, 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; and
- (2) beginning after June 30, 2021, the maximum amount of covered taxes that may be captured in all tax areas located in the county is five million dollars (\$5,000,000) **per year;**

regardless of the designating body that established the tax area. The revenue from the local income tax imposed under IC 6-3.6 that is



captured must be counted first toward this maximum.

(e) This subsection applies to a tax area located in **the city of Evansville**. Notwithstanding any other provision of this chapter, for state fiscal years beginning after July 1, 2021, any facility in **the city of Evansville Indiana; that:**

- (1) ~~that~~ consists of a hotel; and
- (2) is located in the north part of an area bounded on the northwest by Walnut Street, on the northeast by SE Martin Luther King Jr. Boulevard, on the southwest by SE 6th Street, and on the southeast by Cherry Street, as those streets were located on July 1, 2021;

is added to the tax area. The provisions in sections 11 and 12 of this chapter are not applicable to the area described in this subsection.

(f) This subsection applies to a tax area located in **the city of South Bend**. Notwithstanding any other provision of this chapter, for state fiscal years in which the tax area is renewed under section ~~10(d)~~ **10(e)** of this chapter after June 30, 2021, the tax area shall also include any facility or complex of facilities **as follows:**

(1) That consists of hotels located in the following areas in **the city of South Bend; Indiana:**

(A) In the east quadrant of an area bounded on the north by Columbus Court, on the east by North Main Street, and on the south by West Washington Street, as those streets were located on July 1, 2021.

(B) An area bounded on the north by East Colfax Avenue, on the east by Doctor Martin Luther King, Jr. Boulevard, on the south by East Washington Street, and on the west by North Michigan Street, as those streets were located on July 1, 2021.

**and**

(C) In the southeast quadrant of an area bounded on the north by East Washington Street, on the east by Doctor Martin Luther King, Jr. Boulevard, and on the south by East Jefferson Boulevard, as those streets were located on July 1, 2021.

(2) That consists of a sports, recreational and event facility or complex of facilities located in **the city of South Bend, Indiana;** in the northeast quadrant of an area bounded on the north by East Jefferson Boulevard, on the east by South St. Louis Boulevard, as those streets were located on July 1, 2021, and on the west by the St. Joseph River.

(3) Located at an Indiana University South Bend campus.

The provisions in sections 11 and 12 of this chapter are not applicable to the renewal of the tax areas described in this subsection.

**SEA 37 — Concur**



SECTION 193. IC 36-7-31.3-9, AS AMENDED BY P.L.100-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) A tax area must be initially established by resolution:

(1) before January 1, 2013, in the case of:

- (A) a second class city;
- (B) the city of Marion; or
- (C) the city of Westfield; or

(2) before July 1, 1999, if subdivision (1) does not apply; according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. 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 eighty thousand (80,000) but less than eighty thousand four hundred (80,400); 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 city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); the city 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 city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400); 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 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 194. IC 36-7-31.3-10, AS AMENDED BY P.L.79-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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. The following apply to Allen County:

(1) The fund required by this subsection is the coliseum professional sports and convention development area fund. This fund shall be administered by the Allen County Memorial Coliseum board of trustees.

(2) The allocation each year must be as follows:

(A) The following for state fiscal years ending before July 1, 2021:

(i) The first two million six hundred thousand dollars (\$2,600,000) shall be transferred to the county treasurer for deposit in the coliseum professional sports and convention development area fund.

(ii) The remaining amount shall be transferred to the treasurer of the joint county-city capital improvement board in the county.

(B) The following for state fiscal years beginning after June 30, 2021:

(i) The first two million six hundred thousand dollars (\$2,600,000) shall be transferred to the county treasurer for deposit in the coliseum professional sports and convention development area fund.

(ii) After the allocation under item (i), the next four hundred thousand dollars (\$400,000) shall be transferred to the joint county-city capital improvement board in the county for the Grand Wayne Center.

(iii) After the allocations under items (i) and (ii), any



remaining amount shall be transferred to the joint county-city capital improvement board in the county to be split evenly between the Allen County War Memorial Coliseum and the Grand Wayne Center.

A tax area located in Allen County terminates not later than December 31, 2038. Any bonds that were issued before January 1, 2015, to finance the facility or proposed facility must have a maturity of less than twenty-five (25) years.

(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) Except as provided in subsection (d), 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 ~~city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000);~~ **the city 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) This subsection applies to a tax area established in a ~~city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000)~~ **the city of Evansville** that expired before July 1, 2021. The tax area described in this subsection is renewed beginning after June 30, 2021, for an additional twenty (20) consecutive years, and shall include:

- (1) the boundaries of the tax area before its expiration; plus
- (2) the additional tax area added under section 8(e) of this chapter.

The provisions in sections 11 and 12 of this chapter are not applicable to the renewal of the tax area described in this subsection.

(e) This subsection applies to a tax area established in a ~~city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000)~~ **the city of South Bend** that expired before July 1, 2021. The tax area described in this subsection



is renewed beginning after June 30, 2021, for an additional twenty (20) consecutive years, and shall include:

- (1) the boundaries of the tax area before its expiration; plus
- (2) the additional tax areas added under section 8(f) of this chapter.

The provisions in sections 11 and 12 of this chapter are not applicable to the renewal of the tax area described in this subsection. The maximum amount of covered taxes that may be captured in the tax area under this subsection is two million dollars (\$2,000,000) per year.

(f) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(g) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 195. IC 36-7-31.3-19, AS AMENDED BY P.L. 119-2012, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 eighty thousand (80,000) but less than eighty thousand four hundred (80,400); 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 city having a population of ~~more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); the city 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.

SEA 37 — Concur



(3) In a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400); **the city 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 196. IC 36-7.5-1-4, AS AMENDED BY P.L.119-2012, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. "Airport development authority" refers to an airport development authority established under IC 8-22-3.7 in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400); **the city of Gary**.

SECTION 197. IC 36-7.5-1-11, AS AMENDED BY P.L.165-2021, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 fifty thousand (150,000) but less than one hundred seventy thousand (170,000);

(3) ~~A LaPorte County~~, having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); if:

(A) the fiscal body of the county has adopted an ordinance under IC 36-7.5-2-3(d) 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(d) has adopted an ordinance under IC 36-7.5-2-3(d) providing that the city is joining the development authority.

SECTION 198. IC 36-7.5-2-3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2022 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) Except as provided in subsections (d), (e), and (g), the



development board is composed of the following ten (10) members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision shall be designated as chair by the governor. One (1) of the members appointed by the governor must reside in Porter County. Both 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. The member appointed under this clause must be a resident 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. The member appointed under this clause must be a resident 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. The member appointed under this clause must be a resident 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 fifty thousand (150,000) but less than one hundred seventy thousand (170,000):~~ The member appointed under this subdivision must be a resident of a **Porter County**. ~~having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000):~~

(4) The following three (3) members appointed under subsection (i):

(A) One (1) member appointed from Lake County.

(B) One (1) member appointed from Porter County.

(C) One (1) member appointed from LaPorte County.

The members appointed under this subdivision may only vote on matters that pertain strictly to a transit development district established under IC 36-7.5-4.5-17.





(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) ~~A LaPorte County having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000) shall be~~ is an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance providing that the county is joining the development authority and the fiscal body of a city that is located in the county and that has a population of more than thirty-one thousand (31,000) but less than thirty-one thousand five hundred (31,500) the city of Michigan City adopts an ordinance 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 twelve (12) members rather than ten (10) 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):~~ **subsection (e).**

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body. The member appointed under this clause must be a resident of a LaPorte County. ~~having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000):~~

(e) This subsection applies only if the county described in subsection (d) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (d) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (d)(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 (d) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under



subsection (d)(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 (d)(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.

(f) An individual or entity required to make an appointment under subsection (b) 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, the governor shall instead make the initial appointment.

(g) Subsection (h) applies only:

- (1) to municipalities located in a county that ~~(1) has a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000);~~ **Porter County;** and
- (2) **if Porter County** was a member of the development authority on January 1, 2009, and subsequently ceases to be a member of the development authority.

(h) 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.

(i) The governor shall appoint three (3) members to the development board as follows:

- (1) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of Lake County. The nominations shall be transmitted to the governor before July 1, 2020. If the county executive of Lake County does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the expiration of the term of a member appointed under this subdivision, or if a vacancy occurs before the end of the term of a member appointed under this subdivision, the county executive of Lake County shall transmit a list of three (3) nominations to the



governor not later than ninety (90) days after the expiration or the vacancy occurs. The governor shall appoint one (1) member out of the list of three (3) nominations, or, if the county executive of Lake County does not make the nominations within ninety (90) days after the expiration or the vacancy occurs, the governor shall instead make the appointment. A member appointed under this subdivision must be a resident of Lake County.

(2) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of Porter County. The nominations shall be transmitted to the governor before July 1, 2020. If the county executive of Porter County does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the expiration of the term of a member appointed under this subdivision, or if a vacancy occurs before the end of the term of a member appointed under this subdivision, the county executive of Porter County shall transmit a list of three (3) nominations to the governor not later than ninety (90) days after the expiration or the vacancy occurs. The governor shall appoint one (1) member out of the list of three (3) nominations, or, if the county executive of Porter County does not make the nominations within ninety (90) days after the expiration or the vacancy occurs, the governor shall instead make the appointment. A member appointed under this subdivision must be a resident of Porter County.

(3) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of LaPorte County. The nominations shall be transmitted to the governor before July 1, 2020. If the county executive of LaPorte County does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the expiration of the term of a member appointed under this subdivision, or if a vacancy occurs before the end of the term of a member appointed under this subdivision, the county executive of LaPorte County shall transmit a list of three (3) nominations to the governor not later than ninety (90) days after the expiration or the vacancy occurs. The governor shall appoint one (1) member out of the list of three (3) nominations, or, if the county executive of LaPorte County does not make the nominations within ninety (90) days after the expiration or the vacancy occurs, the governor shall instead make the appointment. A member appointed under this subdivision must be a resident of LaPorte County.

SECTION 199. IC 36-7.5-4-2, AS AMENDED BY P.L.165-2021,

**SEA 37 — Concur**



SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) Except as provided in subsections (b) and (d), 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 revenue fund established under section 1 of this chapter. However, if a **Porter** County having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(h), the transfer of the local income tax revenue that is dedicated to economic development purposes that is required to be transferred under IC 6-3.6-11-6 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(d) has adopted an ordinance under IC 36-7.5-2-3(d) providing that the county is joining the development authority;
- (2) the fiscal body of the city described in IC 36-7.5-2-3(d) has adopted an ordinance under IC 36-7.5-2-3(d) providing that the city is joining the development authority; and
- (3) the county described in IC 36-7.5-2-3(d) is an eligible county participating in the development authority.

The fiscal officer of the county described in IC 36-7.5-2-3(d) 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 revenue fund established under section 1 of this chapter. The fiscal officer of the city described in IC 36-7.5-2-3(d) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining 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), each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority revenue 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) The fiscal officer of the county described in IC 36-7.5-2-3(d) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority revenue 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, 2017. The fiscal officer of a city described in IC 36-7.5-2-3(d) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority revenue 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, 2017.

(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 local income tax revenue that is dedicated to economic development purposes under IC 6-3.6-6 and received under IC 6-3.6-9 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(d) or a city described in IC 36-7.5-2-3(d), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under IC 4-33-12-8 and IC 4-33-13-5(i). However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by IC 4-33-13-5(i) on behalf of the



unit with respect to a particular state fiscal year.

(e) A transfer made on behalf of a county, city, or town under this section after December 31, 2018:

(1) is considered to be a payment for services provided to residents by a rail project as those services are rendered; and

(2) does not impair any pledge of revenues under this article because a pledge by the development authority of transferred revenue under this section to the payment of bonds, leases, or obligations under this article or IC 5-1.3:

(A) constitutes the obligations of the northwest Indiana regional development authority; and

(B) does not constitute an indebtedness of a county, city, or town described in this section or of the state within the meaning or application of any constitutional or statutory provision or limitation.

(f) Neither the transfer of revenue as provided in this section nor the pledge of revenue transferred under this section is an impairment of contract within the meaning or application of any constitutional provision or limitation because of the following:

(1) The statutes governing local taxes, including the transferred revenue, have been the subject of legislation annually since 1973, and during that time the statutes have been revised, amended, expanded, limited, and recodified dozens of times.

(2) Owners of bonds, leases, or other obligations to which local tax revenues have been pledged recognize that the regulation of local taxes has been extensive and consistent.

(3) All bonds, leases, or other obligations, due to their essential contractual nature, are subject to relevant state and federal law that is enacted after the date of a contract.

(4) The state of Indiana has a legitimate interest in assisting the development authority in financing rail projects.

(g) All proceedings had and actions described in this section are valid pledges under IC 5-1-14-4 as of the date of those proceedings or actions and are hereby legalized and declared valid if taken before March 15, 2018.

SECTION 200. IC 36-8-10-7, AS AMENDED BY P.L.119-2012, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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

**SEA 37 — Concur**



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) **A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000); or one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000).**
- (2) **A county having a population of more than three hundred thousand (300,000); three hundred fifty thousand (350,000) and less than four hundred thousand (400,000).**
- (3) **A county having a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000).**
- (4) **A county having a consolidated city.**

A county shall feed the county prisoners through an appropriation in the usual manner by the county fiscal body. The appropriation shall be expended by the sheriff under the direction of the county executive. If a county has a population of less than four hundred thousand (400,000), an accounting of the expenditures must be filed monthly with the county auditor by the fifth day of the month following the expenditure. If a county has a population of four hundred thousand (400,000) or more, an accounting of the expenditures must be filed with the county auditor on the first Monday of January and the first Monday of July of each year. Neither the sheriff nor the sheriff's

SEA 37 — Concur



officers, deputies, and employees may make a profit as a result of the appropriation.

SECTION 201. IC 36-8-15-1, AS AMENDED BY P.L.119-2012, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the following counties:

- (1) A county having a consolidated city.
- (2) A county having a population of more than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~: **two hundred thousand (200,000) and less than two hundred fifty thousand (250,000)**.
- (3) A county that adopts an ordinance providing for the county to be governed by this chapter.

However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to a county having a consolidated city.

SECTION 202. IC 36-8-15-19, AS AMENDED BY P.L.197-2016, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 19. (a) This subsection applies to a county that has a population of more than ~~one hundred eighty-five thousand (185,000)~~ but less than ~~two hundred fifty thousand (250,000)~~: **two hundred thousand (200,000) and less than two hundred fifty thousand (250,000)**. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.6-9. To make such an election, the county fiscal body must adopt an ordinance before November 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 203. IC 36-9-3-2, AS AMENDED BY P.L.121-2016, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) 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) 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).~~

SECTION 204. IC 36-9-3-3.5, AS AMENDED BY P.L.119-2012, SECTION 225, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) This section applies to ~~a LaPorte County with a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000)~~ and any second class city located in the county.

(b) A county or city described in subsection (a) shall become a member of an authority described in section 5(c) of this chapter if the fiscal body of the county or city adopts a resolution authorizing the county or city to become a member of the authority and the board of the authority approves the membership of the county or city.

SECTION 205. IC 36-9-3-5, AS AMENDED BY P.L.121-2016, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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~~ **the** consolidated city 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) 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 city with a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400): **the city of Gary.**

(2) Two (2) members appointed by the executive of a city with a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000): **the city 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 city with a population of more than four thousand nine hundred fifty (4,950) but less than five thousand (5,000): **The city of Whiting.**

(B) A city with a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900): **The city of East Chicago.**

(4) One (1) member who is jointly appointed by the fiscal body of **each 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 town with a population of more than sixteen thousand five hundred (16,500) but less than twenty thousand (20,000):

**The town of Griffith.**

(B) A town with a population of more than twenty-three thousand seven hundred (23,700) but less than twenty-four thousand (24,000): **The town of Highland.**

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700): **The town 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 town with a population of more than fourteen thousand (14,000) but less than sixteen thousand (16,000): **The town of St. John.**

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000): **The town of Schererville.**

(C) A town with a population of more than sixteen thousand (16,000) but less than sixteen thousand five hundred (16,500): **The town 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 city with a population of more than twenty-five thousand (25,000) but less than twenty-nine thousand (29,000): **The city of Crown Point.**

(B) The fiscal body of a town with a population of more than ten thousand (10,000) but less than fourteen thousand (14,000): **The town of Cedar Lake.**

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than ten thousand (10,000): **The town of Lowell.**

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500): **The town of Schneider.**

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000): **The town of Winfield.**



(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **the town 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 city having a population of more than twenty-nine thousand (29,000) but less than twenty-nine thousand five hundred (29,500): **the city of Hobart.**

(B) The executive of a city having a population of more than twelve thousand five hundred (12,500) but less than twelve thousand seven hundred (12,700): **the city of Lake Station.**

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200): **the town 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 city with a population of more than thirty-one thousand seven hundred twenty-five (31,725) but less than thirty-five thousand (35,000); or the executive's designee: **the city of Valparaiso.**

(13) The executive of a city with a population of more than thirty-six thousand eight hundred twenty-five (36,825) but less than forty thousand (40,000); or the executive's designee: **the city of Portage.**

(14) One (1) member of the board of commissioners of a Porter



County, with a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000); appointed by the board of commissioners; or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

- (A) Chesterton.
- (B) Porter.
- (C) Burns Harbor.
- (D) Dune Acres.

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 206. IC 36-9-3-6, AS AMENDED BY P.L. 182-2009(ss), SECTION 447, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 207. IC 36-9-3-7, AS AMENDED BY P.L.121-2016, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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~~ **the** consolidated city 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) If the authority includes a **Lake County**, ~~having a population of more than four hundred thousand (400,000) but less than seven~~

SEA 37 — Concur



~~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) 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 208. IC 36-9-3-9, AS AMENDED BY P.L.121-2016, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) 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 209. IC 36-9-3-10, AS AMENDED BY P.L.121-2016, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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) 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 210. IC 36-9-4-13.5, AS AMENDED BY P.L.119-2012, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 13.5. (a) This section applies to a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **two hundred fifty thousand (250,000) and 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

**SEA 37 — Concur**



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 211. IC 36-9-14-2, AS AMENDED BY P.L.119-2012, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A cumulative building fund to provide money for the construction, remodeling, and repair of courthouses may be established by the county legislative body under IC 6-1.1-41.

(b) As used in this section, "courthouse" includes a historical complex consisting of a former county courthouse, jail, and sheriff's residence which is open to the general public for educational or community purposes in a county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~: **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000)**.

SECTION 212. IC 36-9-25-1, AS AMENDED BY P.L.119-2012, SECTION 230, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to the



following:

(1) A second class city located in a county having a population of more than ~~one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000)~~ **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000)**.

(2) Each municipality in a county having a population of more than four hundred thousand (400,000) ~~but and~~ less than seven hundred thousand (700,000) in which the legislative body has adopted this chapter by ordinance.

(b) This chapter also applies to each second class city not in ~~such~~ a county **described in subsection (a)(1) or (a)(2)**, in which the legislative body has adopted this chapter by ordinance.

(c) In addition, in a consolidated city, sections 9 through 38 of this chapter apply to the department of public works and the board of public works, subject to IC 36-3-4-23.

SECTION 213. IC 36-9-25-3, AS AMENDED BY P.L.127-2017, SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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

SEA 37 — Concur



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)~~; **one hundred thousand (100,000) and less than one hundred ten thousand (110,000)**;

(B) more than ~~one hundred eleven thousand (111,000)~~ but less than ~~one hundred fifteen thousand (115,000)~~; **one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000)**;

(C) more than ~~one hundred seventy thousand (170,000)~~ but less than ~~one hundred seventy-five thousand (175,000)~~; **one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000)**; or

(D) more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~; **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000)**;

and the city does not have a city civil engineer, one (1) of the commissioners must be a licensed engineer, appointed by the executive, with at least five (5) years experience in civil or sanitary engineering. In addition, in such a city the commissioners may not hold another public office. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) of the commissioners may be of the same political party.

(c) Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the municipal clerk.

SEA 37 — Concur



(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 chair for the county in which the appointee resides.

SECTION 214. IC 36-9-25-8, AS AMENDED BY P.L.119-2012, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) This section applies to cities in a county having a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~. **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000).**

(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

**SEA 37 — Concur**



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 215. IC 36-9-25-39, AS AMENDED BY P.L.119-2012, SECTION 233, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 39. (a) This section applies only to departments in a county having a population of:

- (1) more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000); or
- (2) more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

(b) The board may secure temporary loans in anticipation of revenues of the district actually levied and in the course of collection for the fiscal year in which loans are made. The loans must be authorized by a resolution of the board, and the securities evidencing them shall be issued and sold in the same manner as tax anticipation warrants by second class cities in anticipation of property tax revenues as provided in IC 36-4-6-20. The temporary loans shall be evidenced by time warrants of the district in terms designating the nature of the consideration, the time or times payable, the funds and revenues in anticipation of which the warrants are issued and out of which they are payable, and the place where they are payable upon presentation on or after the date of maturity. The interest accruing on the warrants to date of maturity shall be included in their face value. The resolution 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 216. IC 36-9-30-21, AS AMENDED BY P.L.119-2012, SECTION 234, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county having a population of more

**SEA 37 — Concur**



than ~~fifty-seven thousand (57,000)~~ but less than sixty thousand ~~(60,000)~~: **sixty thousand (60,000) and less than sixty-five thousand (65,000)**. 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 217. IC 36-10-3-38, AS AMENDED BY P.L.212-2018(ss), SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 38. (a) This section applies in a county having a population of more than ~~three hundred thousand (300,000)~~ but less than four hundred thousand ~~(400,000)~~: **three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)**.

(b) This section applies only if a municipality annexes or has annexed territory that is part of a district under this chapter after June 1, 1976.

(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.

(d) Notwithstanding subsection (c), the district's fiscal officer shall semiannually transfer to the annexing municipality's department one-half (1/2) of the property tax revenue attributable to property taxes imposed by the district on property that is within the annexed territory and that was annexed after June 1, 1976, and before March 4, 1988.

(e) The fiscal officer for a district shall make the transfer required under subsection (d) on June 1 and December 1 of each calendar year beginning after December 31, 2018.

SECTION 218. IC 36-10-4-6, AS AMENDED BY P.L.119-2012, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) This section applies whenever a district is extended under section 5 of this chapter and ~~such~~ **the** district is not located in a county having a population of more than ~~one hundred seventy-five thousand (175,000)~~ but less than ~~one hundred eighty-five thousand (185,000)~~: **one hundred eighty thousand**





**(180,000) and less than one hundred eighty-five thousand (185,000).**

(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 219. IC 36-10-4-6.1, AS AMENDED BY P.L.119-2012, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6.1. (a) This section applies whenever a district is extended under section 5 of this chapter and ~~such~~ **the** district is located in a county having a population of more than ~~one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).~~ **one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000).**

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Three (3) commissioners shall be appointed by the city executive, and two (2) commissioners shall be appointed by the county executive of the county in which the city is located. The commissioners appointed by the county executive

**SEA 37 — Concur**



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 220. IC 36-10-5-5, AS AMENDED BY P.L.119-2012, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section applies to a municipality that:

- (1) has a population of more than twenty-five thousand (25,000); and
- (2) is located in a county having a population of more than ~~two hundred seventy thousand (270,000)~~ but less than ~~three hundred thousand (300,000)~~; **three hundred thousand (300,000) and less than three hundred fifty thousand (350,000).**

(b) A municipal board consists of four (4) members appointed by the executive of the municipality. A member shall be appointed on the basis of the member's interest in and knowledge of parks and recreation. The members may include the executive of the municipality and one (1) or more members of the municipal fiscal body. The ordinance creating a municipal board governed by this section may provide for one (1) or two (2) ex officio members.

SECTION 221. IC 36-10-7-9, AS AMENDED BY P.L.119-2012, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section applies to the township having the largest population in a ~~county having a population~~



~~of~~ **the following counties:**

- (1) **A county having a population of more than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000); or sixty-six thousand six hundred (66,600) and less than seventy thousand (70,000).**
- (2) **A county having a population of more than two hundred seventy thousand (270,000) but less than three hundred thousand (300,000); three hundred thousand (300,000) and less than three hundred fifty thousand (350,000).**

(b) Notwithstanding IC 36-10-7.5-5, the department of parks and recreation of a township described in subsection (a) consists of four (4) members appointed by the township executive on the basis of the members' interest in and knowledge of parks and recreation. The members of a board governed by this section may include any of the following:

- (1) The township executive.
- (2) One (1) or more members of the township board.
- (3) Any other persons residing in the township.

SECTION 222. IC 36-10-10-1, AS AMENDED BY P.L.119-2012, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the two (2) cities having the largest populations in a county having a population of more than ~~two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);~~ **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**

SECTION 223. IC 36-10-11-1, AS AMENDED BY P.L.119-2012, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a city having a population of more than ~~eighty thousand (80,000) but less than eighty thousand four hundred (80,400);~~ **sixty-nine thousand (69,000) and less than sixty-nine thousand five hundred (69,500).**

SECTION 224. IC 36-10-13-5, AS AMENDED BY P.L.140-2018, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section applies only to a school corporation in a county ~~having a population of~~ **the following counties:**

- (1) **A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).**
- (2) **A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000); one hundred eighty thousand**

SEA 37 — Concur



**(180,000) and less than one hundred eighty-five thousand (185,000).**

(b) Subject to section 6 of this chapter, the governing body of the school corporation may annually appropriate the money in the operations fund to be paid in semiannual installments to a historical society having facilities in the county.

SECTION 225. IC 36-10-13-7, AS AMENDED BY P.L.244-2017, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) This section applies to school corporations in a county containing a city having a population of: **any of the following cities:**

(1) **A city having a population of more than one hundred fifty thousand (150,000) but and less than five hundred thousand (500,000): six hundred thousand (600,000).**

(2) **A city having a population of more than one hundred ten thousand (110,000) but and less than one hundred fifty thousand (150,000).**

(3) **A city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400); sixty-nine thousand (69,000) and less than sixty-nine thousand five hundred (69,500).**

(4) **A city having a population of more than one hundred thousand (100,000) but and less than one hundred ten thousand (110,000). or**

(5) **A city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000): seventy-five thousand (75,000) and less than seventy-nine thousand (79,000).**

(b) The governing body of the school corporation may annually appropriate money in the operations 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 (c).

(c) 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.

(d) A resolution filed under subsection (c) 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.

(e) 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 (c). A school corporation may select only one (1) art association to receive payments under this section.

SECTION 226. IC 36-11-9-1, AS AMENDED BY P.L.119-2012, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) Except as provided in subsection (b), the governing body may determine and impose rates and charges of the district based on the following:

- (1) A flat charge for each system.
- (2) Variable charges based on the capacity of a system.
- (3) Other factors that the governing body determines are necessary to establish just and equitable rates and charges.

(b) In:

- (1) a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000); and
- (2) a county having a population of more than ~~two hundred fifty thousand~~ (250,000) ~~but less than two hundred seventy thousand~~

SEA 37 — Concur



~~(270,000)~~; **two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)**;

rates and charges may be imposed or changed under this chapter only after approval by the county legislative body.

SECTION 227. IC 36-12-1-13, AS AMENDED BY P.L.119-2012, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 13. A township trustee of a township that is:

- (1) located in a county having a population of more than ~~thirty-four thousand three hundred (34,300)~~ but less than ~~thirty-five thousand (35,000)~~; **thirty-five thousand (35,000) and less than thirty-five thousand nine hundred (35,900)**; 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 228. IC 36-12-2-11, AS AMENDED BY P.L.119-2012, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: 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 county containing only two (2) Class 1 public libraries and having a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred thirty-five thousand (135,000)~~; **one hundred thirty thousand (130,000) and less than one hundred thirty-nine thousand (139,000)**, or more than ~~one hundred fifty thousand (150,000)~~ but less than ~~one hundred seventy thousand (170,000)~~; **one hundred seventy thousand (170,000) and less than one hundred seventy-four thousand (174,000)**. 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 229. IC 36-12-2-15, AS AMENDED BY P.L.119-2012, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) This section applies to the library board of a library district:

- (1) located in a county having a population of more than ~~seventy thousand (70,000) but less than seventy thousand fifty (70,050);~~ **seventy-nine thousand (79,000) and less than eighty thousand (80,000);** 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 230. IC 36-12-3-8, AS AMENDED BY P.L.119-2012, SECTION 250, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) This section applies to



municipal corporations located in a county having a population of more than ~~thirty-five thousand (35,000)~~ but less than ~~thirty-seven thousand (37,000)~~: **thirty-five thousand nine hundred (35,900) and less than thirty-six thousand (36,000).**

(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 231. An emergency is declared for this act.**





---

President of the Senate

---

President Pro Tempore

---

Speaker of the House of Representatives

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 37 — Concur**

