

HOUSE BILL No. 1004

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-3; IC 2-5-1.1-6.5; IC 2-6-1.5; IC 4-13-18-4; IC 4-23-7.1-26; IC 5-3-1-3; IC 12-24-15-4; IC 22-13-2-5.5; IC 32-30-11-1; IC 33-43-1-2; IC 36-1-12; IC 36-8-6-2; IC 36-10-3.

Synopsis: Various state and local government matters. Provides that the journals, the enrolled acts, the session laws, and the Indiana Code may be distributed in paper or electronic format. Requires that copies of the journals, the session laws, and the Indiana Code must be provided to public libraries located in Indiana that participate in the federal depository library program. Permits the clerk of the house of representatives and the secretary of the senate (with respect to the journals) and the legislative council (with respect to the session laws and the Indiana Code) to specify a list of other public officials who automatically receive copies of the journals, the session laws, and the Indiana Code. Permits the publication and circulation to circuit court clerks of the enrolled acts, as required by the state constitution, to be performed electronically, and permits circuit court clerks to electronically acknowledge receipt of the enrolled acts directly to the legislative services agency. Repeals provisions requiring circuit court clerks to return an acknowledgment of receipt of enrolled acts to the governor and repeals the definition of "printing and distribution". Permits the fiscal officer of a city or town to upload and post an annual report to the department of local government finance's computer gateway concerning the receipts and expenditures of the city or town during the preceding calendar year. Makes changes concerning the role of a circuit court clerk regarding recovery of treatment and maintenance charges from the estate of a patient of a state institution or from a responsible party. Specifies that the fire and building safety commission (commission) shall include citations to specific provisions
(Continued next page)

Effective: Upon passage; July 1, 2018.

Siegrist, Gutwein, Schaibley

January 8, 2018, read first time and referred to Select Committee on Government Reduction.



of state law regarding the fire safety laws and the building laws that are the basis for a denial of an ordinance or other regulation of a political subdivision that is submitted for approval by the commission. Provides that a person may electronically file any document that is required to be filed as part of a lis pendens record. Repeals a provision requiring a circuit court clerk to provide to a court the names of all attorneys having business in that court. Provides that the board of a political subdivision or an agency (board) that has the power to award contracts for a public work project may solicit at least three quotes by telephone, facsimile transmission, or electronic mail for a public work project that is estimated to cost less than \$50,000 without mailing a notice at least seven days before the time fixed for receiving quotes. (Current law permits a board to solicit at least three quotes by telephone or facsimile transmission without a seven day waiting period if the cost of the public works project is less than \$25,000.) Removes the requirement that a meeting for receiving quotes must be open to the public. Provides that a contractor may submit a copy of an employee drug testing program (policy) to the board not later than 15 days after the date on which bids are opened. Allows the board to keep on file a copy of the contractor's policy submitted in the current calendar year or previous two calendar years to satisfy the requirement for submitting a policy unless the policy has been revised. Provides that the local board of a 1925 Police Pension Fund shall be elected at a meeting of the members of the police department at the central police station at least one week after the report of the secretary and treasurer concerning their trusts to the local board. Allows the legislative body of a third class city to waive city park board membership requirements that a city park board member be affiliated with a political party and that not more than two of the four board members be of the same political party. Provides that the legislative body of a third class city may waive the requirements by majority vote if there is an absence of persons who are willing to serve on the city park board and who would satisfy the requirements.



Introduced

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1004

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 1-1-3-1 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 1: It shall be the duty of the several clerks of circuit
3 courts in this state, immediately on the receipt of the laws of any
4 session as provided for by IC 2-6-1.5-5, to transmit to the governor a
5 certificate stating the day when such laws were so received.~~

6 SECTION 2. IC 1-1-3-2 IS REPEALED [EFFECTIVE UPON
7 PASSAGE]. ~~Sec. 2: So soon as certificates from all the counties have
8 been received, the governor shall issue and publish his proclamation,
9 announcing the date at which the latest filing took place, of the facts
10 contained in which proclamation, all courts shall take notice.~~

11 SECTION 3. IC 2-5-1.1-6.5, AS AMENDED BY P.L.217-2017,
12 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 6.5. (a) As used in this section, "agency"
14 includes an agency, an authority, a board, a bureau, a commission, a
15 committee, a department, a division, an institution, or other similar

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1 entity created or established by law.

2 (b) The council ~~shall~~ **may**, upon consultation with the governor's
3 office, develop an annual report format taking into consideration,
4 among other things, program budgeting, with the final format to be
5 determined by the council. The format may be distributed to any
6 agency. The agency shall complete and return a copy in an electronic
7 format under IC 5-14-6 to the legislative council before September 1
8 of each year for the preceding fiscal year.

9 (c) The council shall ~~distribute one (1) copy to the governor's office;~~
10 ~~one (1) copy to the budget agency; and three (3) copies to the state~~
11 ~~library.~~ **provide for publication of annual reports submitted under**
12 **this section on the general assembly's Internet web site.**

13 (d) The reports are a public record and are open to inspection.

14 SECTION 4. IC 2-6-1.5-0.3 IS ADDED TO THE INDIANA CODE
15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
16 **UPON PASSAGE]: Sec. 0.3. As used in this chapter, "electronic**
17 **format" means a format created, generated, sent, communicated,**
18 **received, or stored by means relating to technology having**
19 **electrical, digital, magnetic, wireless, optical, electromagnetic, or**
20 **similar capabilities.**

21 SECTION 5. IC 2-6-1.5-0.5 IS REPEALED [EFFECTIVE UPON
22 PASSAGE]. ~~Sec. 0.5. As used in this chapter, "printing and~~
23 ~~distribution" includes the production and transmission of electronic~~
24 ~~versions of legislative documents that are subject to this chapter.~~

25 SECTION 6. IC 2-6-1.5-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The Indiana
27 general assembly shall, in accordance with the provisions of this
28 chapter, provide for the preparation, printing, **publishing**, and
29 distribution of its bills, the session laws and journals of each session,
30 the Indiana Code and supplements to the Indiana Code, and such
31 miscellaneous printing of stationery, reports and other items, including
32 the printing needs of its service and administrative agency ~~the Indiana~~
33 ~~legislative council,~~ **established by IC 2-5-1.1-7**, as may occur.

34 SECTION 7. IC 2-6-1.5-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The
36 supervision of the preparation and indexing of the journals of the house
37 **of representatives** and senate of each session of the general assembly
38 shall be the duty of the clerk of the house and the secretary of the
39 senate, respectively.

40 (b) **The clerk of the house of representatives and the secretary**
41 **of the senate, respectively, shall determine the number of paper**
42 **format and electronic format** copies of the journals of each house



1 shall be that are prepared and the persons to whom paper format
 2 or electronic format copies are distributed. ~~to all~~ The clerk of the
 3 house of representatives and the secretary of the senate shall
 4 provide at least one (1) paper format or one (1) electronic format
 5 copy of the journals to each public library located in Indiana that
 6 participates in the federal depository library program. If
 7 distribution policies adopted by the clerk of the house of
 8 representatives and the secretary of the senate provide for
 9 distribution of the journals to state elected officials, Sufficient
 10 additional copies shall be furnished to the Indiana state library; to
 11 provide for the state-wide availability of the Journals and to fill
 12 requests from official agencies in other states; state governmental
 13 agencies, public libraries, or, upon request, to official agencies in
 14 other states, one (1) paper format or one (1) electronic format copy
 15 shall be provided to a recipient without charge. The clerk of the
 16 house of representatives and the secretary of the senate,
 17 respectively, may impose a uniform charge for other distributed
 18 copies.

19 (c) For all legislative sessions beginning after November 20,
 20 2017, the legislative services agency shall provide public access to
 21 the journals of the house of representatives and the senate on the
 22 general assembly's Internet web site. The journals may be viewed
 23 and copied from the Internet without charge.

24 SECTION 8. IC 2-6-1.5-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The
 26 supervision of the preparation, indexing, and printing of the session
 27 laws of each session of the general assembly **and the Indiana Code,**
 28 **including any supplements to the Indiana Code,** shall be the duty of
 29 the legislative council.

30 (b) It shall be the duty of the speaker of the house of representatives
 31 and the president pro tempore of the senate; as soon as the printing of
 32 the session laws shall be done; to certify the fact that the printed
 33 session laws have been compared with the enrolled acts and joint
 34 resolutions and have been found correct. A certificate attesting to the
 35 accuracy of the printed session laws shall be signed and dated by the
 36 speaker and president pro tempore and shall be annexed in print to the
 37 volumes of session laws.

38 (c) Immediately upon receipt of the bound volumes of session laws
 39 by the legislative council; one (1) copy of these session laws shall be
 40 delivered to each of the clerks of the circuit courts of the state.

41 (d) It is hereby made the duty of each clerk of the circuit court, upon
 42 delivery to him of the copy of the enrolled acts referred to in section 5



1 of this chapter; to send to the governor by first class mail a certificate
 2 under the seal of his office showing the date of his receipt for such
 3 laws; as provided in IC 1-1-3-1.

4 (e) The legislative services agency shall distribute copies of the
 5 Indiana Code and the supplements to the Indiana Code to each clerk of
 6 the circuit court in a sufficient amount to provide copies for local
 7 officials; as directed by the legislative council. In addition; the
 8 legislative services agency shall distribute one (1) copy of the Indiana
 9 Code and one (1) copy of each supplement to the Indiana Code to each
 10 public library located in Indiana.

11 (f) The legislative services agency shall distribute copies of the
 12 Indiana Code and the supplements to the Indiana Code to all state
 13 elected officials and state governmental agencies and shall fill requests
 14 for the session laws from official agencies in other states.

15 (g) The legislative services agency shall provide; from supplies
 16 remaining after the distributions are made under subsections (e)
 17 through (f); copies of the Indiana Code and supplements to a local
 18 official who makes a written request to the legislative services agency
 19 for copies. The cost to a local official for a copy provided under this
 20 subsection is the same as the cost of a copy sold under subsection (h):
 21 A local official:

22 (1) who:

23 (A) does not receive copies of the Indiana Code and
 24 supplements from those distributed to the clerk of the circuit
 25 court under subsection (e); and

26 (B) requests; receives; and pays for copies of the Indiana Code
 27 and supplements under this subsection; or

28 (2) who:

29 (A) submitted a written request to the agency for copies of the
 30 Indiana Code and supplements; and

31 (B) did not receive copies of the Indiana Code; or a
 32 supplement; or both; because the supplies were exhausted;

33 must be added to the distribution list for copies of the Indiana Code and
 34 supplements that is maintained by the legislative services agency. A
 35 local official who is added under this subsection to the distribution list
 36 maintained by the legislative services agency is entitled to receive one
 37 (1) copy of all subsequent publications of the Indiana Code and the
 38 supplements to the Indiana Code upon payment of the cost for the copy
 39 that is prescribed under this subsection.

40 (h) When each distribution of the session laws; the Indiana Code; or
 41 the latest supplement to the Indiana Code is completed; the remaining
 42 copies may be sold by the Indiana legislative services agency at the



1 cost set by statute. Money collected from the sale of those items shall
2 be deposited with the treasurer of state.

3 (b) The legislative council or its designee shall determine the
4 number of paper format and electronic format copies of the session
5 laws, adopted joint resolutions, and the Indiana Code that are
6 prepared and the persons to whom paper format or electronic
7 format copies are distributed. The legislative council or its designee
8 shall provide at least one (1) paper format or one (1) electronic
9 format copy of the session laws, adopted joint resolutions, and the
10 Indiana Code to each public library located in Indiana that
11 participates in the federal depository library program. If the
12 distribution policies adopted by the legislative council or its
13 designee provide for distribution of the session laws, adopted joint
14 resolutions, or the Indiana Code to state elected officials, state
15 governmental agencies, public libraries, or, upon request, to
16 official agencies in other states, one (1) paper format or one (1)
17 electronic format copy shall be provided to a recipient without
18 charge. The legislative council or its designee may impose a
19 uniform charge for other distributed copies.

20 (c) For all legislative sessions beginning after November 20,
21 2017, the legislative services agency shall provide public access to
22 the session laws, adopted joint resolutions, and the Indiana Code
23 on the general assembly's Internet web site. The session laws,
24 adopted joint resolutions, and the Indiana Code may be viewed and
25 copied from the Internet without charge.

26 SECTION 9. IC 2-6-1.5-5, AS AMENDED BY P.L.269-2017,
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 5. (a) Not more than fourteen (14) days
29 (including Saturdays, Sundays, and legal holidays) after the last day the
30 governor must take action on enrolled acts passed during any session
31 of the general assembly, the legislative services agency shall distribute
32 to the clerk of the circuit court of each county one (1) copy of each
33 enrolled act of that session which became law.

34 (b) A copy of the enrolled acts distributed under subsection (a) may
35 be in: ~~the form of:~~

- 36 (1) a ~~hard paper copy~~ **a paper format**; or
37 (2) an electronic copy:
38 (A) on a computer disk;
39 (B) on a CD-ROM disk; or
40 (C) in another machine readable format that can be easily
41 processed by a computer without human intervention while
42 ensuring that semantic meaning is not lost.



- 1 **(2) an electronic format.**
- 2 (c) The clerk of the circuit court of each county may inform the
- 3 legislative services agency whether the clerk prefers to receive the
- 4 enrolled acts in the form of:
- 5 (1) a hard paper copy; or
- 6 (2) an electronic copy described in subsection (b)(2) that is
- 7 available from the legislative services agency:
- 8 (d) If a clerk of circuit court informs the legislative services agency
- 9 under subsection (c) that the clerk prefers to receive the enrolled acts
- 10 in the form described in subsection (c)(1) or in a form described in
- 11 subsection (c)(2); the legislative services agency shall deliver the
- 12 enrolled acts to the clerk in the form for which the clerk has expressed
- 13 a preference.
- 14 (e) (c) This distribution shall be delivered by:
- 15 (1) certified mail **that includes return receipt;** or by
- 16 (2) any other means of delivery, **including delivery in an**
- 17 **electronic format that provides for verification or**
- 18 **acknowledgment of receipt; that includes a return receipt**
- 19 to each of the clerks of the counties of the state, and shall fulfill the
- 20 publication and circulation requirements of Art. 4, Sec. 28 of the
- 21 Constitution of the State of Indiana.
- 22 (d) **Each clerk of the circuit court, upon delivery to the circuit**
- 23 **court clerk of the copy of the enrolled acts under this section, shall**
- 24 **send a certificate to the executive director of the legislative services**
- 25 **agency showing the name of the county or counties served by the**
- 26 **circuit court clerk, the signature of the circuit court clerk, and the**
- 27 **date of receipt of the enrolled acts. The certificate shall be**
- 28 **prepared in the format specified by the executive director of the**
- 29 **legislative services agency and returned to the executive director**
- 30 **in the manner specified by the executive director. The executive**
- 31 **director may require the certificate to be returned by:**
- 32 (1) **first class mail under the seal of the office; or**
- 33 (2) **any other means of delivery, including delivery in an**
- 34 **electronic format that provides for authentication by**
- 35 **electronic signature (as defined in IC 26-2-8-102).**
- 36 (e) **As soon as certificates from all the counties have been**
- 37 **received, the executive director of the legislative services agency**
- 38 **shall certify the date at which the latest filing took place and**
- 39 **publish the certification in the Indiana Register. All courts shall**
- 40 **take notice of the facts contained in the certification.**
- 41 SECTION 10. IC 2-6-1.5-6 IS ADDED TO THE INDIANA CODE
- 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: **Sec. 6. The speaker of the house of**
 2 **representatives and the president pro tempore of the senate, as**
 3 **soon as the preparation of the session laws and adopted joint**
 4 **resolutions is done, shall certify the fact that the session laws and**
 5 **adopted joint resolutions have been compared with the enrolled**
 6 **acts and adopted joint resolutions and have been found correct. A**
 7 **certificate in paper or electronic format attesting to the accuracy**
 8 **of the session laws and adopted joint resolutions shall be signed**
 9 **and dated by the speaker and president pro tempore. The**
 10 **certificate may be signed and dated with an electronic signature (as**
 11 **defined in IC 26-2-8-102). The signed and dated certificate shall be**
 12 **annexed in paper format or electronic format in the volumes of the**
 13 **acts for that session.**

14 SECTION 11. IC 4-13-18-4, AS ADDED BY P.L.160-2006,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 4. As used in this chapter, "public works contract"
 17 refers to:

- 18 (1) a public works contract covered by IC 4-13.6;
- 19 (2) a public works contract covered by IC 5-16 and entered into
- 20 by a state agency; ~~or~~
- 21 (3) a state highway contract covered by IC 8-23-9; **or**
- 22 **(4) a public works contract covered by IC 36-1-12;**

23 when the estimated cost of the public works project is one hundred fifty
 24 thousand dollars (\$150,000) or more.

25 SECTION 12. IC 4-23-7.1-26, AS AMENDED BY P.L.91-2014,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 26. (a) Subject to subsections (b) and (c),
 28 every state agency that issues public documents shall furnish the state
 29 library twenty-five (25) copies of all publications issued by them,
 30 whether printed or published electronically, which are not issued solely
 31 for use within the issuing office. However, if the library requests, as
 32 many as twenty-five (25) additional copies of each public document
 33 shall be supplied.

34 (b) If other provision is made by law for the distribution of the
 35 session laws of the general assembly, the journals of the house and
 36 senate of the general assembly, the supreme court and court of appeals
 37 reports, or the publications of the Indiana historical bureau, any of the
 38 public documents for which distribution is provided are exempted from
 39 the depository requirements under subsection (a) **and sections 25 and**
 40 **27 of this chapter.** However, ~~two (2) copies of each document~~
 41 ~~exempted under this subsection from the general depository~~
 42 ~~requirements shall be deposited with the state library.~~



1 (c) If a public document issued by an agency is published in the
 2 Indiana Register in full or in summary form, the agency is exempt from
 3 providing copies of the published public document to the state library
 4 under subsection (a) **and sections 25 and 27 of this chapter.**

5 (d) Publications of the various schools, colleges, divisions, and
 6 departments of the state universities and their regional campuses are
 7 exempt from the depository requirements under subsection (a).
 8 However, two (2) copies of each publication of these divisions shall be
 9 deposited in the state library.

10 (e) Publications of state university presses, directives for internal
 11 administration, intraoffice and interoffice publications, and forms are
 12 completely exempt from all depository requirements.

13 SECTION 13. IC 5-3-1-3, AS AMENDED BY P.L.244-2017,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2018]: Sec. 3. (a) Within sixty (60) days after the expiration
 16 of each calendar year, the fiscal officer of each civil city and town in
 17 Indiana shall ~~publish an annual report of~~ **upload and post an annual**
 18 **report to the department of local government finance's computer**
 19 **gateway concerning** the receipts and expenditures of the city or town
 20 during the preceding calendar year.

21 (b) Not earlier than August 1 or later than August 15 of each year,
 22 the secretary of each school corporation in Indiana shall publish an
 23 annual financial report.

24 (c) In the annual financial report the school corporation shall
 25 include the following:

26 (1) Actual receipts and expenditures by major accounts as
 27 compared to the budget advertised under IC 6-1.1-17-3 for the
 28 prior calendar year.

29 (2) The salary schedule for all certificated employees (as defined
 30 in IC 20-29-2-4) as of June 30, with the number of employees at
 31 each salary increment. However, the listing of salaries of
 32 individual teachers is not required.

33 (3) The extracurricular salary schedule as of June 30.

34 (4) The range of rates of pay for all noncertificated employees by
 35 specific classification.

36 (5) The number of employees who are full-time certificated,
 37 part-time certificated, full-time noncertificated, and part-time
 38 noncertificated.

39 (6) The lowest, highest, and average salary for the administrative
 40 staff and the number of administrators without a listing of the
 41 names of particular administrators.

42 (7) The number of students enrolled at each grade level and the



- 1 total enrollment.
- 2 (8) The assessed valuation of the school corporation for the prior
- 3 and current calendar year.
- 4 (9) The tax rate for each fund for the prior and current calendar
- 5 year.
- 6 (10) In the general fund, capital projects fund, and transportation
- 7 fund, a report of the total payment made to each vendor for the
- 8 specific fund in excess of two thousand five hundred dollars
- 9 (\$2,500) during the prior calendar year. However, a school
- 10 corporation is not required to include more than two hundred
- 11 (200) vendors whose total payment to each vendor was in excess
- 12 of two thousand five hundred dollars (\$2,500). A school
- 13 corporation shall list the vendors in descending order from the
- 14 vendor with the highest total payment to the vendor with the
- 15 lowest total payment above the minimum listed in this
- 16 subdivision.
- 17 (11) A statement providing that the contracts, vouchers, and bills
- 18 for all payments made by the school corporation are in its
- 19 possession and open to public inspection.
- 20 (12) The total indebtedness as of the end of the prior calendar
- 21 year showing the total amount of notes, bonds, certificates, claims
- 22 due, total amount due from such corporation for public
- 23 improvement assessments or intersections of streets, and any and
- 24 all other evidences of indebtedness outstanding and unpaid at the
- 25 close of the prior calendar year.
- 26 (d) The school corporation may provide an interpretation or
- 27 explanation of the information included in the financial report.
- 28 (e) The department of education shall do the following:
- 29 (1) Develop guidelines for the preparation and form of the
- 30 financial report.
- 31 (2) Provide information to assist school corporations in the
- 32 preparation of the financial report.
- 33 (f) The annual reports required by this section and IC 36-2-2-19 and
- 34 the abstract required by IC 36-6-4-13 shall each be published one (1)
- 35 time only, in accordance with this chapter.
- 36 (g) Each school corporation shall submit to the department of
- 37 education a copy of the financial report required under this section. The
- 38 department of education shall make the financial reports available for
- 39 public inspection.
- 40 (h) As used in this subsection, "bonds" means any bonds, notes, or
- 41 other evidences of indebtedness, whether payable from property taxes,
- 42 other taxes, revenues, fees, or any other source. However, the term does



1 not include notes, warrants, or other evidences of indebtedness that
 2 have a maturity of not more than five (5) years and that are made in
 3 anticipation of and to be paid from revenues of the school corporation.
 4 Notwithstanding any other law, a school corporation may not issue any
 5 bonds unless the school corporation has filed the annual financial
 6 report required under subsection (b) with the department of education.
 7 The requirements under this subsection for the issuance of bonds by a
 8 school corporation are in addition to any other requirements imposed
 9 under any other law. This subsection applies to the issuance of bonds
 10 authorized under any statute, regardless of whether that statute
 11 specifically references this subsection or the requirements under this
 12 subsection.

13 SECTION 14. IC 12-24-15-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The clerk of the
 15 circuit court for each county shall give notice to the director of the
 16 appropriate division of the opening or commencement of ~~a decedent's~~
 17 **the estate of the patient or a responsible party** in the county.

18 (b) The attorney general shall, upon notification by the division,
 19 bring suit in the name of the state on relation of the division against the
 20 estate of the patient or a responsible party failing to make payments as
 21 required under this article.

22 (c) If a judgment is obtained in a suit brought under subsection (b),
 23 the judgment constitutes a lien against the part of the estate of the
 24 person described in the complaint.

25 SECTION 15. IC 22-13-2-5.5, AS ADDED BY P.L.101-2015,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 5.5. The commission's program for review of
 28 adopted ordinances and other regulations of political subdivisions
 29 submitted for approval by the commission under section 5 of this
 30 chapter shall be conducted by the commission staff as follows:

31 (1) A request may be made to the commission for preliminary
 32 staff review at any time. The results of the staff review must be
 33 furnished to the requester within a reasonable time.

34 (2) A submission by a political subdivision for approval of an
 35 ordinance or other regulation by the commission shall be made in
 36 hard copy or electronic form acceptable to the commission. The
 37 staff shall place the submission on the agenda for the first
 38 commission meeting scheduled later than five (5) working days
 39 after the receipt of the submission. An opportunity for public
 40 testimony may be afforded at the meeting of the commission. If
 41 the commission does not issue an order approving or denying the
 42 ordinance or other regulation at the first commission meeting, or



1 at any of the next three (3) commission meetings, the ordinance
 2 or other regulation is automatically approved and effective
 3 without an order of the commission.

4 (3) A member of the commission may submit an adopted
 5 ordinance or other regulation to the commission for review under
 6 subdivisions (1) and (2) if the political subdivision did not submit
 7 the adopted ordinance or other regulation within thirty (30) days
 8 of adoption by the political subdivision as required by section
 9 5(b) of this chapter.

10 (4) The commission's order regarding the ordinance or other
 11 regulation shall be issued following the requirements set forth
 12 under IC 4-21.5-3-5. If a petition for review is subsequently
 13 granted under IC 4-21.5-3-7, the commission's order shall be
 14 deemed merely to have been a preliminary determination.

15 (5) One (1) copy of each approved ordinance or other regulation,
 16 endorsed by the chair of the commission, shall be returned to the
 17 political subdivision or, if the submission was made by a member
 18 of the commission, to the member, with the order approving the
 19 ordinance or other regulation.

20 (6) If the commission denies an ordinance or other regulation, the
 21 commission's denial must specify the defects in the ordinance or
 22 other regulation that are the basis for the denial. **The defects
 23 referred to in the commission's denial must include a citation
 24 to specific provisions of the state fire safety laws and the state
 25 building laws that are the basis for the denial.**

26 SECTION 16. IC 32-30-11-1, AS AMENDED BY P.L.78-2014,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2018]: Sec. 1. (a) Each clerk of the circuit court shall keep a
 29 lis pendens record. The lis pendens record is a public record. The clerk
 30 of the circuit court may keep the lis pendens record:

31 (1) in hard copy form; or

32 (2) in electronic form, if all information in the lis pendens record
 33 is available to the public to inspect or copy in the electronic form.

34 (b) **A person may file with the clerk of the circuit court, in
 35 accordance with the rules adopted by the Indiana supreme court
 36 governing electronic filing, an electronic filing of any document
 37 that is required to be filed as part of the lis pendens record under
 38 this chapter.**

39 SECTION 17. IC 33-43-1-2 IS REPEALED [EFFECTIVE JULY 1,
 40 2018]. Sec. 2: At each term of the court, the clerk shall furnish the
 41 court with a list of the names of all attorneys having business in that
 42 court.



1 SECTION 18. IC 36-1-12-5, AS AMENDED BY P.L.67-2012,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 5. (a) This section applies whenever a public work
 4 project is estimated to cost less than fifty thousand dollars (\$50,000).
 5 Except as provided in subsection (g) for local boards of aviation
 6 commissioners and local airport authorities, if a contract is to be
 7 awarded, the board may proceed under section 4 of this chapter or
 8 under subsection (b) or (c).

9 (b) The board must proceed under the following provisions:

10 (1) The board shall invite quotes from at least three (3) persons
 11 known to deal in the class of work proposed to be done by **either**
 12 **of the following:**

13 (A) Mailing them a notice stating that plans and specifications
 14 are on file in a specified office. The notice must be mailed not
 15 less than seven (7) days before the time fixed for receiving
 16 quotes.

17 (B) **Soliciting at least three (3) quotes by telephone,**
 18 **facsimile transmission, or electronic mail. The seven (7)**
 19 **day waiting period required by clause (A) does not apply**
 20 **to quotes solicited under this clause.**

21 (2) The board may not require a person to submit a quote before
 22 the ~~meeting time~~ at which quotes are to be received. ~~The meeting~~
 23 ~~for receiving quotes must be open to the public.~~ All quotes
 24 received shall be opened publicly and read aloud at the time and
 25 place designated and not before.

26 (3) The board shall award the contract for the public work to the
 27 lowest responsible and responsive quoter.

28 (4) The board may reject all quotes submitted.

29 (5) If the board rejects all quotes under subdivision (4), the board
 30 may negotiate and enter into agreements for the work in the open
 31 market without inviting or receiving quotes if the board
 32 establishes in writing the reasons for rejecting the quotes.

33 (c) The board may not proceed under subsection (b) for the
 34 resurfacing (as defined in IC 8-14-2-1) of a road, street, or bridge,
 35 unless:

36 (1) the weight or volume of the materials in the project is capable
 37 of accurate measurement and verification; and

38 (2) the specifications define the geographic points at which the
 39 project begins and ends.

40 (d) For the purposes of this section, if contiguous sections of a road,
 41 street, or bridge are to be resurfaced in a calendar year, all of the work
 42 shall be considered to comprise a single public work project.



1 (e) The board may purchase or lease supplies in the manner
2 provided in IC 5-22 and perform the public work by means of its own
3 workforce without awarding a public work contract.

4 (f) Before the board may perform any work under this section by
5 means of its own workforce, the political subdivision or agency must
6 have a group of employees on its staff who are capable of performing
7 the construction, maintenance, and repair applicable to that work.

8 (g) This subsection applies to local boards of aviation
9 commissioners operating under IC 8-22-2 and local airport authorities
10 operating under IC 8-22-3. If the contract is to be awarded by a board
11 to which this subsection applies, or to a designee of the board under
12 subsection (h), the board or its designee may proceed under section 4
13 of this chapter or under the following provisions. The board or its
14 designee may invite quotes from at least three (3) persons known to
15 deal in the class of work proposed to be done by mailing the persons a
16 copy of the plans and specifications for the work not less than seven (7)
17 days before the time fixed for receiving quotes. If the board or its
18 designee receives a satisfactory quote, the board or its designee shall
19 award the contract to the lowest responsible and responsive quoter for
20 the class of work required. The board or its designee may reject all
21 quotes submitted and, if no valid quotes are received for the class of
22 work, contract for the work without further invitations for quotes.

23 (h) The board may delegate its authority to award a contract for a
24 public works project that is estimated to cost less than fifty thousand
25 dollars (\$50,000) to the airport personnel in charge of airport public
26 works projects.

27 ~~(i) Quotes for public works projects costing less than twenty-five~~
28 ~~thousand dollars (\$25,000) may be obtained by soliciting at least three~~
29 ~~(3) quotes by telephone or facsimile transmission. The seven (7) day~~
30 ~~waiting period required by subsection (b)(1) does not apply to quotes~~
31 ~~solicited under this subsection.~~

32 SECTION 19. IC 36-1-12-24, AS ADDED BY P.L.213-2015,
33 SECTION 264, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) As used in this section,
35 "contractor" includes a subcontractor of a contractor.

36 (b) IC 4-13-18, regarding drug testing of employees of public works
37 contractors, applies to a public works contract:

38 (1) if the estimated cost of the public works contract is at least one
39 hundred fifty thousand dollars (\$150,000); and

40 (2) that is awarded under this chapter after June 30, 2016.

41 **(c) A contractor (including a contractor who is subject to a**
42 **collective bargaining agreement that establishes an employee drug**



1 testing program that meets the requirements of IC 4-13-18) may
 2 submit the contractor's employee drug testing program to the
 3 board not later than fifteen (15) days after the date on which bids
 4 are opened.

5 (d) A contractor who has previously filed a copy of the
 6 contractor's employee drug testing program with the board in the
 7 current calendar year or within the previous two (2) calendar
 8 years satisfies the requirement for submitting an employee drug
 9 testing program, unless the employee drug testing program has
 10 been revised.

11 SECTION 20. IC 36-8-6-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A police pension
 13 fund to be known as the 1925 fund is established in each municipality
 14 described in section 1(a) of this chapter.

15 (b) The 1925 fund shall be managed by a board of trustees (referred
 16 to as the "local board" in this chapter) having at least seven (7) but not
 17 more than nine (9) trustees, as follows:

18 (1) The municipal executive, the municipal fiscal officer, and the
 19 police chief, who are ex officio voting members of the local
 20 board.

21 (2) One (1) retired member of the police department.

22 (3) At least three (3) but not more than five (5) active members of
 23 the police department.

24 However, in cities where there are not sufficient members of the police
 25 department to appoint a local board consisting of at least five (5)
 26 trustees, the local board may be composed of three (3) trustees, those
 27 being the executive, the fiscal officer, and the police chief.

28 (c) The trustees under subsections (b)(2) and (b)(3) shall be elected
 29 at a meeting of the members of the police department at the central
 30 police station ~~on the second Monday in February of each year.~~ **at least**
 31 **one (1) week after the report described in section 3(f) of this**
 32 **chapter is made to the local board.** The trustees are elected for terms
 33 of three (3) years, succeeding those trustees whose terms of office
 34 expire on that date. The trustees hold their offices until their successors
 35 are elected and qualified.

36 (d) If a vacancy occurs on the local board among those trustees
 37 elected by the police department, the police department shall, within a
 38 reasonable time, hold a special meeting upon the call of the municipal
 39 executive and elect a successor for the remainder of the trustee's term.

40 (e) A majority of all the trustees constitutes a quorum for the
 41 transaction of business.

42 (f) The trustees receive no pay for their services and shall be paid



1 only their necessary expenses. However, the trustees, the secretary, and
 2 each member of the police department selected by the local board shall
 3 be paid their necessary traveling expenses from the 1925 fund when
 4 acting upon matters pertaining to the fund.

5 (g) The local board may make all necessary bylaws for:

- 6 (1) meetings of the trustees;
- 7 (2) the manner of their election, including the counting and
 8 canvassing of the votes;
- 9 (3) the collection of all money and other property due or
 10 belonging to the 1925 fund;
- 11 (4) all matters connected with the care, preservation, and
 12 disbursement of the fund; and
- 13 (5) all other matters connected with the proper execution of this
 14 chapter.

15 SECTION 21. IC 36-10-3-4, AS AMENDED BY P.L.205-2016,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 4. (a) A city board consists of four (4) members
 18 to be appointed by the city executive. The members shall be appointed
 19 on the basis of their interest in and knowledge of parks and recreation.
 20 **but no Except as provided in section 4.1(a) of this chapter, not** more
 21 than two (2) members may be affiliated with the same political party.
 22 In addition, the creating ordinance may provide for one (1) or two (2)
 23 ex officio members, those being:

24 (1) either:

- 25 (A) a member of the governing body of the school corporation
 26 selected by the governing body of the school corporation; or
- 27 (B) an individual who resides in the school corporation,
 28 selected by the governing body of the school corporation;

29 (2) a member of the governing body of the library district selected
 30 by that body; or

31 (3) both subdivisions (1) and (2).

32 (b) A town board consists of four (4) members to be appointed by
 33 the town legislative body. The members shall be appointed on the basis
 34 of their interest in and knowledge of parks and recreation. Except as
 35 provided in section 4.1(b) of this chapter, not more than two (2)
 36 members may be affiliated with the same political party. Members of
 37 the board must be residents of the district. In addition, the creating
 38 ordinance may provide for one (1) or two (2) ex officio members, those
 39 being:

40 (1) a member:

- 41 (A) of the governing body of the school corporation selected
 42 by that body; or



- 1 (B) designated by the governing body of the school
 2 corporation;
 3 (2) a member of the governing body of the library district selected
 4 by that body; or
 5 (3) both subdivisions (1) and (2).
 6 (c) A county board shall be appointed as follows:
 7 (1) Two (2) members shall be appointed by the judge of the
 8 circuit court.
 9 (2) One (1) member shall be appointed by the county executive.
 10 (3) Two (2) members shall be appointed by the county fiscal
 11 body.
 12 The members appointed under subdivisions (1), (2), and (3) shall be
 13 appointed on the basis of their interest in and knowledge of parks and
 14 recreation, but no more than one (1) member appointed under
 15 subdivisions (1) and (3) may be affiliated with the same political party.
 16 In a county having at least one (1) first or second class city, the creating
 17 ordinance must provide for one (1) ex officio board member to be
 18 appointed by the executive of that city. The member appointed by the
 19 city executive must be affiliated with a different political party than the
 20 member appointed by the county executive. However, if a county has
 21 more than one (1) such city, the executives of those cities shall agree
 22 on the member. The member serves for a term coterminous with the
 23 term of the appointing executive or executives.
 24 (d) Ex officio members have all the rights of regular members,
 25 including the right to vote. A vacancy in an ex officio position shall be
 26 filled by the appointing authority.
 27 (e) Neither a municipal executive nor a member of a county fiscal
 28 body, county executive, or municipal fiscal body may serve on a board.
 29 (f) The creating ordinance in any county may provide for:
 30 (1) the county cooperative extension coordinator;
 31 (2) the county extension educator; or
 32 (3) a member of the county extension committee selected by the
 33 committee;
 34 to serve as an ex officio member of the county board, in addition to the
 35 members provided for under subsection (c).
 36 (g) The creating ordinance in a county having no first or second
 37 class cities may provide for a member of the county board to be
 38 selected by the board of supervisors of a soil and water conservation
 39 district in which a facility of the county board is located. The member
 40 selected under this subsection is in addition to the members provided
 41 for under subsections (c) and (f).
 42 SECTION 22. IC 36-10-3-4.1, AS ADDED BY P.L.128-2007,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2018]: Sec. 4.1. **(a) This subsection applies to a third class
 3 city. The legislative body of a third class city may, by a majority
 4 vote, waive any or all of the following requirements of a city board
 5 member under section 4(a) of this chapter:**

6 **(1) The requirement that a member of the city board be
 7 affiliated with a political party.**

8 **(2) The requirement that not more than two (2) of the four (4)
 9 members of the city board be affiliated with the same political
 10 party.**

11 **The legislative body of a third class city may vote for a waiver only
 12 if the waiver is necessary due to the absence of persons who are
 13 willing to serve on the city board and who satisfy any or all of the
 14 requirements.**

15 **(b) A town legislative body may, by a majority vote, waive any or
 16 all of the following requirements of a town board member under
 17 section 4(b) of this chapter:**

18 **(1) The requirement that a member of the town board be affiliated
 19 with a political party.**

20 **(2) The requirement that not more than two (2) of the four (4)
 21 members of the town board be affiliated with the same political
 22 party.**

23 **A town legislative body may vote for a waiver only if the waiver is
 24 necessary due to the absence of persons who are willing to serve on the
 25 town board and who satisfy any or all of the requirements.**

26 **SECTION 23. An emergency is declared for this act.**

