

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 ENROLLED ACT No. 1004

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

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

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.

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

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

(c) The council shall ~~distribute one (1) copy to the governor's office, one (1) copy to the budget agency, and three (3) copies to the state~~

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library; provide for publication of annual reports submitted under this section on the general assembly's Internet web site.

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

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

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 IC 2-6-1.5-0.5 IS REPEALED [EFFECTIVE UPON PASSAGE].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

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

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

**(b) The clerk of the house of representatives and the secretary of the senate, respectively, shall determine the number of paper format and electronic format copies of the journals of each house shall be that are prepared and the persons to whom paper format or electronic format copies are distributed. to all The clerk of the house of representatives and the secretary of the senate shall provide at least one (1) paper format or one (1) electronic format copy of the journals to each public library located in Indiana that participates in the federal depository library program. If distribution policies adopted by the clerk of the house of representatives and the secretary of the senate provide for distribution of the journals to state elected officials, Sufficient additional copies shall be furnished to the Indiana state library, to**



provide for the state-wide availability of the Journals and to fill requests from official agencies in other states; state governmental agencies, public libraries, or, upon request, to official agencies in other states, one (1) paper format or one (1) electronic format copy shall be provided to a recipient without charge. The clerk of the house of representatives and the secretary of the senate, respectively, may impose a uniform charge for other distributed copies.

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

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

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

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

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

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



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

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

A local official:

(1) who:

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

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

(2) who:

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

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

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

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

(b) The legislative council or its designee shall determine the number of paper format and electronic format copies of the session laws, adopted joint resolutions, and the Indiana Code that are prepared and the persons to whom paper format or electronic format copies are distributed. The legislative council or its designee shall provide at least one (1) paper format or one (1) electronic format copy of the session laws, adopted joint resolutions, and the Indiana Code to each public library located in Indiana that



participates in the federal depository library program. If the distribution policies adopted by the legislative council or its designee provide for distribution of the session laws, adopted joint resolutions, or the Indiana Code to state elected officials, state governmental agencies, public libraries, or, upon request, to official agencies in other states, one (1) paper format or one (1) electronic format copy shall be provided to a recipient without charge. The legislative council or its designee may impose a uniform charge for other distributed copies.

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

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

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

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

(2) an electronic format.

(c) The clerk of the circuit court of each county may inform the legislative services agency whether the clerk prefers to receive the enrolled acts in the form of:

- (1) a hard paper copy; or
- (2) an electronic copy described in subsection (b)(2) that is available from the legislative services agency.

(d) If a clerk of circuit court informs the legislative services agency under subsection (c) that the clerk prefers to receive the enrolled acts in the form described in subsection (c)(1) or in a form described in



subsection (c)(2); the legislative services agency shall deliver the enrolled acts to the clerk in the form for which the clerk has expressed a preference:

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

- (1) certified mail **that includes return receipt;** or by
- (2) any other means of delivery, **including delivery in an electronic format that provides for verification or acknowledgment of receipt;** that includes a return receipt

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

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

- (1) first class mail under the seal of the office; or
- (2) any other means of delivery, including delivery in an electronic format that provides for authentication by electronic signature (as defined in IC 26-2-8-102).

**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.**

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

SECTION 9. IC 2-6-1.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. The speaker of the house of representatives and the president pro tempore of the senate, as soon as the preparation of the session laws and adopted joint resolutions is done, shall certify the fact that the session laws and adopted joint resolutions have been compared with the enrolled acts and adopted joint resolutions and have been found correct. A**



**certificate in paper or electronic format attesting to the accuracy of the session laws and adopted joint resolutions shall be signed and dated by the speaker and president pro tempore. The certificate may be signed and dated with an electronic signature (as defined in IC 26-2-8-102). The signed and dated certificate shall be annexed in paper format or electronic format in the volumes of the acts for that session.**

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

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

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

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

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

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

(d) Publications of the various schools, colleges, divisions, and departments of the state universities and their regional campuses are



exempt from the depository requirements under subsection (a). However, two (2) copies of each publication of these divisions shall be deposited in the state library.

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

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

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

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

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

- (1) A request may be made to the commission for preliminary staff review at any time. The results of the staff review must be furnished to the requester within a reasonable time.
- (2) A submission by a political subdivision for approval of an ordinance or other regulation by the commission shall be made in hard copy or electronic form acceptable to the commission. The staff shall place the submission on the agenda for the first commission meeting scheduled later than five (5) working days after the receipt of the submission. An opportunity for public testimony may be afforded at the meeting of the commission. If the commission does not issue an order approving or denying the ordinance or other regulation at the first commission meeting, or at any of the next three (3) commission meetings, the ordinance or other regulation is automatically approved and effective without an order of the commission.
- (3) A member of the commission may submit an adopted ordinance or other regulation to the commission for review under subdivisions (1) and (2) if the political subdivision did not submit





the adopted ordinance or other regulation within thirty (30) days of adoption by the political subdivision as required by section 5(b) of this chapter.

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

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

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

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

(1) in hard copy form; or

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

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

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

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. A quote received under this clause shall be reported to the board during the public meeting at which the contract is considered. The name of each person submitting a quote, and the amount of each quote, shall be read aloud at the public meeting.**

~~(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.~~

SECTION 17. IC 36-1-12-24, AS ADDED BY P.L.213-2015, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) As used in this section, "contractor" includes a subcontractor of a contractor.

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

- (1) if the estimated cost of the public works contract is at least one hundred fifty thousand dollars (\$150,000); and
- (2) that is awarded under this chapter after June 30, 2016.



**(c) An employee drug testing program submitted to the board under this section must have been effective and applied at the time of the solicitation for bids.**

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

SECTION 18. IC 36-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A police pension fund to be known as the 1925 fund is established in each municipality described in section 1(a) of this chapter.

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

- (1) The municipal executive, the municipal fiscal officer, and the police chief, who are ex officio voting members of the local board.
- (2) One (1) retired member of the police department.
- (3) At least three (3) but not more than five (5) active members of the police department.

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

**(c) After the local board receives the report described in section 3(f) of this chapter, the trustees under subsections (b)(2) and (b)(3) shall be elected at a the next meeting of the members of the police department at the central police station. on the second Monday in February of each year.** The trustees are elected for terms of three (3) years, succeeding those trustees whose terms of office expire on that date. The trustees hold their offices until their successors are elected and qualified.

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

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

(f) The trustees receive no pay for their services and shall be paid only their necessary expenses. However, the trustees, the secretary, and



each member of the police department selected by the local board shall be paid their necessary traveling expenses from the 1925 fund when acting upon matters pertaining to the fund.

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

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

SECTION 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).

SECTION 21. IC 36-10-3-4.1, AS ADDED BY P.L.128-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.1. A town legislative body may, by a majority vote, waive any or all of the following requirements of a town board member under section ~~4(b)~~ 4(c) of this chapter:

- (1) The requirement that a member of the town board be affiliated with a political party.
- (2) The requirement that not more than two (2) of the four (4) members of the town board be affiliated with the same political party.

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

SECTION 22. [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.

SECTION 23. An emergency is declared for this act.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1004 — Concur**

