



January 23, 2018

HOUSE BILL No. 1004

DIGEST OF HB 1004 (Updated January 23, 2018 12:04 pm - DI 97)

Citations Affected: IC 1-1; IC 2-5; IC 2-6; IC 4-13; IC 4-23; IC 12-24; IC 22-13; IC 32-30; IC 33-43; IC 36-1; IC 36-8; IC 36-10; noncode.

Synopsis: Various state and local government streamlining 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. Permits the implementation of a system that would allow county clerks to send the acknowledgment electronically. Requires a meeting for receiving quotes must be open to the public. Provides that the individual who receives a quote by telephone, facsimile transmission, or electronic mail for a public work project shall report to the board of a political subdivision or an agency (board) in a public meeting the names of the persons providing each quote and the amount of each quote. Specifies that the copy of an employee drug testing program submitted to the board not later than 15 days after the date on which bids are opened must have been effective
(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.
January 23, 2018, amended, reported — Do Pass.

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Digest Continued

and applied at the time of the solicitation for bids. 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. Specifies that the fire and building safety commission (commission) shall include citations to specific provisions 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. 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. Provides that: (1) the secretary and treasurer shall make a report of their trusts to the local board of the 1925 police pension fund (fund) before February 15; and (2) after the local board receives the report of the secretary and treasurer, the trustees of the local board shall be elected at the next meeting of the members of the police department. Removes a prohibition on political affiliation for members of a park board in a third class city. Urges the legislative council to assign to an appropriate interim study committee the subject of costs and benefits related to publication of certain reports.

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January 23, 2018

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 1-1-3-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. So soon as certificates from
3 all the counties have been received, the governor shall issue and
4 publish ~~his~~ **the governor's** proclamation **in the Indiana Register**
5 **under IC 2-6-1.5-5**, announcing the date at which the latest filing took
6 place; of the facts contained in which proclamation, all courts shall take
7 notice.

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

14 (b) The council ~~shall~~ **may**, upon consultation with the governor's
15 office, develop an annual report format taking into consideration,

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1 among other things, program budgeting, with the final format to be
 2 determined by the council. The format may be distributed to any
 3 agency. The agency shall complete and return a copy in an electronic
 4 format under IC 5-14-6 to the legislative council before September 1
 5 of each year for the preceding fiscal year.

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

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

11 SECTION 3. IC 2-6-1.5-0.3 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 13 **UPON PASSAGE]: Sec. 0.3. As used in this chapter, "electronic**
 14 **format" means a format created, generated, sent, communicated,**
 15 **received, or stored by means relating to technology having**
 16 **electrical, digital, magnetic, wireless, optical, electromagnetic, or**
 17 **similar capabilities.**

18 SECTION 4. IC 2-6-1.5-0.5 IS REPEALED [EFFECTIVE UPON
 19 PASSAGE]. ~~Sec. 0.5: As used in this chapter, "printing and~~
 20 ~~distribution" includes the production and transmission of electronic~~
 21 ~~versions of legislative documents that are subject to this chapter.~~

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

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

37 (b) **The clerk of the house of representatives and the secretary**
 38 **of the senate, respectively, shall determine the number of paper**
 39 **format and electronic format** copies of the journals of each house
 40 ~~shall be that are prepared and the persons to whom paper format~~
 41 ~~or electronic format copies are distributed. to all~~ **The clerk of the**
 42 **house of representatives and the secretary of the senate shall**



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

16 (c) For all legislative sessions beginning after November 20,
 17 2017, the legislative services agency shall provide public access to
 18 the journals of the house of representatives and the senate on the
 19 general assembly's Internet web site. The journals may be viewed
 20 and copied from the Internet without charge.

21 SECTION 7. IC 2-6-1.5-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The
 23 supervision of the preparation, indexing, and printing of the session
 24 laws of each session of the general assembly and the **Indiana Code**,
 25 **including any supplements to the Indiana Code**, shall be the duty of
 26 the legislative council.

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

35 (c) Immediately upon receipt of the bound volumes of session laws
 36 by the legislative council, one (1) copy of these session laws shall be
 37 delivered to each of the clerks of the circuit courts of the state.

38 (d) It is hereby made the duty of each clerk of the circuit court; upon
 39 delivery to him of the copy of the enrolled acts referred to in section 5
 40 of this chapter; to send to the governor by first class mail a certificate
 41 under the seal of his office showing the date of his receipt for such
 42 laws; as provided in IC 1-1-3-1.



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

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

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

19 (1) who:

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

23 (B) requests, receives, and pays for copies of the Indiana Code
 24 and supplements under this subsection; or

25 (2) who:

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

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

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

37 (h) When each distribution of the session laws, the Indiana Code, or
 38 the latest supplement to the Indiana Code is completed, the remaining
 39 copies may be sold by the Indiana legislative services agency at the
 40 cost set by statute. Money collected from the sale of those items shall
 41 be deposited with the treasurer of state.

42 (b) The legislative council or its designee shall determine the



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

17 (c) For all legislative sessions beginning after November 20,
 18 2017, the legislative services agency shall provide public access to
 19 the session laws, adopted joint resolutions, and the Indiana Code
 20 on the general assembly's Internet web site. The session laws,
 21 adopted joint resolutions, and the Indiana Code may be viewed and
 22 copied from the Internet without charge.

23 SECTION 8. IC 2-6-1.5-5, AS AMENDED BY P.L.269-2017,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 5. (a) Not more than fourteen (14) days
 26 (including Saturdays, Sundays, and legal holidays) after the last day the
 27 governor must take action on enrolled acts passed during any session
 28 of the general assembly, the legislative services agency shall distribute
 29 to the clerk of the circuit court of each county one (1) copy of each
 30 enrolled act of that session which became law.

31 (b) A copy of the enrolled acts distributed under subsection (a) may
 32 be in: the form of:

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

40 (2) an electronic format.

41 (c) The clerk of the circuit court of each county may inform the
 42 legislative services agency whether the clerk prefers to receive the



1 enrolled acts in the form of:

2 (1) a hard paper copy; or

3 (2) an electronic copy described in subsection (b)(2) that is
4 available from the legislative services agency.

5 (d) If a clerk of circuit court informs the legislative services agency
6 under subsection (c) that the clerk prefers to receive the enrolled acts
7 in the form described in subsection (c)(1) or in a form described in
8 subsection (c)(2), the legislative services agency shall deliver the
9 enrolled acts to the clerk in the form for which the clerk has expressed
10 a preference.

11 (e) (c) This distribution shall be delivered by:

12 (1) certified mail **that includes return receipt;** or by

13 (2) any other means of delivery, **including delivery in an**
14 **electronic format that provides for verification or**
15 **acknowledgment of receipt;** that includes a return receipt

16 to each of the clerks of the counties of the state, and shall fulfill the
17 publication and circulation requirements of Art. 4, Sec. 28 of the
18 Constitution of the State of Indiana.

19 (d) **Each clerk of the circuit court, upon delivery to the circuit**
20 **court clerk of the copy of the enrolled acts under this section, shall**
21 **send a certificate to the governor showing the name of the county**
22 **or counties served by the circuit court clerk, the signature of the**
23 **circuit court clerk, and the date of receipt of the enrolled acts. The**
24 **certificate shall be prepared in the format specified by the**
25 **governor and returned to the governor in the manner specified by**
26 **the governor. The governor may require the certificate to be**
27 **returned by:**

28 (1) first class mail under the seal of the office; or

29 (2) any other means of delivery, including delivery in an
30 electronic format that provides for authentication by
31 electronic signature (as defined in IC 26-2-8-102).

32 **If the governor requires return of certificates in an electronic**
33 **format, a circuit court clerk shall electronically send a copy of the**
34 **certificate in the same manner and at the same time to the**
35 **executive director of the legislative services agency. However,**
36 **failure to do so does not invalidate the certification.**

37 (e) **As soon as certificates from all the counties have been**
38 **received, the governor shall certify the date at which the latest**
39 **filing took place and publish the certification in the Indiana**
40 **Register. All courts shall take notice of the facts contained in the**
41 **certification.**

42 SECTION 9. IC 2-6-1.5-6 IS ADDED TO THE INDIANA CODE

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

15 SECTION 10. IC 4-13-18-4, AS ADDED BY P.L.160-2006,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 4. As used in this chapter, "public works contract"
 18 refers to:

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

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

26 SECTION 11. IC 4-23-7.1-26, AS AMENDED BY P.L.91-2014,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 26. (a) Subject to subsections (b) and (c),
 29 every state agency that issues public documents shall furnish the state
 30 library twenty-five (25) copies of all publications issued by them,
 31 whether printed or published electronically, which are not issued solely
 32 for use within the issuing office. However, if the library requests, as
 33 many as twenty-five (25) additional copies of each public document
 34 shall be supplied.

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



1 requirements shall be deposited with the state library.

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

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

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

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

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

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

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

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

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



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

5 (3) A member of the commission may submit an adopted
 6 ordinance or other regulation to the commission for review under
 7 subdivisions (1) and (2) if the political subdivision did not submit
 8 the adopted ordinance or other regulation within thirty (30) days
 9 of adoption by the political subdivision as required by section
 10 5(b) of this chapter.

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

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

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

27 SECTION 14. IC 32-30-11-1, AS AMENDED BY P.L.78-2014,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2018]: Sec. 1. **(a)** Each clerk of the circuit court shall keep a
 30 lis pendens record. The lis pendens record is a public record. The clerk
 31 of the circuit court may keep the lis pendens record:

32 (1) in hard copy form; or

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

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

40 SECTION 15. IC 33-43-1-2 IS REPEALED [EFFECTIVE JULY 1,
 41 2018]. Sec. 2: At each term of the court, the clerk shall furnish the
 42 court with a list of the names of all attorneys having business in that



1 court.

2 SECTION 16. IC 36-1-12-5, AS AMENDED BY P.L.67-2012,
 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2018]: Sec. 5. (a) This section applies whenever a public work
 5 project is estimated to cost less than fifty thousand dollars (\$50,000).
 6 Except as provided in subsection (g) for local boards of aviation
 7 commissioners and local airport authorities, if a contract is to be
 8 awarded, the board may proceed under section 4 of this chapter or
 9 under subsection (b) or (c).

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

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

14 (A) Mailing them a notice stating that plans and specifications
 15 are on file in a specified office. The notice must be mailed not
 16 less than seven (7) days before the time fixed for receiving
 17 quotes. **The board may not require a person to submit a**
 18 **quote before the meeting at which quotes are to be**
 19 **received. The meeting for receiving quotes must be open to**
 20 **the public. All quotes received shall be opened publicly and**
 21 **read aloud at the time and place designated and not before.**
 22 (B) **Soliciting at least three (3) quotes by telephone,**
 23 **facsimile transmission, or electronic mail. The seven (7)**
 24 **day waiting period required by clause (A) does not apply**
 25 **to quotes solicited under this clause. The individual who**
 26 **received the quotes under this clause shall report to the**
 27 **board in a public meeting the names of the persons**
 28 **providing each quote and the amount of each quote.**

29 (2) The board may not require a person to submit a quote before
 30 the meeting at which quotes are to be received. The meeting for
 31 receiving quotes must be open to the public. All quotes received
 32 shall be opened publicly and read aloud at the time and place
 33 designated and not before:

34 (3) (2) The board shall award the contract for the public work to
 35 the lowest responsible and responsive quoter.

36 (4) (3) The board may reject all quotes submitted.

37 (5) (4) If the board rejects all quotes under subdivision (4), (3),
 38 the board may negotiate and enter into agreements for the work in
 39 the open market without inviting or receiving quotes if the board
 40 establishes in writing the reasons for rejecting the quotes.

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



- 1 unless:
- 2 (1) the weight or volume of the materials in the project is capable
- 3 of accurate measurement and verification; and
- 4 (2) the specifications define the geographic points at which the
- 5 project begins and ends.
- 6 (d) For the purposes of this section, if contiguous sections of a road,
- 7 street, or bridge are to be resurfaced in a calendar year, all of the work
- 8 shall be considered to comprise a single public work project.
- 9 (e) The board may purchase or lease supplies in the manner
- 10 provided in IC 5-22 and perform the public work by means of its own
- 11 workforce without awarding a public work contract.
- 12 (f) Before the board may perform any work under this section by
- 13 means of its own workforce, the political subdivision or agency must
- 14 have a group of employees on its staff who are capable of performing
- 15 the construction, maintenance, and repair applicable to that work.
- 16 (g) This subsection applies to local boards of aviation
- 17 commissioners operating under IC 8-22-2 and local airport authorities
- 18 operating under IC 8-22-3. If the contract is to be awarded by a board
- 19 to which this subsection applies, or to a designee of the board under
- 20 subsection (h), the board or its designee may proceed under section 4
- 21 of this chapter or under the following provisions. The board or its
- 22 designee may invite quotes from at least three (3) persons known to
- 23 deal in the class of work proposed to be done by mailing the persons a
- 24 copy of the plans and specifications for the work not less than seven (7)
- 25 days before the time fixed for receiving quotes. If the board or its
- 26 designee receives a satisfactory quote, the board or its designee shall
- 27 award the contract to the lowest responsible and responsive quoter for
- 28 the class of work required. The board or its designee may reject all
- 29 quotes submitted and, if no valid quotes are received for the class of
- 30 work, contract for the work without further invitations for quotes.
- 31 (h) The board may delegate its authority to award a contract for a
- 32 public works project that is estimated to cost less than fifty thousand
- 33 dollars (\$50,000) to the airport personnel in charge of airport public
- 34 works projects.
- 35 (i) ~~Quotes for public works projects costing less than twenty-five~~
- 36 ~~thousand dollars (\$25,000) may be obtained by soliciting at least three~~
- 37 ~~(3) quotes by telephone or facsimile transmission. The seven (7) day~~
- 38 ~~waiting period required by subsection (b)(1) does not apply to quotes~~
- 39 ~~solicited under this subsection.~~
- 40 SECTION 17. IC 36-1-12-24, AS ADDED BY P.L.213-2015,
- 41 SECTION 264, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) As used in this section,



- 1 "contractor" includes a subcontractor of a contractor.
- 2 (b) IC 4-13-18, regarding drug testing of employees of public works
3 contractors, applies to a public works contract:
- 4 (1) if the estimated cost of the public works contract is at least one
5 hundred fifty thousand dollars (\$150,000); and
- 6 (2) that is awarded under this chapter after June 30, 2016.
- 7 **(c) A contractor (including a contractor who is subject to a**
8 **collective bargaining agreement that establishes an employee drug**
9 **testing program that meets the requirements of IC 4-13-18) may**
10 **submit the contractor's employee drug testing program to the**
11 **board not later than fifteen (15) days after the date on which bids**
12 **are opened. However, an employee drug testing program**
13 **submitted under this section must have been effective and applied**
14 **at the time of the solicitation for bids.**
- 15 **(d) A contractor who has previously filed a copy of the**
16 **contractor's employee drug testing program with the board in the**
17 **current calendar year or within the previous two (2) calendar**
18 **years satisfies the requirement for submitting an employee drug**
19 **testing program, unless the employee drug testing program has**
20 **been revised.**
- 21 SECTION 18. IC 36-8-6-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A police pension
23 fund to be known as the 1925 fund is established in each municipality
24 described in section 1(a) of this chapter.
- 25 (b) The 1925 fund shall be managed by a board of trustees (referred
26 to as the "local board" in this chapter) having at least seven (7) but not
27 more than nine (9) trustees, as follows:
- 28 (1) The municipal executive, the municipal fiscal officer, and the
29 police chief, who are ex officio voting members of the local
30 board.
- 31 (2) One (1) retired member of the police department.
- 32 (3) At least three (3) but not more than five (5) active members of
33 the police department.
- 34 However, in cities where there are not sufficient members of the police
35 department to appoint a local board consisting of at least five (5)
36 trustees, the local board may be composed of three (3) trustees, those
37 being the executive, the fiscal officer, and the police chief.
- 38 **(c) After the local board receives the report described in section**
39 **3(f) of this chapter, the trustees under subsections (b)(2) and (b)(3)**
40 **shall be elected at a the next meeting of the members of the police**
41 **department at the central police station. on the second Monday in**
42 **February of each year. The trustees are elected for terms of three (3)**



1 years, succeeding those trustees whose terms of office expire on that
 2 date. The trustees hold their offices until their successors are elected
 3 and qualified.

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

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

10 (f) The trustees receive no pay for their services and shall be paid
 11 only their necessary expenses. However, the trustees, the secretary, and
 12 each member of the police department selected by the local board shall
 13 be paid their necessary traveling expenses from the 1925 fund when
 14 acting upon matters pertaining to the fund.

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

16 (1) meetings of the trustees;

17 (2) the manner of their election, including the counting and
 18 canvassing of the votes;

19 (3) the collection of all money and other property due or
 20 belonging to the 1925 fund;

21 (4) all matters connected with the care, preservation, and
 22 disbursement of the fund; and

23 (5) all other matters connected with the proper execution of this
 24 chapter.

25 SECTION 19. IC 36-8-6-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The municipal
 27 executive is president of the local board, the municipal fiscal officer is
 28 its treasurer, and the local board shall select one (1) of its members
 29 secretary. The secretary shall be paid out of the 1925 fund a sum for the
 30 secretary's services as fixed by the local board.

31 (b) The president shall preside over all meetings of the local board,
 32 call special meetings of the police department of the city, and preside
 33 over the annual and called meetings of the department concerning the
 34 1925 fund.

35 (c) The treasurer:

36 (1) has custody of all money and securities due or belonging to
 37 the 1925 fund and shall collect the principal and interest on them;

38 (2) is liable on the treasurer's bond as an officer for the
 39 municipality for the faithful accounting of all money and
 40 securities belonging to the fund that come into the treasurer's
 41 hands;

42 (3) shall keep a separate account showing at all times the true



1 condition of the fund; and

2 (4) shall, upon the expiration of the treasurer's term of office,
3 account to the local board for all money and securities coming
4 into the treasurer's hands, including the proceeds of them, and
5 turn over to the treasurer's successor all money and securities
6 belonging to the fund remaining in the treasurer's hands.

7 (d) The secretary shall:

8 (1) keep a true account of the proceedings of the local board and
9 of the police department of the municipality when acting upon
10 matters relating to the 1925 fund;

11 (2) keep a correct statement of the accounts of each member with
12 the fund;

13 (3) collect and turn over to the treasurer of the local board all
14 money belonging to the fund;

15 (4) give the local board a monthly account of the secretary's acts
16 and services as secretary; and

17 (5) turn over to the secretary's successor all books and papers
18 pertaining to the office.

19 (e) The secretary shall, in the manner prescribed by IC 5-4-1,
20 execute a bond conditioned upon the faithful discharge of the
21 secretary's duties.

22 (f) The secretary and treasurer shall make complete and accurate
23 reports of their trusts to the local board ~~on the first Monday in February~~
24 **before February 15** of each year, copies of which shall be filed with
25 the municipal clerk. The books of the secretary and treasurer must be
26 open at all times to examination by members of the local board.

27 (g) Each member of the police department shall turn over to the
28 secretary of the local board, within thirty (30) days after receiving it, all
29 money and securities belonging to the 1925 fund that come into the
30 secretary's hands.

31 SECTION 20. IC 36-10-3-4, AS AMENDED BY P.L.205-2016,
32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2018]: Sec. 4. (a) **This subsection applies only in a third**
34 **class city.** A city board consists of four (4) members to be appointed
35 by the city executive. The members shall be appointed on the basis of
36 their interest in and knowledge of parks and recreation. ~~but no more~~
37 ~~than two (2) members may be affiliated with the same political party.~~
38 In addition, the creating ordinance may provide for one (1) or two (2)
39 ex officio members, those being:

40 (1) either:

41 (A) a member of the governing body of the school corporation
42 selected by the governing body of the school corporation; or



- 1 (B) an individual who resides in the school corporation,
 2 selected by the governing body of the school 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 **(b) This subsection applies in a county containing a consolidated**
 7 **city and in a second class city. A city board consists of four (4)**
 8 **members to be appointed by the city executive. The members shall**
 9 **be appointed on the basis of their interest in and knowledge of**
 10 **parks and recreation, but no more than two (2) members may be**
 11 **affiliated with the same political party. In addition, the creating**
 12 **ordinance may provide for one (1) or two (2) ex officio members,**
 13 **those being:**
 14 **(1) either:**
 15 **(A) a member of the governing body of the school**
 16 **corporation selected by the governing body of the school**
 17 **corporation; or**
 18 **(B) an individual who resides in the school corporation,**
 19 **selected by the governing body of the school corporation;**
 20 **(2) a member of the governing body of the library district**
 21 **selected by that body; or**
 22 **(3) individuals described in both subdivisions (1) and (2).**
 23 ~~(b)~~ (c) A town board consists of four (4) members to be appointed
 24 by the town legislative body. The members shall be appointed on the
 25 basis of their interest in and knowledge of parks and recreation. Except
 26 as provided in section 4.1 of this chapter, not more than two (2)
 27 members may be affiliated with the same political party. Members of
 28 the board must be residents of the district. In addition, the creating
 29 ordinance may provide for one (1) or two (2) ex officio members, those
 30 being:
 31 (1) a member:
 32 (A) of the governing body of the school corporation selected
 33 by that body; or
 34 (B) designated by the governing body of the school
 35 corporation;
 36 (2) a member of the governing body of the library district selected
 37 by that body; or
 38 (3) both subdivisions (1) and (2).
 39 ~~(c)~~ (d) A county board shall be appointed as follows:
 40 (1) Two (2) members shall be appointed by the judge of the
 41 circuit court.
 42 (2) One (1) member shall be appointed by the county executive.



1 (3) Two (2) members shall be appointed by the county fiscal
 2 body.
 3 The members appointed under subdivisions (1), (2), and (3) shall be
 4 appointed on the basis of their interest in and knowledge of parks and
 5 recreation, but no more than one (1) member appointed under
 6 subdivisions (1) and (3) may be affiliated with the same political party.
 7 In a county having at least one (1) first or second class city, the creating
 8 ordinance must provide for one (1) ex officio board member to be
 9 appointed by the executive of that city. The member appointed by the
 10 city executive must be affiliated with a different political party than the
 11 member appointed by the county executive. However, if a county has
 12 more than one (1) such city, the executives of those cities shall agree
 13 on the member. The member serves for a term coterminous with the
 14 term of the appointing executive or executives.
 15 ~~(e)~~ (e) Ex officio members have all the rights of regular members,
 16 including the right to vote. A vacancy in an ex officio position shall be
 17 filled by the appointing authority.
 18 ~~(f)~~ (f) Neither a municipal executive nor a member of a county
 19 fiscal body, county executive, or municipal fiscal body may serve on a
 20 board.
 21 ~~(g)~~ (g) The creating ordinance in any county may provide for:
 22 (1) the county cooperative extension coordinator;
 23 (2) the county extension educator; or
 24 (3) a member of the county extension committee selected by the
 25 committee;
 26 to serve as an ex officio member of the county board, in addition to the
 27 members provided for under subsection ~~(e)~~: (d).
 28 ~~(g)~~ (h) The creating ordinance in a county having no first or second
 29 class cities may provide for a member of the county board to be
 30 selected by the board of supervisors of a soil and water conservation
 31 district in which a facility of the county board is located. The member
 32 selected under this subsection is in addition to the members provided
 33 for under subsections ~~(e)~~ (d) and ~~(f)~~: (g).
 34 SECTION 21. IC 36-10-3-4.1, AS ADDED BY P.L.128-2007,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: Sec. 4.1. (a) **This subsection applies to a third class
 37 city. The legislative body of a third class city may, by a majority
 38 vote, waive any or all of the following requirements of a city board
 39 member under section 4(a) of this chapter:**
 40 (1) **The requirement that a member of the city board be
 41 affiliated with a political party.**
 42 (2) **The requirement that not more than two (2) of the four (4)**



1 **members of the city board be affiliated with the same political**
 2 **party.**

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

7 **(b)** A town legislative body may, by a majority vote, waive any or
 8 all of the following requirements of a town board member under
 9 section ~~4(b)~~ **4(c)** of this chapter:

10 (1) The requirement that a member of the town board be affiliated
 11 with a political party.

12 (2) The requirement that not more than two (2) of the four (4)
 13 members of the town board be affiliated with the same political
 14 party.

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

18 **SECTION 22. [EFFECTIVE JULY 1, 2018] (a) The legislative**
 19 **council is urged to assign to an appropriate interim study**
 20 **committee, for study during the 2018 interim of the general**
 21 **assembly, the subject of whether the costs and benefits of annual**
 22 **publication under IC 5-3:**

23 **(1) by the fiscal officer of each city and town in Indiana; and**
 24 **(2) of the city's or town's receipts and expenditures during the**
 25 **preceding calendar year;**

26 **make legal requirements for the publication reasonable.**

27 **(b) If the legislative council makes the assignment under**
 28 **subsection (a), the interim study committee shall report the results**
 29 **of the study and any recommendations to the legislative council in**
 30 **an electronic format under IC 5-14-6 not later than November 1,**
 31 **2018.**

32 **(c) This SECTION expires January 1, 2019.**

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 1-1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. So soon as certificates from all the counties have been received, the governor shall issue and publish ~~his~~ **the governor's** proclamation **in the Indiana Register under IC 2-6-1.5-5**, announcing the date at which the latest filing took place; of the facts contained in which proclamation, all courts shall take notice."

Page 6, line 24, delete "executive director of the legislative services".

Page 6, line 25, delete "agency" and insert "**governor**".

Page 6, line 28, delete "executive director of the".

Page 6, line 29, delete "legislative services agency and returned to the executive director" and insert "**governor and returned to the governor**".

Page 6, line 30, delete "executive director. The executive".

Page 6, line 31, delete "director" and insert "**governor. The governor**".

Page 6, between lines 35 and 36, begin a new line blocked left and insert:

"If the governor requires return of certificates in an electronic format, a circuit court clerk shall electronically send a copy of the certificate in the same manner and at the same time to the executive director of the legislative services agency. However, failure to do so does not invalidate the certification."

Page 6, line 37, delete "executive director of the legislative services agency" and insert "**governor**".

Page 8, delete lines 13 through 42.

Delete page 9.

Page 10, delete lines 1 through 12.

Delete page 12.

Page 13, delete lines 1 through 31, begin a new paragraph and insert:

"SECTION 16. IC 36-1-12-5, AS AMENDED BY P.L.67-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies whenever a public work



project is estimated to cost less than fifty thousand dollars (\$50,000). Except as provided in subsection (g) for local boards of aviation commissioners and local airport authorities, if a contract is to be awarded, the board may proceed under section 4 of this chapter or under subsection (b) or (c).

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

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

(A) Mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes. The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(B) Soliciting at least three (3) quotes by telephone, facsimile transmission, or electronic mail. The seven (7) day waiting period required by clause (A) does not apply to quotes solicited under this clause. The individual who received the quotes under this clause shall report to the board in a public meeting the names of the persons providing each quote and the amount of each quote.

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

~~(3) (2) The board shall award the contract for the public work to the lowest responsible and responsive quoter.~~

~~(4) (3) The board may reject all quotes submitted.~~

~~(5) (4) If the board rejects all quotes under subdivision ~~(4)~~; (3), the board may negotiate and enter into agreements for the work in the open market without inviting or receiving quotes if the board establishes in writing the reasons for rejecting the quotes.~~

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

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

(2) the specifications define the geographic points at which the



project begins and ends.

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

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

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

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

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

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

Page 14, line 4, after "opened." insert "**However, an employee drug testing program submitted under this section must have been effective and applied at the time of the solicitation for bids.**"

Page 14, line 28, after "(c)" delete "The" and insert "**After the local board receives the report described in section 3(f) of this chapter,** the".

Page 14, line 29, strike "a" and insert "**the next**".



Page 14, line 30, after "station" insert ".".

Page 14, line 30, delete "at least".

Page 14, delete line 31.

Page 14, line 32, delete "chapter is made to the local board."

Page 15, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 19. IC 36-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The municipal executive is president of the local board, the municipal fiscal officer is its treasurer, and the local board shall select one (1) of its members secretary. The secretary shall be paid out of the 1925 fund a sum for the secretary's services as fixed by the local board.

(b) The president shall preside over all meetings of the local board, call special meetings of the police department of the city, and preside over the annual and called meetings of the department concerning the 1925 fund.

(c) The treasurer:

- (1) has custody of all money and securities due or belonging to the 1925 fund and shall collect the principal and interest on them;
- (2) is liable on the treasurer's bond as an officer for the municipality for the faithful accounting of all money and securities belonging to the fund that come into the treasurer's hands;
- (3) shall keep a separate account showing at all times the true condition of the fund; and
- (4) shall, upon the expiration of the treasurer's term of office, account to the local board for all money and securities coming into the treasurer's hands, including the proceeds of them, and turn over to the treasurer's successor all money and securities belonging to the fund remaining in the treasurer's hands.

(d) The secretary shall:

- (1) keep a true account of the proceedings of the local board and of the police department of the municipality when acting upon matters relating to the 1925 fund;
- (2) keep a correct statement of the accounts of each member with the fund;
- (3) collect and turn over to the treasurer of the local board all money belonging to the fund;
- (4) give the local board a monthly account of the secretary's acts and services as secretary; and
- (5) turn over to the secretary's successor all books and papers pertaining to the office.



(e) The secretary shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the secretary's duties.

(f) The secretary and treasurer shall make complete and accurate reports of their trusts to the local board ~~on the first Monday in February~~ **before February 15** of each year, copies of which shall be filed with the municipal clerk. The books of the secretary and treasurer must be open at all times to examination by members of the local board.

(g) Each member of the police department shall turn over to the secretary of the local board, within thirty (30) days after receiving it, all money and securities belonging to the 1925 fund that come into the secretary's hands.

SECTION 20. IC 36-10-3-4, AS AMENDED BY P.L.205-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) **This subsection applies only in a third class city.** A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. ~~but no more than two (2) members may be affiliated with the same political party.~~ In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) either:

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

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

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

(b) This subsection applies in a county containing a consolidated city and in a second class city. A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) either:

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



- selected by the governing body of the school corporation;
- (2) a member of the governing body of the library district selected by that body; or**
- (3) individuals described in both subdivisions (1) and (2).**

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

- (1) a member:
 - (A) of the governing body of the school corporation selected by that body; or
 - (B) designated by the governing body of the school corporation;
- (2) a member of the governing body of the library district selected by that body; or
- (3) both subdivisions (1) and (2).

~~(c)~~ **(d)** A county board shall be appointed as follows:

- (1) Two (2) members shall be appointed by the judge of the circuit court.
- (2) One (1) member shall be appointed by the county executive.
- (3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

~~(d)~~ **(e)** Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

~~(e)~~ **(f)** Neither a municipal executive nor a member of a county



fiscal body, county executive, or municipal fiscal body may serve on a board.

~~(f)~~ **(g)** The creating ordinance in any county may provide for:

- (1) the county cooperative extension coordinator;
- (2) the county extension educator; or
- (3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection ~~(e)~~: **(d)**.

~~(g)~~ **(h)** The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections ~~(e)~~ **(d)** and ~~(f)~~: **(g)**."

Page 16, delete lines 1 through 41.

Page 17, line 17, strike "4(b)" and insert "4(c)".

Page 17, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE JULY 1, 2018] (a) The legislative council is urged to assign to an appropriate interim study committee, for study during the 2018 interim of the general assembly, the subject of whether the costs and benefits of annual publication under IC 5-3:

- (1) by the fiscal officer of each city and town in Indiana; and**
- (2) of the city's or town's receipts and expenditures during the preceding calendar year;**

make legal requirements for the publication reasonable.

(b) If the legislative council makes the assignment under subsection (a), the interim study committee shall report the results of the study and any recommendations to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2018.

(c) This SECTION expires January 1, 2019."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1004 as introduced.)

GUTWEIN

Committee Vote: yeas 9, nays 0.

HB 1004—LS 6828/DI 129

