



January 22, 2016

HOUSE BILL No. 1322

DIGEST OF HB 1322 (Updated January 20, 2016 3:45 pm - DI 69)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Trial court jurisdiction. Specifies that circuit courts, superior courts, and probate courts have original and concurrent jurisdiction under certain provisions of the Indiana Code. Makes technical corrections.

Effective: July 1, 2016.

Koch

January 12, 2016, read first time and referred to Committee on Courts and Criminal Code.
January 21, 2016, reported — Do Pass.

HB 1322—LS 6783/DI 69



January 22, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1322

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 2-3-3-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2016]: Sec. 3. In case any employer fails or
3 refuses to comply with this chapter, ~~the a~~ judge of the circuit court, ~~of~~
4 **superior court, or probate court in** the circuit in which such
5 employer maintains a place of business shall have power, upon the
6 filing of an appropriate pleading by the person entitled to the benefits
7 of this chapter, to specifically require such employer to comply with
8 this chapter, and, as an incident thereto to compensate such person for
9 any loss of wages or benefits suffered by reason of such employer's
10 unlawful action.

11 SECTION 2. IC 2-5-1.1-5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The council may:
13 (1) on its own initiative or at the direction of the general assembly
14 or of the senate or house of representatives, study subjects of
15 interest and concern, and based on such a study, recommend such
16 legislation as the welfare of the state may require;
17 (2) direct standing committees of the senate or house of

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- 1 representatives, or appoint committees and subcommittees subject
 2 to the authority of the council, to carry out studies on subjects of
 3 interest and concern;
- 4 (3) recommend such codification and general revision of the
 5 constitution and the laws of the state as may from time to time be
 6 necessary;
- 7 (4) require any officer or agency, board, commission, committee
 8 or other instrumentality of the state or of a political subdivision of
 9 the state to provide information bearing on subjects under
 10 consideration by the council or by standing committee or any of
 11 its committees or subcommittees;
- 12 (5) by an affirmative vote of two-thirds (2/3) of its members
 13 present and voting:
- 14 (A) administer oaths, issue subpoenas, compel the attendance
 15 of witnesses and the production of papers, books, accounts,
 16 documents and testimony and have the deposition of witnesses
 17 taken in the manner prescribed by law for taking depositions
 18 in civil actions bearing on subjects under consideration by the
 19 council or by any of its committees or subcommittees; **and**
- 20 (B) petition, through the presiding officer of the council, any
 21 circuit court, **superior court, or probate court** of the
 22 appropriate county for an order for compliance with any order
 23 or subpoenas issued under this section;
- 24 (6) adopt such rules and procedures and organize such agencies
 25 as may be necessary or appropriate to carry out its duties;
- 26 (7) receive appropriations and make allocations for the reasonable
 27 and necessary expenditures of the council and the standing and
 28 interim committees of the house of representatives, senate and
 29 general assembly;
- 30 (8) enter into whatever contracts or other arrangements deemed
 31 by it to be necessary or appropriate to exercising its rights,
 32 privileges, and powers and performing its duties under this
 33 chapter and IC 2-6-1.5 and to carrying out the intent, purposes,
 34 and provisions of this chapter and IC 2-6-1.5; and
- 35 (9) do all other things necessary and proper to perform the
 36 functions of the legislative department of government and to carry
 37 out the intent, purposes and provisions of this chapter.
- 38 (b) The council may authorize its executive director to act on its
 39 behalf and with its authority on any matter of administration under this
 40 chapter and under IC 2-6-1.5, including executing and implementing
 41 any contract or other arrangement under which it agrees to be bound.
- 42 SECTION 3. IC 3-6-5-34, AS ADDED BY P.L.230-2005,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2016]: Sec. 34. Except as expressly provided by statute, an
3 appeal may be taken from a decision of a county election board to the
4 circuit court, **superior court, or probate court**. An appeal taken under
5 this section must be filed not later than thirty (30) days after the board
6 makes the decision subject to the appeal.

7 SECTION 4. IC 3-6-5.2-9, AS ADDED BY P.L.230-2005,
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2016]: Sec. 9. Except as expressly provided by statute, an
10 appeal may be taken from a decision of the board to the circuit court,
11 **superior court, or probate court**. An appeal taken under this section
12 must be filed not later than thirty (30) days after the board makes the
13 decision subject to the appeal.

14 SECTION 5. IC 3-6-5.4-10, AS ADDED BY P.L.230-2005,
15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2016]: Sec. 10. Except as expressly provided by statute, an
17 appeal may be taken from a decision of the board to the circuit court,
18 **superior court, or probate court**. An appeal taken under this section
19 must be filed not later than thirty (30) days after the board makes the
20 decision subject to the appeal.

21 SECTION 6. IC 3-8-2-23 IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) This section applies if a
23 person:

- 24 (1) files a declaration of candidacy under this chapter;
- 25 (2) moves from the election district that the person sought to
- 26 represent following the filing of the declaration of candidacy;
- 27 (3) does not file a notice of withdrawal of candidacy under section
- 28 20 of this chapter; and
- 29 (4) is no longer an active candidate.

30 (b) The county chairman of any political party on the ballot in the
31 election district or a candidate for the office sought by the person
32 described in subsection (a) may, upon determining that this section
33 applies, file an action in the circuit court, **superior court, or probate**
34 **court** in the county where the person described in subsection (a)
35 resided. The complaint in this action must:

- 36 (1) state that this section applies to the person;
- 37 (2) name the person described in subsection (a) and the public
- 38 official responsible for placing that person's name on the ballot as
- 39 defendants; and
- 40 (3) be filed no later than a notice of withdrawal could have been
- 41 filed under section 20 of this chapter.

42 (c) When a complaint is filed under subsection (b), the circuit court,



1 **superior court, or probate court** shall conduct a hearing and rule on
 2 the petition within ten (10) days after it is filed.

3 (d) If the court finds in favor of the plaintiff, a candidate vacancy
 4 occurs on the:

5 (1) general election ballot; and

6 (2) primary election ballot if no other person is:

7 (A) a member of the same political party as the person
 8 described in subsection (a); and

9 (B) a candidate on the ballot for the office sought by the
 10 person described in subsection (a).

11 (e) The candidate vacancy shall be filled under IC 3-13-1.

12 SECTION 7. IC 3-8-2.5-8, AS ADDED BY P.L.194-2013,
 13 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2016]: Sec. 8. (a) This section applies if a person:

15 (1) files a petition of nomination under this chapter;

16 (2) moves from the election district that the person sought to
 17 represent following the filing of the petition of nomination;

18 (3) does not file a notice of withdrawal of candidacy under this
 19 chapter; and

20 (4) is no longer an active candidate.

21 (b) A candidate for the school board office sought by the person
 22 described in subsection (a) may, upon determining that this section
 23 applies, file an action in the circuit court, **superior court, or probate**
 24 **court** in the county where the person described in subsection (a)
 25 resided. The complaint in this action must:

26 (1) name the person described in subsection (a) and the public
 27 official responsible for placing that person's name on the ballot as
 28 defendants;

29 (2) state that this section applies to the person; and

30 (3) be filed not later than a notice of withdrawal could have been
 31 filed under this chapter.

32 (c) When a complaint is filed under subsection (b), the circuit court,
 33 **superior court, or probate court** shall conduct a hearing and rule on
 34 the petition not later than ten (10) days after the petition is filed.

35 (d) If the court finds in favor of the plaintiff, a candidate vacancy
 36 occurs on the general election ballot.

37 (e) The candidate vacancy resulting from the removal of the name
 38 of a candidate nominated by petition for a school board office may not
 39 be filled.

40 SECTION 8. IC 3-8-6-16 IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) This section applies if a
 42 person:



- 1 (1) files a petition of nomination under this chapter;
 2 (2) moves from the election district that the person sought to
 3 represent following the filing of the petition of nomination;
 4 (3) does not file a notice of withdrawal of candidacy under section
 5 13.5 of this chapter; and
 6 (4) is no longer an active candidate.
- 7 (b) The county chairman of any political party on the ballot in the
 8 election district or a candidate for the office sought by the person
 9 described in subsection (a) may, upon determining that this section
 10 applies, file an action in the circuit court, **superior court, or probate**
 11 **court** in the county where the person described in subsection (a)
 12 resided. The complaint in this action must:
- 13 (1) state that this section applies to the person;
 14 (2) name the person described in subsection (a) and the public
 15 official responsible for placing that person's name on the ballot as
 16 defendants; and
 17 (3) be filed no later than a notice of withdrawal could have been
 18 filed under section 13.5 of this chapter.
- 19 (c) When a complaint is filed under subsection (b), the circuit court,
 20 **superior court, or probate court** shall conduct a hearing and rule on
 21 the petition within ten (10) days after it is filed.
- 22 (d) If the court finds in favor of the plaintiff, a candidate vacancy
 23 occurs on the:
- 24 (1) general election ballot; and
 25 (2) primary election ballot if no other person is:
 26 (A) a member of the same political party as the person
 27 described in subsection (a); and
 28 (B) a candidate on the ballot for the office sought by the
 29 person described in subsection (a).
- 30 (e) The candidate vacancy shall be filled under IC 3-13-1 if the
 31 candidate represents a political party not qualified to nominate
 32 candidates in a primary or by convention.
- 33 SECTION 9. IC 3-8-7-29 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) This section applies:
 35 (1) if a person:
 36 (A) has been certified as a candidate in a certificate of
 37 nomination filed under this chapter;
 38 (B) moves from the election district that the person sought to
 39 represent following the filing of the certificate of nomination;
 40 (C) does not file a notice of withdrawal of candidacy under
 41 section 28 of this chapter; and
 42 (D) is no longer an active candidate; or



- 1 (2) if a person is disqualified from being a candidate under
2 IC 3-8-1-5.
- 3 (b) The county chairman of any political party on the ballot in the
4 election district or a candidate for the office sought by the person
5 described in subsection (a) may, upon determining that this section
6 applies, file an action in the circuit court, **superior court, or probate**
7 **court** in the county where the person described in subsection (a)
8 resided. The complaint in this action must:
- 9 (1) state that this section applies to the person; and
10 (2) name the person described in subsection (a) and the public
11 official responsible for placing that person's name on the ballot as
12 defendants.
- 13 (c) When a complaint is filed under subsection (b), the circuit court,
14 **superior court, or probate court** shall conduct a hearing and rule on
15 the petition within ten (10) days after it is filed.
- 16 (d) If the court finds in favor of the plaintiff, a candidate vacancy
17 occurs on the:
- 18 (1) general election ballot; and
19 (2) primary election ballot if no other person is:
- 20 (A) a member of the same political party as the person
21 described in subsection (a); and
22 (B) a candidate on the ballot for the office sought by the
23 person described in subsection (a).
- 24 (e) The candidate vacancy shall be filled under IC 3-13-1 or
25 IC 3-13-2.
- 26 SECTION 10. IC 3-12-4-16 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. If there is a
28 disagreement between the members of a county election board as to
29 how the vote of a precinct should be counted, the board shall:
- 30 (1) immediately report the matter in dispute to the judge of the
31 circuit court, **superior court, or probate court;** and
32 (2) provide the judge with a written brief stating the grounds of
33 the disagreement and all papers concerning the matter.
- 34 SECTION 11. IC 3-12-4-17 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. The judge of the
36 circuit court, **superior court, or probate court** shall summarily
37 determine a dispute presented under section 16 of this chapter and
38 direct the county election board how to count the vote. The judge's
39 determination is final with respect to the action of the board.
- 40 SECTION 12. IC 3-12-6-8 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Two (2) or more
42 candidates for nomination or election to the same or a different office



1 at the same election may join in a petition for a recount.

2 (b) Except as provided in subsection (d), if more than one (1)
3 petition for a recount is filed in a county no later than noon seven (7)
4 days after election day, whether in the same court of the county or not,
5 the petitions shall be consolidated under the first petition filed. If a
6 transfer of petitions from one (1) court of the county to another court
7 of the county is necessary to effect the consolidation, then the court in
8 which the subsequent petitions were filed shall order the transfer.

9 (c) If more than one (1) petition for a recount is filed for an office
10 in more than one (1) county, the circuit court, **superior court, or**
11 **probate court** for the county casting, on the face of the election
12 returns, the highest number of votes for the office shall assume
13 jurisdiction over all petitions and cross-petitions concerning the office.
14 If a transfer of petitions or cross-petitions from one (1) court to another
15 is necessary to effect the consolidation in the circuit court, **superior**
16 **court, or probate court**, then any other court in which a petition or
17 cross-petition was filed shall order the transfer.

18 (d) A petition for a recount filed for an election in different
19 municipalities, whether in the same court of the county or not, may not
20 be consolidated.

21 SECTION 13. IC 3-12-12-2, AS AMENDED BY P.L.164-2006,
22 SECTION 129, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2016]: Sec. 2. A voter who desires a recount
24 under this chapter must file a verified petition no later than noon
25 fourteen (14) days after election day. The petition must be filed:

- 26 (1) in the circuit court, **superior court, or probate court** of each
27 county in which is located a precinct in which the voter desires a
28 recount; and
29 (2) with the election division.

30 SECTION 14. IC 3-12-12-7 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. If more than one (1)
32 petition is filed under section 2 of this chapter in one (1) county
33 requesting a recount of votes cast on a public question in a precinct in
34 that county, the ~~circuit court of the county~~ **petitions** shall ~~consolidate~~
35 ~~all petitions~~ **be consolidated** under the first petition filed.

36 SECTION 15. IC 3-12-12-8 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If petitions are filed
38 under section 2 of this chapter in more than one (1) county, the circuit
39 court, **superior court, or probate court** of the county casting, on the
40 face of the election returns, the highest number of votes on the public
41 question shall assume jurisdiction over all petitions concerning the
42 public question.



1 SECTION 16. IC 3-12-12-21 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. The determination
 3 of a recount commission under section 19 of this chapter is final,
 4 although an appeal may be taken to the circuit court, **superior court,**
 5 **or probate court** that appointed the commission.

6 SECTION 17. IC 4-33-11-2, AS AMENDED BY P.L.255-2015,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2016]: Sec. 2. An appeal of a final rule or order of the
 9 commission may be commenced under IC 4-21.5 in the circuit court **or**
 10 **superior court** of the county containing the dock or site of the
 11 riverboat.

12 SECTION 18. IC 5-1-4-7 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2016]: Sec. 7. ~~Removal from Office.~~ Any
 14 director may be removed from office for neglect of duty, incompetency,
 15 disability to perform ~~his~~ **the director's** duties, or any other good cause,
 16 by an order of the circuit court, **superior court, or probate court** in
 17 the county in which such authority is located, subject to the following
 18 procedure: a complaint may be filed by any person against such
 19 director, setting forth the charges preferred; the cause shall be placed
 20 on the advanced calendar and be tried as other civil causes are tried by
 21 the court without the intervention of a jury. If such charges be
 22 sustained, the court shall declare such office vacant. A change of venue
 23 from the judge shall be granted upon motion but no change of venue
 24 from the county may be taken.

25 SECTION 19. IC 5-1-16-45, AS AMENDED BY P.L.252-2015,
 26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2016]: Sec. 45. A county desiring to have a building erected
 28 or renovated on land owned or to be acquired by the county may sell
 29 that land or building to the authority. Before the sale may take place,
 30 the county commissioners shall file a petition with the circuit court,
 31 **superior court, or probate court** of the county requesting the
 32 appointment of:

33 (1) one (1) disinterested freeholder of the county as an appraiser;
 34 and

35 (2) two (2) disinterested appraisers licensed under IC 25-34.1;
 36 who are residents of Indiana to determine the fair market value of the
 37 land or building. One (1) of the appraisers described under subdivision
 38 (2) must reside not more than fifty (50) miles from the land or building.
 39 Upon appointment, the appraisers shall fix the fair market value of the
 40 land or building and shall report that value within two (2) weeks from
 41 the date of their appointment. The county may then sell the land or
 42 building to the authority for an amount not less than the amount fixed



1 by the appraisers as the fair market value. The amount shall be paid in
 2 cash upon delivery of the deed by the county to the authority. If a
 3 cumulative building fund exists at the time of the sale, the proceeds
 4 from the sale shall be placed in that fund. If a cumulative building fund
 5 does not exist at the time of the sale, the proceeds from the sale shall
 6 be paid into the county hospital fund with the principal and interest on
 7 the fund to be used solely by the county hospital for the purposes set
 8 forth in IC 16-22-5-3 (or IC 16-12.1-4-4 before its repeal on July 1,
 9 1993). A sale of land or a building by a county to the authority shall be
 10 authorized by the board of commissioners by an order that shall be
 11 entered in the official records of the board. The deed shall be executed
 12 on behalf of the county by the board of county commissioners.

13 SECTION 20. IC 5-1-16.5-47, AS ADDED BY P.L.2-2007,
 14 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2016]: Sec. 47. Any holder of bonds issued under this chapter
 16 or a trustee under a trust agreement entered into under this chapter,
 17 except to the extent that the rights of a holder or a trustee are restricted
 18 by any bond resolution, may, by any suitable form of legal proceedings,
 19 protect and enforce any rights under the laws of Indiana or granted by
 20 the bond resolution. These rights include the right:

21 (1) to compel the performance of all duties of the authority
 22 required by this chapter or the bond resolution;

23 (2) to enjoin unlawful activities; and

24 (3) in the event of default with respect to the payment of any
 25 principal of, premium, if any, and interest on any bond or in the
 26 performance of any covenant or agreement on the part of the
 27 authority in the bond resolution, to apply to the circuit court,
 28 **superior court, or probate court** to appoint a receiver:

29 (A) to administer and operate the project or projects, the
 30 revenues of which are pledged to the payment of principal of,
 31 premium, if any, and interest on the bonds;

32 (B) with full power to pay, and to provide for payment of,
 33 principal of premium, if any, and interest on the bonds; and

34 (C) with the powers, subject to the direction of the court, as are
 35 permitted by law and are accorded receivers, excluding any
 36 power to pledge additional revenues of the authority to the
 37 payment of the principal, premium and interest.

38 SECTION 21. IC 5-4-4-1 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever the clerk of the circuit
 40 court, **superior court, or probate court** with jurisdiction in the county
 41 where an officer resides determines or a voter eligible to vote for an
 42 officer files an affidavit with the clerk stating that:



1 (1) the sureties for the official bond of an officer have ceased to
 2 do business in Indiana;
 3 (2) the security for an official bond of an officer has become
 4 insufficient; or
 5 (3) the penalty has become inadequate to secure the faithful
 6 performance of the duties of an officer's office by the diminution
 7 of the penalty by suit, an increase of liabilities from the enactment
 8 of statutes after the commencement of an officer's term, or other
 9 sufficient cause;
 10 the clerk shall issue a writ to the sheriff commanding the officer to
 11 appear before the judge of the circuit court, **superior court, or**
 12 **probate court** with jurisdiction in the county in which the officer
 13 resides ten (10) days after the service of process and answer the
 14 complaint. The summons shall be served, return made, and fees
 15 charged as in the case of other summons.
 16 SECTION 22. IC 5-4-4-9 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2016]: Sec. 9. Such clerk, upon the return of the
 18 process provided for in section 8 of this chapter, shall notify the judge
 19 of the circuit court, **superior court, or probate court** as is provided
 20 for in section 2 of this chapter.
 21 SECTION 23. IC 5-8-1-23 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. The accusation
 23 must be delivered by the foreman of the grand jury to the prosecuting
 24 attorney of the county, except when ~~he~~ **the prosecuting attorney of**
 25 **the county** is the officer accused, who must cause a copy thereof to be
 26 served upon the defendant, and require, by notice in writing of not less
 27 than ten (10) days, that ~~he~~ **the defendant** appear before the circuit
 28 court **or superior court** of the county at the time mentioned in the
 29 notice, and answer the accusation. The original accusation must then
 30 be filed with the clerk of the court, or if ~~he~~ **be the clerk of the court** is
 31 the party accused, with the judge of the court.
 32 SECTION 24. IC 5-8-1-34 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. The same
 34 proceedings ~~maybe~~ **may be** had on like grounds for the removal of a
 35 prosecuting attorney, except that the accusation must be delivered by
 36 the foreman of the grand jury to the clerk, and by ~~him~~ **the clerk** to the
 37 judge of the circuit court **or superior court** of the county, ~~or criminal~~
 38 ~~court, if such court exists in the county,~~ who must thereupon notify the
 39 attorney general to act as prosecuting officer in the matter, and shall
 40 designate some resident attorney to act as assistant to the attorney
 41 general in such prosecution, whose compensation shall be fixed by the
 42 court and paid out of the county treasury.



1 SECTION 25. IC 5-8-1-35 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. (a) When an
 3 accusation in writing, verified by the oath of any person, is presented
 4 to a circuit court, **superior court, or probate court**, alleging that any
 5 officer within the jurisdiction of the court has been guilty of:

- 6 (1) charging and collecting illegal fees for services rendered or to
 7 be rendered in ~~his~~ **the officer's** office;
- 8 (2) refusing or neglecting to perform the official duties pertaining
 9 to ~~his~~ **the officer's** office; or
- 10 (3) violating IC 36-6-4-17(b) if the officer is the executive of a
 11 township;

12 the court must cite the party charged to appear before the court at any
 13 time not more than ten (10) nor less than five (5) days from the time the
 14 accusation was presented, and on that day or some other subsequent
 15 day not more than twenty (20) days from the time the accusation was
 16 presented must proceed to hear, in a summary manner, the accusation
 17 and evidence offered in support of the same, and the answer and
 18 evidence offered by the party accused.

19 (b) If after the hearing under subsection (a) it appears that the
 20 charge is sustained, the court must do the following:

- 21 (1) Enter a decree that the party accused be deprived of ~~his~~ **the**
 22 **party's** office.
- 23 (2) Enter a judgment as follows:
 24 (A) For five hundred dollars (\$500) in favor of the prosecuting
 25 officer.
 26 (B) For costs as are allowed in civil cases.
 27 (C) For the amount of money that was paid to the officer in
 28 compensation from the day when the accusation was filed
 29 under this section to the day when judgment is entered in favor
 30 of the public entity paying the compensation to the officer.

31 (c) In an action under this section, a court may award reasonable
 32 attorney's fees, court costs, and other reasonable expenses of litigation
 33 to the accused officer if:

- 34 (1) the officer prevails; and
- 35 (2) the court finds that the accusation is frivolous or vexatious.

36 SECTION 26. IC 5-8-5-5 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2016]: Sec. 5. The member whose seat is
 38 vacated may file an action under IC 34-17-1 with the circuit court,
 39 **superior court, or probate court** of the county where the town is
 40 located.

41 SECTION 27. IC 5-16-8-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A public agency may



1 not authorize or make any payments to a person under a contract
 2 containing the provision required by section 2 of this chapter unless the
 3 public agency is satisfied that such person has fully complied with that
 4 provision. Payments made to a person by a public agency which should
 5 not have been made as a result of this section shall be recoverable
 6 directly from the contractor or subcontractor who did not comply with
 7 section 2 of this chapter by the attorney general upon suit filed in the
 8 circuit court, **superior court, or probate court** of the county in which
 9 the contract was executed or performed.

10 SECTION 28. IC 6-1.1-10-11 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. A determination by
 12 the department of environmental management under section 10 of this
 13 chapter may be appealed by the property owner to the circuit court,
 14 **superior court, or probate court** of the county in which the property
 15 is located. The court shall try the appeal without a jury. Either party
 16 may appeal the ~~circuit~~ court's decision in the same manner that other
 17 civil cases may be appealed.

18 SECTION 29. IC 6-1.1-18.5-12, AS AMENDED BY
 19 P.L.182-2009(ss), SECTION 130, IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Any civil taxing
 21 unit that determines that it cannot carry out its governmental functions
 22 for an ensuing calendar year under the levy limitations imposed by
 23 section 3 of this chapter may:

24 (1) before October 20 of the calendar year immediately preceding
 25 the ensuing calendar year; or

26 (2) in the case of a request described in section 16 of this chapter,
 27 before December 31 of the calendar year immediately preceding
 28 the ensuing calendar year;

29 appeal to the department of local government finance for relief from
 30 those levy limitations. In the appeal the civil taxing unit must state that
 31 it will be unable to carry out the governmental functions committed to
 32 it by law unless it is given the authority that it is petitioning for. The
 33 civil taxing unit must support these allegations by reasonably detailed
 34 statements of fact.

35 (b) The department of local government finance shall immediately
 36 proceed to the examination and consideration of the merits of the civil
 37 taxing unit's appeal.

38 (c) In considering an appeal, the department of local government
 39 finance has the power to conduct hearings, require any officer or
 40 member of the appealing civil taxing unit to appear before it, or require
 41 any officer or member of the appealing civil taxing unit to provide the
 42 department with any relevant records or books.



1 (d) If an officer or member:

2 (1) fails to appear at a hearing after having been given written
3 notice requiring that person's attendance; or

4 (2) fails to produce the books and records that the department by
5 written notice required the officer or member to produce;

6 then the department may file an affidavit in the circuit court, **superior**
7 **court, or probate court** in the jurisdiction in which the officer or
8 member may be found setting forth the facts of the failure.

9 (e) Upon the filing of an affidavit under subsection (d), the ~~circuit~~
10 court shall promptly issue a summons, and the sheriff of the county
11 within which the ~~circuit~~ court is sitting shall serve the summons. The
12 summons must command the officer or member to appear before the
13 department to provide information to the department or to produce
14 books and records for the department's use, as the case may be.
15 Disobedience of the summons constitutes, and is punishable as, a
16 contempt of the ~~circuit~~ court that issued the summons.

17 (f) All expenses incident to the filing of an affidavit under
18 subsection (d) and the issuance and service of a summons shall be
19 charged to the officer or member against whom the summons is issued,
20 unless the ~~circuit~~ court finds that the officer or member was acting in
21 good faith and with reasonable cause. If the ~~circuit~~ court finds that the
22 officer or member was acting in good faith and with reasonable cause
23 or if an affidavit is filed and no summons is issued, the expenses shall
24 be charged against the county in which the affidavit was filed and shall
25 be allowed by the proper fiscal officers of that county.

26 (g) The fiscal officer of a civil taxing unit that appeals under section
27 16 of this chapter for relief from levy limitations shall immediately file
28 a copy of the appeal petition with the county auditor and the county
29 treasurer of the county in which the unit is located.

30 SECTION 30. IC 6-1.1-23-1, AS AMENDED BY P.L.146-2008,
31 SECTION 257, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Annually, after November
33 10th but before August 1st of the succeeding year, each county
34 treasurer shall serve a written demand upon each county resident who
35 is delinquent in the payment of personal property taxes. Annually, after
36 May 10 but before October 31 of the same year, each county treasurer
37 may serve a written demand upon a county resident who is delinquent
38 in the payment of personal property taxes. The written demand may be
39 served upon the taxpayer:

40 (1) by registered or certified mail;

41 (2) in person by the county treasurer or the county treasurer's
42 agent; or



- 1 (3) by proof of certificate of mailing.
- 2 (b) The written demand required by this section shall contain:
- 3 (1) a statement that the taxpayer is delinquent in the payment of
- 4 personal property taxes;
- 5 (2) the amount of the delinquent taxes;
- 6 (3) the penalties due on the delinquent taxes;
- 7 (4) the collection expenses which the taxpayer owes; and
- 8 (5) a statement that if the sum of the delinquent taxes, penalties,
- 9 and collection expenses are not paid within thirty (30) days from
- 10 the date the demand is made then:
- 11 (A) sufficient personal property of the taxpayer shall be sold
- 12 to satisfy the total amount due plus the additional collection
- 13 expenses incurred; or
- 14 (B) a judgment may be entered against the taxpayer in the
- 15 circuit court, **superior court, or probate court** of the county.
- 16 (c) Subsections (d) through (g) apply only to personal property that:
- 17 (1) is subject to a lien of a creditor imposed under an agreement
- 18 entered into between the debtor and the creditor after June 30,
- 19 2005;
- 20 (2) comes into the possession of the creditor or the creditor's agent
- 21 after May 10, 2006, to satisfy all or part of the debt arising from
- 22 the agreement described in subdivision (1); and
- 23 (3) has an assessed value of at least three thousand two hundred
- 24 dollars (\$3,200).
- 25 (d) For the purpose of satisfying a creditor's lien on personal
- 26 property, the creditor of a taxpayer that comes into possession of
- 27 personal property on which the taxpayer is adjudicated delinquent in
- 28 the payment of personal property taxes must pay in full to the county
- 29 treasurer the amount of the delinquent personal property taxes
- 30 determined under STEP SEVEN of the following formula from the
- 31 proceeds of any transfer of the personal property made by the creditor
- 32 or the creditor's agent before applying the proceeds to the creditor's lien
- 33 on the personal property:
- 34 STEP ONE: Determine the amount realized from any transfer of
- 35 the personal property made by the creditor or the creditor's agent
- 36 after the payment of the direct costs of the transfer.
- 37 STEP TWO: Determine the amount of the delinquent taxes,
- 38 including penalties and interest accrued on the delinquent taxes
- 39 as identified on the form described in subsection (f) by the county
- 40 treasurer.
- 41 STEP THREE: Determine the amount of the total of the unpaid
- 42 debt that is a lien on the transferred property that was perfected



- 1 before the assessment date on which the delinquent taxes became
 2 a lien on the transferred property.
- 3 STEP FOUR: Determine the sum of the STEP TWO amount and
 4 the STEP THREE amount.
- 5 STEP FIVE: Determine the result of dividing the STEP TWO
 6 amount by the STEP FOUR amount.
- 7 STEP SIX: Multiply the STEP ONE amount by the STEP FIVE
 8 amount.
- 9 STEP SEVEN: Determine the lesser of the following:
- 10 (A) The STEP TWO amount.
- 11 (B) The STEP SIX amount.
- 12 (e) This subsection applies to transfers made by a creditor after May
 13 10, 2006. As soon as practicable after a creditor comes into possession
 14 of the personal property described in subsection (c), the creditor shall
 15 request the form described in subsection (f) from the county treasurer.
 16 Before a creditor transfers personal property described in subsection
 17 (d) on which delinquent personal property taxes are owed, the creditor
 18 must obtain from the county treasurer a delinquent personal property
 19 tax form and file the delinquent personal property tax form with the
 20 county treasurer. The creditor shall provide the county treasurer with:
- 21 (1) the name and address of the debtor; and
- 22 (2) a specific description of the personal property described in
 23 subsection (d);
- 24 when requesting a delinquent personal property tax form.
- 25 (f) The delinquent personal property tax form must be in a form
 26 prescribed by the state board of accounts under IC 5-11 and must
 27 require the following information:
- 28 (1) The name and address of the debtor as identified by the
 29 creditor.
- 30 (2) A description of the personal property identified by the
 31 creditor and now in the creditor's possession.
- 32 (3) The assessed value of the personal property identified by the
 33 creditor and now in the creditor's possession, as determined under
 34 subsection (g).
- 35 (4) The amount of delinquent personal property taxes owed on the
 36 personal property identified by the creditor and now in the
 37 creditor's possession, as determined under subsection (g).
- 38 (5) A statement notifying the creditor that this section requires
 39 that a creditor, upon the liquidation of personal property for the
 40 satisfaction of the creditor's lien, must pay in full the amount of
 41 delinquent personal property taxes owed as determined under
 42 subsection (d) on the personal property in the amount identified



1 on this form from the proceeds of the liquidation before the
 2 proceeds of the liquidation may be applied to the creditor's lien on
 3 the personal property.

4 (g) The county treasurer shall provide the delinquent personal
 5 property tax form described in subsection (f) to the creditor not later
 6 than fourteen (14) days after the date the creditor requests the
 7 delinquent personal property tax form. The county assessor and the
 8 township assessors (if any) shall assist the county treasurer in
 9 determining the appropriate assessed value of the personal property and
 10 the amount of delinquent personal property taxes owed on the personal
 11 property. Assistance provided by the county assessor and the township
 12 assessors (if any) must include providing the county treasurer with
 13 relevant personal property forms filed with the assessor or assessors
 14 and providing the county treasurer with any other assistance necessary
 15 to accomplish the purposes of this section.

16 SECTION 31. IC 6-1.1-23-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a taxpayer does
 18 not pay the total amount due within thirty (30) days after the date a
 19 written demand is made under section 1 of this chapter, the county
 20 treasurer shall levy upon and sell personal property of the taxpayer
 21 which is of sufficient value to pay the delinquent taxes, penalties, and
 22 anticipated collection expenses.

23 (b) The county treasurer shall levy upon personal property by calling
 24 upon the delinquent taxpayer at ~~his~~ **the delinquent taxpayer's**
 25 residence or place of business and making a list in duplicate of all of
 26 ~~his~~ **the delinquent taxpayer's** personal property. The county treasurer
 27 shall retain one (1) copy of the list and deliver the other copy to the
 28 delinquent taxpayer. The county treasurer may require the delinquent
 29 taxpayer to give a list under oath of all the personal property owned by
 30 ~~him~~, **the delinquent taxpayer**, and the names of the owners of other
 31 personal property which is in the delinquent taxpayer's possession. If
 32 the delinquent taxpayer fails to provide the list, the county treasurer
 33 shall file a petition which states that fact in the circuit court, **superior**
 34 **court, or probate court** of the county, and the circuit court, **superior**
 35 **court, or probate court** shall order the delinquent taxpayer to provide
 36 the list.

37 (c) The county treasurer shall appraise the personal property
 38 included in a levy. The personal property included in a levy is subject
 39 to sale for the payment of the delinquent taxes, penalties, and collection
 40 expenses without further notice to the delinquent taxpayer.

41 SECTION 32. IC 6-1.1-36-4, AS AMENDED BY P.L.146-2008,
 42 SECTION 286, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An assessing official or a
 2 representative of the department of local government finance may file
 3 an affidavit with a circuit court, **superior court, or probate court** of
 4 this state if:

- 5 (1) the official or representative has requested that a person give
 6 information or produce books or records; and
 7 (2) the person has not complied with the request.

8 The affidavit must state that the person has not complied with the
 9 request.

10 (b) When an affidavit is filed under subsection (a), the circuit court,
 11 **superior court, or probate court** shall issue a writ which directs the
 12 person to appear at the office of the official or representative and to
 13 give the requested information or produce the requested books or
 14 records. The appropriate county sheriff shall serve the writ. A person
 15 who disobeys the writ is guilty of contempt of court.

16 (c) If a writ is issued under this section, the cost incurred in filing
 17 the affidavit, in the issuance of the writ, and in the service of the writ
 18 shall be charged to the person against whom the writ is issued. If a writ
 19 is not issued, all costs shall be charged to the county in which the
 20 circuit court, **superior court, or probate court** proceedings are held,
 21 and the board of commissioners of that county shall allow a claim for
 22 the costs.

23 SECTION 33. IC 6-1.5-5-10 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The Indiana
 25 board may file an affidavit with a circuit court, **superior court, or**
 26 **probate court** of this state if:

- 27 (1) the Indiana board has requested that a person give information
 28 or produce books or records; and
 29 (2) the person has not complied with the request.

30 (b) An affidavit filed under subsection (a) must state that the person
 31 has not complied with the request of the Indiana board to give
 32 information or produce books or records.

33 (c) When an affidavit is filed under subsection (a), the circuit court,
 34 **superior court, or probate court** shall issue a writ that directs the
 35 person to appear at the office of the Indiana board and to give the
 36 requested information or produce the requested books or records. The
 37 appropriate county sheriff shall serve the writ. Disobedience of the writ
 38 is punishable as a contempt of the court that issued the writ.

39 (d) If a writ is issued under this section, the cost incurred in filing
 40 the affidavit, in the issuance of the writ, and in the service of the writ
 41 shall be charged to the person against whom the writ is issued. If a writ
 42 is not issued, all costs shall be charged to the county in which the



1 circuit court, **superior court, or probate court** proceedings are held,
 2 and the board of commissioners of that county shall allow a claim for
 3 the costs.

4 SECTION 34. IC 8-1-19-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. If any telephone
 6 company shall violate any provision of law, or any rule or order of the
 7 commission or of any other lawful authority or shall fail to perform any
 8 duty imposed upon it by law or by any such rule or order, then, and in
 9 that event, in addition to all other remedies provided by law, the
 10 commission may, in a proper case, file a verified showing in any circuit
 11 court, **superior court, or probate court** in this state wherein is located
 12 the main or principal office or place of business of any telephone
 13 company, that such telephone company has failed, neglected, or
 14 refused to comply with such provision of law or with an order or
 15 requirement of said commission or other lawful authority and that the
 16 users of the telephone service furnished by such telephone company,
 17 or the public, will be damaged or injured by the continued
 18 noncompliance with such law, order or requirement, and that it would
 19 be to the interest of the public, that on ten (10) days notice to such
 20 telephone company the court should appoint a receiver to operate said
 21 telephone company and to render such service or to comply with such
 22 law, order, or requirement of the said commission or other lawful
 23 authority. Such court may, upon such showing, appoint a receiver for
 24 such purpose who shall thereupon qualify as other receivers are
 25 qualified and shall thereupon have and exercise the same rights and be
 26 subject to the same duties and obligations as now provided by law for
 27 public utilities. Such receivership shall be continued, until it is found
 28 by the court that said telephone company will, in all reasonable
 29 probability, comply in the future with all rules and orders applicable
 30 thereto. Such finding shall be entered only after hearing upon notice to
 31 the commission. In construing and enforcing the provisions of this
 32 section, the act, omission, or failure of any officer, agent, or other
 33 person acting for or employed by any public utility acting within the
 34 scope of ~~his~~ **the officer's, agent's, or person's** employment shall in
 35 every case be deemed to be the act, omission, or failure of such public
 36 utility.

37 SECTION 35. IC 8-1.5-5-24 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) Whenever work
 39 on a storm water system (that is combined with a sanitary sewer
 40 system) necessitates the repair or replacement of all or part of a
 41 sanitary sewer system, the entity that owns or maintains the sanitary
 42 sewer system shall assume a proportionate share of the cost of repairing



1 or replacing the sanitary sewer system.

2 (b) The board and the entity that owns or manages the sanitary
3 sewer system shall negotiate the division of the costs described in
4 subsection (a).

5 (c) If the parties cannot agree to a division of the costs, they shall
6 petition the circuit court, **superior court, or probate court** of the
7 county where the majority of the systems are located to divide the
8 costs. The circuit court, **superior court, or probate court** shall hold
9 a hearing on the division of costs within sixty (60) days after receiving
10 the petition. The court shall publish notice of the hearing in accordance
11 with IC 5-3-1. The decision of the court is binding on both parties.

12 SECTION 36. IC 8-2-17-5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The rates of ferriage,
14 reasonable rules for operation, and the schedule upon which the ferry
15 shall be operated shall be fixed by the legislative body at the time of
16 licensing the ferry, and from time to time thereafter as the body shall
17 think proper. A list of rates, rules, and schedules shall be posted at one
18 (1) or more conspicuous places on each ferryboat and at the place of
19 landing. If the ferrykeeper, or any user of the ferry, is aggrieved by the
20 establishing of the rates, rules, or schedules, the ferrykeeper or user
21 shall have the right to appeal to the circuit court, **superior court, or**
22 **probate court** of the proper county upon filing a bond, within thirty
23 (30) days after the fixing of the rates, payable to the state, with security
24 to be approved by the court, and conditioned for the due prosecution of
25 the appeal, and the payment of all costs if judgment is rendered against
26 the appellant. Upon appeal, the circuit court, **superior court, or**
27 **probate court** shall have the power to review the rates of ferriage,
28 rules, or schedules and fix the rates, rules, or schedules as may be just
29 and proper.

30 SECTION 37. IC 8-2-17-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. If any ferry is not
32 faithfully maintained and operated according to the terms of the
33 recognizance provided for in section 4 of this chapter, the legislative
34 body on complaint to them shall cause the proprietor of the ferry to be
35 summoned before the legislative body to show cause why the ferry
36 shall not be discontinued. The legislative body shall vacate the ferry or
37 dismiss the complaint, according to the testimony, and may award costs
38 against the complainant if such complaint is dismissed, or against the
39 proprietor if the ferry be vacated. The vacation of the ferry shall not
40 prevent the city or town, or any interested person, from recovering
41 damages for any breach of the bond provided for in section 4 of this
42 chapter. The ferrykeeper or any user of the ferry shall have the right to



1 appeal from the decision of the legislative body to the circuit court,
 2 **superior court, or probate court** of the proper county upon filing
 3 therein a bond, within thirty (30) days thereafter, payable to the state,
 4 with security to be approved by the court, and conditioned for the due
 5 prosecution of the appeal, and the payment of all costs if judgment be
 6 rendered against the appellant. Upon appeal, the circuit court, **superior**
 7 **court, or probate court** shall have the power to try the question of
 8 whether cause for the discontinuance of the ferry has been established.

9 SECTION 38. IC 8-4-10-1, AS AMENDED BY P.L.113-2006,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2016]: Sec. 1. (a) The owner or owners or their lessees of
 12 lands, mills, blast-furnaces, quarries, iron ore, coal mines, or other
 13 minerals, or other real estate or any company of persons who desire to
 14 construct a lateral railroad, not exceeding ten (10) miles in length, may
 15 locate and construct the lateral railroad to any other railroad, canal, or
 16 slack-water navigation on, over, through, or under any intervening
 17 lands. ~~Their~~ **The** engineers, agents, artists, and assistants **of the owner**
 18 **or owners or their lessees** may enter upon any intervening lands,
 19 doing no unnecessary damage, and survey, mark, and lay out a route for
 20 the proposed lateral railroad.

21 (b) A person described in subsection (a) may present a petition to
 22 the circuit court, **superior court, or probate court** of the county in
 23 which the intervening lands are situated that sets forth the beginning,
 24 course, distance, and termination of the proposed lateral railroad,
 25 together with a map or profile of the route, indicating the excavations
 26 and embankments on the route, and designating, particularly, the name
 27 or names of the owner, owners, occupant or occupants, and agent or
 28 agents of such intervening lands, with a particular description of the
 29 same. The petition must be filed in the court.

30 (c) After the petition is filed, the court shall appoint:

31 (1) one (1) disinterested freeholder of the county; and

32 (2) two (2) disinterested appraisers licensed under IC 25-34.1;
 33 who are residents of Indiana as viewers. One (1) of the appraisers
 34 appointed under subdivision (2) must reside not more than fifty (50)
 35 miles from the land.

36 (d) After five (5) days notice, to be given by the applicant to each of
 37 the owners, occupants, or agents of the intervening lands, of the time
 38 and place, and after being duly sworn to discharge their duties fairly
 39 and honorably as viewers, the viewers shall view the proposed route as
 40 marked and laid out for the railroad. ~~They,~~ **The viewers** or a majority
 41 of ~~them;~~ **the viewers** shall assess the damages, if any, that may be
 42 sustained by the owners, separately, of the intervening lands by reason



1 of the location, construction, and use of the proposed lateral railroad,
 2 and report the assessment in writing to the clerk of the court
 3 immediately after the assessments are made. The report shall be filed
 4 in the office of the clerk of the court.

5 (e) If a party does not reject the report within twenty (20) days after
 6 the filing of the report, by writing on the report "not accepted" and
 7 signing the report, the report shall be confirmed by the court. If any
 8 party rejects the report, the report shall stand for trial.

9 (f) At trial, the general denial to the petition and report shall be
 10 taken as filed, and all matters of defense and reply may be given in
 11 evidence under the general denial. The party rejecting the report has
 12 the affirmative of the issues. The viewers or jury trying the cause shall,
 13 in assessing damages, take into consideration the advantages that may
 14 be derived by the owner or owners of the lands passed on, over,
 15 through, or under by the proposed lateral road by its location and
 16 construction.

17 (g) Upon the filing of the report by the viewers in the court, the
 18 damages assessed by ~~them~~ **the viewers** shall be paid to the clerk, to be
 19 tendered to the party in whose favor the damages are awarded or
 20 assessed.

21 (h) After payment or tender is made under this section, the person,
 22 persons, or company of persons, and their lessees described in
 23 subsection (a), may hold and take possession of the interests in the
 24 intervening lands or materials appropriated, and the privileges of using
 25 any materials on the roadway within fifty (50) feet on each side of the
 26 center of the roadway for the use described in subsection (a).

27 (i) The costs of the assessments by the viewers and the costs in case
 28 of trial shall be paid as in other cases.

29 SECTION 39. IC 8-4-21-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A stockholder who,
 31 at such meeting, votes against such sale and then, within ten (10) days
 32 thereafter, signifies, in writing, to the purchasing company that ~~he~~ **the**
 33 **stockholder** desires to dispose of ~~his~~ **the stockholder's** stock in the
 34 selling company shall be entitled to receive from such purchasing
 35 company the average market value of ~~his~~ **the stockholder's** stock for
 36 the six (6) months next preceding the day of the meeting of the selling
 37 company at which the sale is approved, on the surrender of ~~his~~ **the**
 38 **stockholder's** stock. If the purchasing company and the stockholder
 39 can not agree as to the value of the stock, the parties may submit the
 40 question to arbitration, to be conducted in accordance with the
 41 provision of law regulating arbitration, so far as applicable, by three (3)
 42 disinterested persons, to be appointed upon the motion of either of the



1 parties by the judge of the circuit court, **superior court, or probate**
 2 **court** of the county in which the owner of the stock resides, or in case
 3 **he the owner of the stock** is nonresident of the state or of any county
 4 through or into which the road passes, then any county in which the
 5 road so sold passes.

6 SECTION 40. IC 8-4-32-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. If an animal is killed
 8 or injured by the locomotives, cars, or other carriages used on any
 9 railroad in or running into or through Indiana, whether the railroad is
 10 run and controlled by the company, a lessee, an assignee, a receiver, or
 11 other person, an owner of the animal may file a complaint and
 12 prosecute a claim in the circuit court, **superior court, or probate**
 13 **court** of the county in which the animal was injured or killed.

14 SECTION 41. IC 8-4-32-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. When the complaint
 16 is filed in the circuit court, **superior court, or probate court** under
 17 section 2 of this chapter, the clerk of the court shall issue a summons
 18 in the case as in other cases. The summons may be served by copy on
 19 any conductor on any train on the road passing into or through the
 20 county.

21 SECTION 42. IC 8-6-2.1-13 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) At the time
 23 fixed for the hearing, or at any time prior to that, any owner of land,
 24 right-of-way or other property to be appropriated under the resolution,
 25 and any railroad company or companies, any street railway company,
 26 and any person owning real or personal property situated within the
 27 city, may file a written remonstrance with the board.

28 (b) At the hearing, which may be adjourned from time to time, the
 29 board shall hear all persons interested in the proceedings and consider
 30 all remonstrances that have been filed, and after considering them, the
 31 board shall take final action and determine the public necessity and
 32 convenience of the proposed improvement, and confirm, or modify and
 33 confirm, or rescind the resolution. The final action shall be duly
 34 entered of record, and is conclusive upon all persons, except as
 35 provided in sections 4 through 8 of this chapter. Any person who has
 36 remonstrated in writing and who is aggrieved by the decision of the
 37 board may take an appeal to the circuit court, **superior court, or**
 38 **probate court** in the county in which the city is located.

39 SECTION 43. IC 8-6-2.1-20 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) The board,
 41 through its engineer, shall keep an account of the total cost of the
 42 improvement, of all disbursements made during the course of the work,



1 and of all equitable settlements between the parties contributing to the
 2 cost; but the total cost may not exceed the estimate adopted in the
 3 resolution.

4 (b) From time to time during the progress of the work, and upon
 5 completion of the improvement, the board shall make and adjust
 6 equitable settlements and payments between the parties contributing to
 7 the cost of the improvement so that the total cost of the improvement
 8 is apportioned between the parties as determined by the board
 9 consistent with this chapter.

10 (c) The equitable settlements and payments shall be made by the
 11 board, either on its own initiative or on petition of any railroad
 12 company charged with the work or any part of the work, or on petition
 13 of either the Indiana state highway commission or of the county in
 14 which the city is located, if the Indiana state highway commission and
 15 the county participate in the cost of the improvement.

16 (d) Any adjustment or adjustments are binding on all of the parties
 17 unless any aggrieved party, within sixty (60) days after the entry of an
 18 order of equitable settlement made by the board, files **his the**
 19 **aggrieved party's** complaint to review the adjustment in the circuit
 20 court, **superior court, or probate court** of the county in which the city
 21 is located. The decree of the court is final. The railroad company or
 22 companies, shall, upon the adjustment or decree, pay their portions of
 23 the cost as directed. The Indiana state highway commission shall, upon
 24 the adjustment or decree, pay its portion of the costs as directed, and
 25 the payment shall be made out of the funds of the commission or funds
 26 appropriated for the use of the commission. The county council of the
 27 county in which the city is located shall provide sufficient funds to pay
 28 the county's share of the cost of the improvement, either by
 29 appropriating the necessary amount of money from available funds on
 30 hand, or by the sale of bonds. Upon each adjustment or decree, the
 31 county in which the city is located shall pay the county's portion of the
 32 cost as directed by the adjustment or decree out of the funds provided
 33 by the county council. Upon each adjustment or decree, the city
 34 controller or clerk-treasurer shall draw **his the city controller's or**
 35 **clerk-treasurer's** warrant or warrants in payment of the city's portion
 36 of the cost.

37 (e) All warrants may be drawn only against the special fund arising
 38 from the special tax and special assessments provided for in this
 39 chapter and from equitable settlements.

40 (f) The board may adopt supplemental resolutions and enter orders
 41 from time to time as necessary to carry out the purpose of the
 42 resolution.



1 SECTION 44. IC 8-6-2.1-21 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) Upon final
 3 action of the board or **the circuit court, superior court, or probate**
 4 **court** confirming the resolution, all territory lying within the corporate
 5 limits of the city shall become a special taxing district for grade
 6 separation and railroad relocation and reconstruction purposes, and all
 7 property, real and personal, located within the territorial limits of the
 8 district shall be subject to a special tax for the purpose of providing
 9 funds to pay the city's portion of the total cost of the improvement.

10 (b) The special tax shall constitute the amount of benefits resulting
 11 to all of the property from the proceedings, and shall be levied in the
 12 manner provided for by this chapter. If the board determines that any
 13 lots or parcels of land, exclusive of improvements, lying within two
 14 thousand (2,000) feet of any grade crossing eliminated or altered by the
 15 improvement, or within two thousand (2,000) feet of any lands or
 16 rights-of-way abandoned for railroad use or from which railroad
 17 facilities are to be removed, will incur a particular benefit by reason of
 18 their proximity in addition to the benefits received by them in common
 19 with all other property located in the district, those lots and parcels of
 20 land which lie within the corporate limits of the city shall be subject to
 21 a special assessment for the benefits.

22 (c) The special assessment shall be determined in accordance with
 23 this chapter, but the total amount of the additional benefits assessed
 24 shall not in any case exceed forty percent (40%) of the city's share of
 25 the total cost of the improvement; and the total amount of the
 26 additional benefits assessed and finally confirmed or adjudged against
 27 lots and parcels of land exclusive of improvements lying within two
 28 thousand (2,000) feet shall be deducted from the city's share of the total
 29 cost and the balance of the city's share of the total cost, is the amount
 30 of the benefits resulting to all property in the special taxing district, and
 31 the special tax shall be levied only for this balance. Any lot or parcel
 32 of land owned and used or occupied for railroad purposes at the time
 33 of the adoption of any resolution by any railroad company whose tracks
 34 are affected by the resolution, or any lot or parcel of land devoted to
 35 railroad purposes in connection with and because of the improvement,
 36 is not subject to any special assessment for the particular benefits.

37 SECTION 45. IC 8-6-2.1-25 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. Any person notified
 39 or considered to be notified under this chapter may appear before the
 40 board on the day fixed for hearing the remonstrances with regard to
 41 awards and assessments, and remonstrate in writing against them. All
 42 persons appearing before the board having an interest in the



1 proceedings shall be given a hearing. After the remonstrances have
 2 been received and the hearings had, the board shall either sustain or
 3 modify, by increasing or decreasing, the awards or assessments. Any
 4 person remonstrating in writing who is aggrieved by the decision of the
 5 board may, within ten (10) days after the decision is made, take an
 6 appeal to the circuit court, **superior court, or probate court** of the
 7 county in which the city is located. The appeal affects only the amount
 8 of the assessment or award of the person appealing.

9 SECTION 46. IC 8-6-2.1-26 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) The appeal shall
 11 be taken by filing an original complaint in the circuit court, **superior**
 12 **court, or probate court** of the county in which the city is located
 13 against the board within the time named, setting forth the action of the
 14 board in respect to the assessment or award, and stating the facts relied
 15 upon as showing an error of the board. The court shall rehear the matter
 16 of the assessment or award de novo, and confirm, lower or increase the
 17 amount. The cause shall be summarily tried by the court without the
 18 intervention of a jury, as in other civil cases. A change of venue from
 19 the county may not be taken.

20 (b) All remonstrances upon which an appeal is taken may be
 21 consolidated and heard as one (1) cause of action, and all the appeals
 22 shall be heard and determined by the court within thirty (30) days after
 23 the time of filing of the appeal. If the court reduces the amount of
 24 benefit assessed against the land of the property owner by ten percent
 25 (10%) or more of the assessment by the board, or increases the amount
 26 of the damages awarded in ~~his~~ **the property owner's** favor by ten
 27 percent (10%) or more of the amount awarded by the board, the
 28 plaintiff in the appeal shall recover costs, otherwise not.

29 (c) The amount of the judgment in the court shall be final, and no
 30 appeal may be taken. However, any party in interest may take an appeal
 31 from the judgment to the supreme court of Indiana, upon the sole
 32 ground that the property in question has or has not incurred damages
 33 recoverable under law.

34 SECTION 47. IC 8-6-2.1-28 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) The board, upon
 36 the completion of the award of damages, if any, or upon the
 37 determination of the appeals taken, shall make out certificates for the
 38 proper amounts and in favor of the proper persons. Presentation of the
 39 certificates to the city controller or clerk-treasurer of the city entitles
 40 those persons to a warrant drawn on the city treasury. The controller or
 41 clerk-treasurer shall pay the persons named the amounts due them
 42 respectively, as shown by the certificates, out of the separate and



1 specific funds derived from the sale of bonds and from benefit
 2 assessments provided for in section 30 of this chapter, or out of funds
 3 coming from equitable settlements between the parties, and these
 4 payments may not be made from any other source or funds.

5 (b) The certificates or vouchers shall, whenever practical, be
 6 tendered actually to the person entitled to them, but where this is
 7 impractical, they shall be kept for the persons in the office of the board,
 8 and the making and filing of the certificates, in all cases, is considered
 9 to be valid tender to the person entitled to them at the time or as soon
 10 as there are sufficient funds to pay them. They shall be delivered to the
 11 person on request. In case of dispute or doubt as to which of various
 12 persons the money shall be paid, the board shall make out the
 13 certificates in favor of the attorney appointed by the board for the use
 14 of the persons entitled to them, and the attorney shall draw the money
 15 and pay it into court, requiring the various claimants to interplead and
 16 have their respective rights determined.

17 (c) If an injunction is obtained because damages have not been paid
 18 or tendered, the board shall tender the amount of damages with interest
 19 from the time of the entry of the property, if any has been made, and all
 20 accrued costs. If there are sufficient funds to pay the certificate, the
 21 injunction shall be removed. The pendency of an appeal to the circuit
 22 court, **superior court, or probate court** of a county does not affect the
 23 validity of a tender made under this section, but the board may proceed
 24 with its appropriation of the property in question.

25 SECTION 48. IC 8-6-3-1, AS AMENDED BY P.L.146-2008,
 26 SECTION 361, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Whenever the separation of
 28 grades at the intersection of a railroad or railroads (as defined in
 29 IC 8-3-1-2) and a public street or highway is constructed, the railroad
 30 or railroads shall pay five (5) percent of the cost of the grade separation
 31 as provided in this chapter.

32 (b) This chapter shall apply to an existing crossing, a new crossing,
 33 or the reconstruction of an existing grade separation.

34 (c) If more than one (1) railroad (as defined in IC 8-3-1-2) is
 35 involved in a separation, the railroads involved shall divide the amount
 36 to be paid by the railroads by agreement between the railroads. If the
 37 railroads fail to agree, the circuit court, **superior court, or probate**
 38 **court** of the county in which the crossing is located shall have
 39 jurisdiction, upon the application of a party, to determine the division
 40 of the amount to be paid by the railroads. The decision of the court is
 41 final, unless one (1) or more parties deeming themselves aggrieved by
 42 the decision of the court shall appeal therefrom to the court of appeals



1 of Indiana within thirty (30) days, or within additional time not
 2 exceeding ninety (90) days, as may be granted by the ~~circuit~~ court. The
 3 appeal shall be taken in substantially the same manner as an appeal in
 4 a civil case from the circuit court, **superior court, or probate court.**

5 (d) If a grade separation shall involve a state highway that is a part
 6 of the state highway system of Indiana, or a street or highway selected
 7 by the Indiana department of transportation as a route of a highway in
 8 the state highway system, the state, out of the funds of the Indiana
 9 department of transportation or funds appropriated for the use of the
 10 Indiana department of transportation, shall pay ninety-five percent
 11 (95%) of the cost of the grade separation.

12 (e) Before the Indiana department of transportation shall proceed
 13 with a grade separation within a city or town, the Indiana department
 14 of transportation shall first obtain the consent of the city, by a
 15 resolution adopted by the board or officials of the city having
 16 jurisdiction over improvement of the streets of the city, and any
 17 material modification of the plans upon which the consent was granted
 18 shall first be approved by the city by a similar resolution.

19 (f) If such grade separation is on a highway or street not a part of the
 20 highways under the jurisdiction of the Indiana department of
 21 transportation, or a part of a route selected by it, but is within any city
 22 or town of the state, the city or town shall pay one-half (1/2) of
 23 ninety-five percent (95%) of the total of such cost and the county in
 24 which the crossing is located shall be liable for and pay one-half (1/2)
 25 of the ninety-five percent (95%).

26 (g) If a grade separation that involves a state highway that is a part
 27 of the state highway system of Indiana, or a street or highway selected
 28 by the Indiana department of transportation as a route of a highway in
 29 the state highway system, necessitates the grade separation on other
 30 highways or streets, not a part of the highways under the jurisdiction of
 31 the Indiana department of transportation but within any city of the state
 32 of Indiana, then of the total cost of the grade separation on a highway
 33 or street not under the jurisdiction of the Indiana department of
 34 transportation but necessitated by the grade separation involving a
 35 highway or street which is a part of the state highway system, the city
 36 shall pay one-fourth (1/4) of ninety-five percent (95%) and the county
 37 in which the crossing is located shall be liable for and pay one-fourth
 38 (1/4) of the ninety-five percent (95%) of the total of the costs and the
 39 state out of the funds of the Indiana department of transportation or
 40 funds appropriated for the use of the Indiana department of
 41 transportation, shall be liable for and pay one-half (1/2) of the
 42 remaining portion.



1 (h) If a crossing is not within any city or town and does not involve
2 a highway under the jurisdiction of the Indiana department of
3 transportation, then the county in which the crossing is located shall
4 pay the ninety-five percent (95%) of the total cost which is not paid by
5 the railroad or railroads.

6 (i) The division of the cost of grade separation applies when the
7 grade separation replaces and eliminates an existing grade crossing at
8 which active warning devices are in place or ordered to be installed by
9 a state regulatory agency, but when the grade separation does not
10 replace nor eliminate an existing grade crossing the state, county or
11 municipality, as the case may be, shall bear and pay one hundred
12 percent (100%) of the cost of the grade separation.

13 (j) In estimating and computing the cost of the grade separation,
14 there shall be considered as a part of costs all expenses reasonably
15 necessary for preliminary engineering, rights-of-way and all work
16 required to comply with the plans and specifications for the work,
17 including all changes in the highway and the grade thereof and the
18 approaches to the grade separation, as well as all changes in the
19 roadbed, grade, rails, ties, bridges, buildings, and other structural
20 changes in a railroad as may be necessary to effect the grade separation
21 and to restore the railroad facilities aforesaid to substantially the same
22 condition as before the separation.

23 (k) The required railroad share of the cost shall be based on the
24 costs for preliminary engineering, right-of-way, and construction within
25 the limits described below:

26 (1) Where a grade crossing is eliminated by grade separation, the
27 structure and approaches for the number of lanes on the existing
28 highway and in accordance with the current design standards of
29 the governmental entity having jurisdiction over the highway
30 involved.

31 (2) Where another facility, such as a highway or waterway,
32 requiring a bridge structure is located within the limits of a grade
33 separation project, the estimated cost of a theoretical structure and
34 approaches as described under subdivision (1) to eliminate the
35 railroad-highway grade crossing without considering the presence
36 of the waterway or other highway.

37 (3) Where a grade crossing is eliminated by railroad or highway
38 relocation, the actual cost of the relocation project, or the
39 estimated cost of a structure and approaches as described under
40 subdivision (1), whichever is less.

41 (l) If the Indiana department of transportation or any city, town, or
42 county is unable to reach an agreement with a railroad company after



1 determining that construction or reconstruction of a grade separation,
 2 which replaces or eliminates the need for a grade crossing, is necessary
 3 to protect travelers on the roads and streets of the state, the appropriate
 4 unit or combination of units of government shall give a written notice
 5 of its intention to proceed with the construction or reconstruction of a
 6 grade separation to the superintendent or regional engineer of the
 7 railroad company. The notice of intention shall be made by the
 8 adoption of a resolution stating the need for the grade separation. If,
 9 after thirty (30) days, the railroad has not agreed to a division of
 10 inspections, plans and specifications, the number and type of jobs to be
 11 completed by each agency, a division of costs, and other necessary
 12 conditions, the Indiana department of transportation, city, town, or
 13 county may proceed with the grade separation exercising any and all of
 14 its powers to construct or reconstruct a bridge and, notwithstanding
 15 other provisions of this chapter, may pay for up to one hundred percent
 16 (100%) of the cost of the project. If the railroad is unable, for good
 17 cause, to pay the share of the cost required by this section, the city,
 18 town, or county may certify the amount owed by the railroad to the
 19 county auditor who shall prepare a special tax duplicate to be collected
 20 and settled for by the county treasurer in the same manner and at the
 21 same time as property taxes are collected. However, before the Indiana
 22 department of transportation, city, town, or county undertakes to do the
 23 work themselves they shall notify an agent of the railroad as to the time
 24 and place of the work.

25 SECTION 49. IC 8-10-1-7, AS AMENDED BY P.L.156-2013,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2016]: Sec. 7. The ports of Indiana is authorized and
 28 empowered to do the following:

- 29 (1) To adopt an official seal which shall not be the seal of the
 30 state of Indiana.
 31 (2) To maintain a principal office and sub-offices at such place or
 32 places within the state as it may designate.
 33 (3) To sue and be sued, and to plead and be impleaded in the
 34 name of the ports of Indiana. However, actions at law against the
 35 ports of Indiana shall be brought in the circuit court, **superior**
 36 **court, or probate court** of the county in which the principal
 37 office of the ports of Indiana is located or in the circuit court,
 38 **superior court, or probate court** of the county in which the
 39 cause of action arose, if the county is located within the state. All
 40 summonses and legal notices of every kind shall be served on the
 41 ports of Indiana by leaving a copy thereof at the principal office
 42 of the ports of Indiana with the person in charge thereof or with



- 1 the secretary of the ports of Indiana. However, no such action
2 shall be deemed commenced until a copy of the summons and
3 complaint, cross complaint, petition, bill, or pleading is served
4 upon the attorney general of Indiana.
- 5 (4) To acquire, lease, construct, maintain, repair, police, and
6 operate a port or project as provided in this chapter, and to
7 establish rules and regulations for the use of the port or project,
8 and other property subject to the jurisdiction and control of the
9 ports of Indiana.
- 10 (5) To issue both taxable and tax exempt revenue bonds of the
11 state, payable solely from revenues, as herein provided, for the
12 purpose of paying all or any part of the cost of a port or project.
- 13 (6) To acquire, lease, and operate tug boats, locomotives, and any
14 and every kind of motive power and conveyances or appliances
15 necessary or proper to carry passengers, goods, wares,
16 merchandise, or articles of commerce in, on, or around the port or
17 project.
- 18 (7) To fix and revise from time to time and to collect fees, rentals,
19 tolls, and other charges for the use of any port or project.
- 20 (8) To acquire, obtain option on, hold, and dispose of real and
21 personal property in the exercise of its powers and the
22 performance of its duties under this chapter.
- 23 (9) To designate the location and establish, limit, and control
24 points of ingress to and egress from a port or project.
- 25 (10) To lease to others for development or operation such portions
26 of any port or project, on such terms and conditions as the ports
27 of Indiana shall deem advisable.
- 28 (11) To make and enter into all contracts, undertakings, and
29 agreements necessary or incidental to the performance of its
30 duties and the execution of its powers under this chapter. Except
31 as provided in section 29 of this chapter, when the cost of any
32 such contract for construction, or for the purchase of equipment,
33 materials, or supplies, involves an expenditure of more than one
34 hundred fifty thousand dollars (\$150,000), the ports of Indiana
35 shall make a written contract with the lowest and best bidder after
36 advertisement for not less than two (2) consecutive weeks in a
37 newspaper of general circulation in the county where the
38 construction will occur and in such other publications as the ports
39 of Indiana shall determine. The notice shall state the general
40 character of the work and the general character of the materials to
41 be furnished, the place where plans and specifications therefor
42 may be examined, and the time and place of receiving bids. Each



1 bid shall contain the full name of every person or company
 2 interested in it and shall be accompanied by a sufficient bond or
 3 certified check on a solvent bank that if the bid is accepted a
 4 contract will be entered into and the performance of its proposal
 5 secured. The ports of Indiana may reject any and all bids. A bond
 6 with good and sufficient surety as shall be approved by the ports
 7 of Indiana shall be required of all contractors in an amount equal
 8 to at least fifty percent (50%) of the contract price conditioned
 9 upon the faithful performance of the contract. A contract for
 10 construction or a contract for the purchase of materials or supplies
 11 requires only the approval of the commission. Upon the ports of
 12 Indiana's approval of a contract, the ports of Indiana may
 13 immediately proceed with the construction or purchase.

14 (12) To construct, assemble, or otherwise build, own, lease,
 15 operate, manage, or otherwise control any project throughout
 16 Indiana for the purpose of promoting economic growth and
 17 development throughout Indiana, retaining existing employment
 18 within Indiana, and attracting new employment opportunities
 19 within Indiana.

20 (13) To employ a chief executive, consulting engineers,
 21 superintendents, and such other engineers, construction and
 22 accounting experts, attorneys, and other employees and agents as
 23 may be necessary in its judgment, and to fix their compensation
 24 and title, but no compensation of any employee of the ports of
 25 Indiana shall exceed the compensation of the highest paid officer
 26 or employee of the state.

27 (14) To receive and accept from any federal agency grants for or
 28 in aid of the construction of any port or project, and to receive and
 29 accept aid or contributions from any source of either money,
 30 property, labor, or other things of value, to be held, used, and
 31 applied only for the purposes for which such grants and
 32 contributions may be made.

33 (15) To provide coverage for its employees under the provisions
 34 of IC 22-3-2 through IC 22-3-6, and IC 22-4.

35 (16) To do all acts and things necessary or proper to carry out the
 36 powers expressly granted in this article.

37 (17) To hold, use, administer, and expend such sum or sums as
 38 may herein or hereafter be appropriated or transferred to the ports
 39 of Indiana.

40 SECTION 50. IC 8-10-1-8, AS AMENDED BY P.L.98-2008,
 41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2016]: Sec. 8. If the ports of Indiana shall find it necessary to



1 change the location of any portion of any public road, highway,
2 railroad, or public utility facility, the ports of Indiana shall cause the
3 same to be reconstructed at such location as the division of government
4 having jurisdiction over such road, highway, railroad or public utility
5 facility shall deem most favorable and of substantially the same type
6 and in as good condition as the original road, highway, or railroad or
7 public utility facility. The cost of such reconstruction, relocation, or
8 removal and any damage incurred in changing the location of any such
9 road, highway, railroad, or public utility facility, shall be ascertained
10 and paid by the ports of Indiana as a part of the cost of the port or
11 project. The ports of Indiana shall have authority to petition the circuit
12 court, **superior court, or probate court** of the county wherein is
13 situated any public road or part thereof, affected by the location therein
14 of any port or project, for the vacation or relocation of such road or any
15 part thereof with the same force and effect as statutes in effect on
16 March 2, 1961, to the inhabitants of any municipality or governmental
17 subdivision of the state. The proceedings upon such petition, whether
18 it be for the appointment of appraisers or otherwise, shall be the same
19 as provided by statutes in effect on March 2, 1961, for similar
20 proceedings upon such petitions. In addition to the foregoing powers,
21 the ports of Indiana and the authorized agents and employees of the
22 ports of Indiana after proper notice, may enter upon any lands, waters,
23 and premises in the state for the purpose of making surveys, soundings,
24 drillings, and examinations as are necessary or proper for the purposes
25 of this article, and such entry shall not be deemed a trespass, nor shall
26 an entry for such purpose be deemed an entry under any condemnation
27 proceedings which may be then pending; provided, that before entering
28 upon the premises of any railroad, notice shall be given to the
29 superintendent of such railroad involved at least five (5) days in
30 advance of such entry, and provided, that no survey, sounding, drilling,
31 and examination shall be made between the rails, or so close to a
32 railroad track, as would render said track unusable. The ports of
33 Indiana shall make reimbursement for any actual damage resulting to
34 such lands, waters, and premises and to private property located in, on,
35 along, over, or under such lands, waters and premises, as a result of
36 such activities. The state of Indiana, subject to the approval of the
37 governor, hereby consents to the use of lands owned by the state of
38 Indiana, including lands lying under water and riparian rights, which
39 are necessary or proper for the construction or operation of any port or
40 project, provided adequate compensation is made for such use. The
41 ports of Indiana shall also have power to make reasonable regulations
42 for the installation, construction, maintenance, repair, renewal,



1 relocation, and removal of tracks, pipes, mains, conduits, cables, wires,
 2 towers, poles, and other equipment and appliances (referred to in this
 3 section as "public utility facilities") of any public utility in, on, along,
 4 over, or under any port or project. Whenever the ports of Indiana shall
 5 determine that it is necessary that any such public utility facilities
 6 which are, on or after March 2, 1961, located in, on, along, over, or
 7 under any port or project should be relocated or should be removed
 8 from the port or project, the public utility owning or operating such
 9 facilities shall relocate or remove the same in accordance with the
 10 order of the ports of Indiana. However, the cost and expenses of such
 11 relocation or removal, including the cost of installing such facilities in
 12 a new location or new locations, and the cost of any lands, or any rights
 13 or interests in lands, and any other rights, acquired to accomplish such
 14 relocation or removal, shall be ascertained and paid by the ports of
 15 Indiana as a part of the cost of the port or project, excepting, however,
 16 cases in which such equipment or facilities are located within the limits
 17 of highways or public thoroughfares being constructed, reconstructed,
 18 or improved under the provisions of this chapter. In case of any such
 19 relocation or removal of facilities, the public utility owning or
 20 operating the same, its successors or assigns, may maintain and operate
 21 such facilities, with the necessary appurtenances, in the new location
 22 or new locations, for as long a period, and upon the same terms and
 23 conditions, as the public utility had the right to maintain and operate
 24 such facilities in their former location or locations subject, however, to
 25 the state's right of regulation under its police powers.

26 SECTION 51. IC 8-17-1-19 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. Any taxpayer may
 28 file an objection to the work by filing a sworn statement with the
 29 auditor that the road has not been completed according to the plans,
 30 plats, profiles, specifications, and contract, stating which item has not
 31 been completed. After the objection is filed, then the county executive
 32 shall set a hearing on the issue where it may hear other proof, may
 33 cause witnesses to be subpoenaed, and hear sworn evidence in the
 34 same manner as other issues are heard before the executive. The
 35 executive shall determine whether the work has been done according
 36 to the plans, plats, profiles, specifications, and contract. Any party
 37 aggrieved by the decision may appeal to the circuit court, **superior**
 38 **court, or probate court** of the county within ten (10) days of the date
 39 of the decision, by filing a bond approved by the auditor of the county,
 40 for the payment of all costs in the cause that may be adjudged in the
 41 circuit court, **superior court, or probate court** against the person
 42 taking the appeal. The proceedings shall be tried de novo in the circuit



1 court, **superior court, or probate court.**

2 SECTION 52. IC 8-18-21-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Except as provided
4 in section 4 of this chapter, the board of directors of a toll road
5 authority, acting in the name of the authority, may:

6 (1) finance, construct, reconstruct, operate, maintain, and manage
7 any toll road project acquired or financed under this chapter;

8 (2) sue, be sued, plead, and be impleaded, but all actions against
9 the authority must be brought in the circuit court, **superior court,**
10 **or probate court** for the county in which the authority is located;

11 (3) condemn, appropriate, purchase, and hold any real or personal
12 property needed or considered useful in connection with a toll
13 road facility;

14 (4) acquire real or personal property by gift, devise, or bequest
15 and hold, use, or dispose of that property for the purposes
16 authorized by this chapter;

17 (5) enter upon any lots or lands for the purpose of surveying or
18 examining them to determine the location of a toll road facility;

19 (6) collect all money that is due on account of the operation,
20 maintenance, or management of, or otherwise related to, a toll
21 road facility, and expend that money for proper purposes;

22 (7) employ the managers, superintendents, architects, engineers,
23 attorneys, auditors, clerks, foremen, custodians, and other
24 employees, necessary for the proper operation of a toll road
25 facility and fix the compensation of those employees, but a
26 contract of employment may not be made for a period of more
27 than four (4) years although it may be extended or renewed from
28 time to time;

29 (8) make and enter into all contracts and agreements necessary or
30 incidental to the performance of its duties and the execution of its
31 powers under this chapter; and

32 (9) provide coverage for its employees under IC 22-3 and IC 22-4.

33 SECTION 53. IC 8-20-1-72 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 72. Any person
35 aggrieved by any decision of the executive of any county in any
36 proceeding relating to highways may appeal within thirty (30) days to
37 the circuit court, **superior court, or probate court** of the county by
38 filing a bond. If the proceedings involve more than one (1) county, the
39 appeal shall be filed in the circuit court, **superior court, or probate**
40 **court** of the county where the proceedings were first instituted. The
41 auditor of each county, when notified of an appeal by the auditor of the
42 county where the appeal is filed, shall transmit to the clerk of the court



1 a transcript of all the proceedings in the county. After the appeal is
 2 decided, the clerk shall notify the auditors of all interested counties.
 3 The appeal shall be tried de novo. The court may make a final
 4 determination on the cause appealed, or may refer the case back to the
 5 county with directions on how to proceed.

6 SECTION 54. IC 8-21-9-18 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. If the department
 8 finds it necessary to change the location of any portion of any public
 9 road, railroad or public utility facility, it shall cause the same to be
 10 reconstructed at such location as the division of government having
 11 jurisdiction over such road, highway, railroad or public utility facility
 12 shall deem most favorable and of substantially the same type and in as
 13 good condition as the original road, highway or railroad or public
 14 utility facility. The cost of such reconstruction, relocation or removal
 15 and any damage incurred in changing the location of any such road,
 16 highway, railroad or public utility facility, shall be ascertained and paid
 17 by the department as a part of the cost of such airport or airport facility.
 18 The department may petition the circuit court, **superior court, or**
 19 **probate court** of the county wherein is situated any public road or part
 20 thereof, affected by the location therein of any airport or airport facility,
 21 for the vacation or relocation of such road or any part thereof with the
 22 same force and effect as is now given by existing laws to the
 23 inhabitants of any municipality or governmental subdivision of the
 24 state. The proceedings upon such petition, whether it be for the
 25 appointment of appraisers or otherwise, shall be the same as provided
 26 by existing laws for similar proceedings upon such petitions. In
 27 addition to the foregoing powers, the department and its authorized
 28 agents and employees, after proper notice, may enter upon any lands,
 29 waters and premises in the state for the purpose of making surveys,
 30 soundings, drillings, and examinations as are necessary or proper for
 31 the purposes of this chapter; and such entry shall not be deemed a
 32 trespass, nor shall an entry for such purpose be deemed an entry under
 33 any condemnation proceedings which may be then pending; however,
 34 before entering upon the premises of any railroad, notice shall be given
 35 to the superintendent of such railroad involved at least five (5) days in
 36 advance of such entry. No survey, sounding, drilling and examination
 37 shall be made between the rails or so close to a railroad track as would
 38 render said track unusable. The department may make reimbursement
 39 for any actual damage resulting to such lands, waters and premises and
 40 to private property located in, on, along, over or under such lands,
 41 waters and premises, as a result of such activities. The State of Indiana,
 42 subject to the approval of the governor, hereby consents to the use of



1 lands owned by it, including lands lying under water and riparian
 2 rights, which are necessary or proper for the construction or operation
 3 of any airport or airport facility, provided adequate compensation is
 4 made for such use. The department may also make reasonable
 5 regulations for the installation, construction, maintenance, repair,
 6 renewal, relocation and removal of tracks, pipes, mains, conduits,
 7 cables, wires, towers, poles and other equipment and appliances (herein
 8 called "public utility facilities") of any public utility in, on, along, over
 9 or under any airport or airport facility. Whenever the department shall
 10 determine that it is necessary that any such public utility facilities
 11 which now are, or hereafter may be, located in, on, along, over or under
 12 any such airport or airport facility should be relocated, or should be
 13 removed from such airport or airport facility, the public utility owning
 14 or operating such facilities shall relocate or remove the same in
 15 accordance with the order of the department; however, the cost and
 16 expenses of such relocation or removal including the cost of installing
 17 such facilities in a new location or new locations and the cost of any
 18 lands, or any rights or interest in lands, and any other rights, acquired
 19 to accomplish such relocations or removal, shall be ascertained and
 20 paid by the department as a part of the cost of such airport or airport
 21 facility, excepting, however, cases in which such equipment or
 22 facilities are located within the limits of existing highways or public
 23 thoroughfares being constructed, reconstructed or improved under the
 24 provisions of this chapter. In case of any such relocation or removal of
 25 facilities, the public utility owning or operating the same, its successors
 26 or assigns, may maintain and operate such facilities, with the necessary
 27 appurtenances, in the new location or new locations, for as long a
 28 period, and upon the same terms and conditions, as it had the right to
 29 maintain and operate such facilities in their former location or locations
 30 subject, however, to the state's right of regulation under its police
 31 powers.

32 SECTION 55. IC 9-30-9-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies
 34 to each ~~circuit~~ court that is not authorized to establish an alcohol and
 35 drug services program under IC 12-23-14-1 through IC 12-23-14-13.

36 SECTION 56. IC 9-30-9-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The ~~circuit~~ court of
 38 a county may establish an alcohol abuse deterrent program after the
 39 county fiscal body adopts a resolution approving the program. The
 40 program must provide for the treatment of individuals who have been
 41 convicted of more than one (1) violation of IC 9-30-5 with disulfiram
 42 or a similar substance that the court determines is an effective chemical



1 deterrent to the use of alcohol.

2 SECTION 57. IC 9-30-9-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The ~~circuit~~ court:

4 (1) shall administer the program established under section 2 of
5 this chapter;

6 (2) shall submit claims under IC 33-37-8-6 for the disbursement
7 of funds; and

8 (3) may enter into contracts with individuals, firms, and
9 corporations to provide the treatment described by section 2 of
10 this chapter.

11 SECTION 58. IC 10-17-4-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If an employer fails
13 to comply with sections 1 and 2 of this chapter, an employee may:

14 (1) bring an action at law for damages for the employer's
15 noncompliance; or

16 (2) apply to the circuit court, **superior court, or probate court**
17 for equitable relief that is just and proper under the
18 circumstances.

19 SECTION 59. IC 10-18-3-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) On the day
21 designated by the auditor or clerk for a hearing under section 3 of this
22 chapter, the petitioners may make proof of the publication and posting
23 of the notice of the hearing and present the petition to the board of
24 commissioners or common council. However, if on or before the day
25 of the hearing a written remonstrance is filed with the board of
26 commissioners or common council, the board of commissioners or
27 common council shall fix a new hearing date at least thirty (30) days
28 but less than forty (40) days after the original hearing date. A written
29 remonstrance must:

30 (1) be signed by citizens and taxpayers of the county or city;

31 (2) be equal in number to the signers of the petition; and

32 (3) ask that the memorial not be established or protest against the
33 kind of memorial proposed and provide reasons for the protest.
34 Before the new hearing date, additional names of citizens and
35 taxpayers may be added to or withdrawn from the petition and
36 remonstrance. A person who signs the petition may not be
37 counted on a remonstrance against it. On or after the first day
38 designated, a taxpayer may be added to a petition and
39 remonstrance for hearing.

40 (b) If a remonstrance is not filed, the board of commissioners or
41 common council may grant the petition and order the establishment of
42 a memorial, subject to the conditions of this chapter. If a proper



1 remonstrance is filed on the first day designated for the hearing, the
 2 board of commissioners or common council may grant the petition on
 3 or after the second day of the hearing as fixed by the board of
 4 commissioners, unless there is a greater number of qualified
 5 remonstrators against the memorial than petitioners for the memorial
 6 at that time. If this occurs, the petition shall be dismissed at the cost of
 7 the petitioners.

8 (c) A taxpayer of the county aggrieved by the action of the board
 9 may appeal its decision to the circuit court, **superior court, or probate**
 10 **court** of the county within ten (10) days in the same manner as other
 11 appeals are taken from the action of the board. The cause must be tried
 12 de novo.

13 SECTION 60. IC 10-18-4-22 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) If a city
 15 legislative body wants to implement this chapter, the legislative body
 16 must adopt an ordinance that must be in substance as follows:

17 "Be it resolved by _____ (name of the city's legislative body)
 18 that the city should proceed (or jointly with _____ County, in
 19 which it is located) to carry out the purposes of IC 10-18-4.".

20 The ordinance must be submitted to the mayor of the city for approval.
 21 If the ordinance is approved by the mayor, the city clerk shall give
 22 notice of the adoption of the ordinance by the publication of the
 23 ordinance in full by two (2) insertions published at least one (1) week
 24 apart under IC 5-3-1-4.

25 (b) The city may appropriate money, issue bonds, levy taxes, and do
 26 everything necessary to implement this chapter.

27 (c) If a city issues bonds under this chapter and the bonds must be
 28 refunded, the city's legislative body is not required to adopt an
 29 ordinance for that purpose.

30 (d) A city's rights and powers under this chapter are not exhausted
 31 by being exercised one (1) or more times, but are continuing rights and
 32 powers. A subsequent exercise of power under this chapter by a city
 33 does not require the city's legislative body to adopt an ordinance. A city
 34 that wants to act a subsequent time to implement this chapter may
 35 proceed, acting through its board of public works, with the approval of
 36 its mayor, when money has been appropriated for the action by an
 37 ordinance passed by the city's legislative body and approved by the
 38 mayor, without complying with any other law relating to appropriations
 39 and budgets except for section 3 of this chapter.

40 (e) A taxpayer aggrieved by an action under this section may appeal
 41 the decision to the circuit court, **superior court, or probate court** of
 42 the county within ten (10) days in the same manner as other appeals are



1 taken from an action of the board. The cause of action shall be tried de
2 novo.

3 SECTION 61. IC 11-12-4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The department
5 shall inspect each county jail at least one (1) time each year to
6 determine whether it is complying with the standards adopted under
7 section 1 of this chapter. If the department determines that a jail is not
8 complying with the standards, the commissioner shall give written
9 notice of this determination to the county sheriff, the board of county
10 commissioners, the prosecuting attorney, the circuit court, **superior**
11 **court, or probate court**, and all courts having criminal or juvenile
12 jurisdiction in that county. This notice must specify which standards
13 are not being met and state the commissioner's recommendations
14 regarding compliance.

15 (b) If after six (6) months from the date of the written notice the
16 department determines that the county is not making a good faith effort
17 toward compliance with the standards specified in the notice, the
18 commissioner may:

- 19 (1) petition the circuit court, **superior court, or probate court**
20 for an injunction prohibiting the confinement of persons in all or
21 any part of the jail, or otherwise restricting the use of the jail; or
22 (2) recommend, in writing, to the prosecuting attorney and each
23 court with criminal or juvenile jurisdiction that a grand jury be
24 convened to tour and examine the county jail under
25 IC 35-34-2-11.

26 (c) Upon receipt of notice by the commissioner that the jail does not
27 comply with standards adopted under section 1 of this chapter, the
28 sheriff may bring an action in the circuit court, **superior court, or**
29 **probate court** against the board of county commissioners or county
30 council for appropriate mandatory or injunctive relief.

31 SECTION 62. IC 12-19-1-18, AS AMENDED BY P.L.210-2015,
32 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2016]: Sec. 18. (a) After petition to and with the approval of
34 the judge of a circuit court of the county where an applicant for or
35 recipient of public assistance resides, ~~(or, if a superior court has~~
36 ~~probate jurisdiction in the county, the superior court that has probate~~
37 ~~jurisdiction where the recipient of public assistance resides);~~ a county
38 office may take the actions described in subsection (b) if:

- 39 (1) an applicant for public assistance is physically or mentally
40 incapable of completing an application for assistance; or
41 (2) a recipient of public assistance:
42 (A) is incapable of managing the recipient's affairs; or



- 1 (B) refuses to:
 2 (i) take care of the recipient's money properly; or
 3 (ii) comply with the director of the division's rules and
 4 policies.
- 5 (b) If the conditions of subsection (a) are satisfied, the county office
 6 may designate a responsible person to do the following:
 7 (1) Act for the applicant or recipient.
 8 (2) Receive on behalf of the recipient the assistance the recipient
 9 is eligible to receive under any of the following:
 10 (A) This chapter.
 11 (B) IC 12-10-6.
 12 (C) IC 12-14-1 through IC 12-14-3.
 13 (D) IC 12-14-5 through IC 12-14-8.
 14 (E) IC 12-14-13 through IC 12-14-19.
 15 (F) IC 12-15.
 16 (G) IC 16-35-2.
- 17 (c) A fee for services provided under this section may be paid to the
 18 responsible person in an amount not to exceed ten dollars (\$10) each
 19 month. The fee may be allowed:
 20 (1) in the monthly assistance award; or
 21 (2) by vendor payment if the fee would cause the amount of
 22 assistance to be increased beyond the maximum amount permitted
 23 by statute.
- 24 SECTION 63. IC 12-19-1-20 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) A responsible
 26 person appointed under section 18 of this chapter shall make financial
 27 reports concerning the services provided by the responsible person at
 28 the time and in the manner prescribed by the ~~circuit~~ court. A
 29 responsible person shall account to the ~~circuit~~ court at least one (1)
 30 time every two (2) years. The ~~circuit~~ court may make rules regulating
 31 the administration and accounting of money paid to a responsible
 32 person.
- 33 (b) The powers of a responsible person, other than the filing of a
 34 final account for the approval of the ~~circuit~~ court, terminate on the
 35 appointment of a guardian for the recipient.
- 36 (c) Public assistance money received by a responsible person shall
 37 be used solely for the benefit of the recipient or the recipient's
 38 dependents.
- 39 SECTION 64. IC 12-30-2-5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The board of
 41 commissioners of a county may remove the superintendent of the
 42 county home from office at any time, but only for cause, which must be



1 entered in the record book of the board of commissioners. A
 2 superintendent removed from office under this section may appeal the
 3 removal action to the circuit court, **superior court, or probate court**
 4 of the county within ten (10) days in the same manner as other appeals
 5 are taken from actions of the board of commissioners.

6 SECTION 65. IC 12-30-4-5, AS AMENDED BY P.L.73-2005,
 7 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2016]: Sec. 5. If a board of commissioners finds
 9 that the individual sought to be admitted into the county home or other
 10 charitable institution should not, for any cause, be admitted, the
 11 individual denied admission, or the township trustee as the
 12 administrator of township assistance, may appeal from the decision of
 13 the board of commissioners of the county to the circuit court, **superior**
 14 **court, or probate court** of the county by filing a transcript of the
 15 record before the board of commissioners with the clerk of the circuit
 16 court, **superior court, or probate court** of the county, who shall
 17 immediately notify the circuit court, **superior court, or probate court**.
 18 The court shall, as soon as possible, proceed to hear and determine the
 19 matter. The court may order the board of commissioners to accept the
 20 individual in the county home or other charitable institution on the
 21 terms and conditions, within the lawfully established rate as provided
 22 in section 8 of this chapter, as the court orders.

23 SECTION 66. IC 12-30-4-6, AS AMENDED BY P.L.73-2005,
 24 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2016]: Sec. 6. In case of an emergency and
 26 pending the decision by the board of commissioners or the circuit
 27 court, **superior court, or probate court**, an individual sought to be
 28 admitted shall be admitted temporarily. If the final determination is
 29 made that the individual should not be admitted, the trustee of the
 30 township of the individual's legal settlement, as the administrator of
 31 township assistance, shall immediately remove the individual from the
 32 county home or other charitable institution.

33 SECTION 67. IC 13-26-11-13, AS AMENDED BY P.L.97-2012,
 34 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2016]: Sec. 13. (a) The ordinance establishing the initial rates
 36 or charges, either as:

- 37 (1) originally introduced; or
- 38 (2) modified and amended;

39 shall be passed and put into effect after the hearing.

40 (b) A copy of the schedule of the rates and charges established must
 41 be:

- 42 (1) kept on file in the office of the district; and



- 1 (2) open to public inspection.
- 2 (c) Whenever the board acts under section 8(b) of this chapter, to
3 change or readjust the rates and charges, the board shall mail, either
4 separately or along with a periodic billing statement, a notice of the
5 new rates and charges to each user affected by the change or
6 readjustment. In the case of a sewage district, if the change or
7 readjustment increases the rates and charges by the amount specified
8 in section 15(c) of this chapter, the notice required by this subsection:
9 (1) must include a statement of a ratepayer's rights under section
10 15 of this chapter; and
11 (2) shall be mailed within the time specified in section 15(c) of
12 this chapter.
- 13 (d) Following the passage of an ordinance under subsection (a), the
14 lesser of fifty (50) or ten percent (10%) of the ratepayers of the district
15 may file a written petition objecting to the initial rates and charges of
16 the district. A petition filed under this subsection must:
17 (1) contain the name and address of each petitioner;
18 (2) be filed with a member of the district authority, in the county
19 where at least one (1) petitioner resides, not later than thirty (30)
20 days after the district adopts the ordinance; and
21 (3) set forth the grounds for the ratepayers' objection.
- 22 (e) The district authority shall set the matter for public hearing not
23 less than ten (10) business days but not later than twenty (20) business
24 days after the petition has been filed. The district authority shall send
25 notice of the hearing by certified mail to the district and the first listed
26 petitioner and publish the notice of the hearing in a newspaper of
27 general circulation in each county in the district.
- 28 (f) Upon the date fixed in the notice, the district authority shall hear
29 the evidence produced and determine the following:
30 (1) Whether the board of trustees of the district, in adopting the
31 ordinance establishing sewer rates and charges, followed the
32 procedure required by this chapter.
33 (2) Whether the sewer rates and charges established by the board
34 by ordinance are just and equitable rates and charges, according
35 to the standards set forth in section 9 of this chapter.
- 36 (g) After the district authority hears the evidence produced and
37 makes the determinations set forth in subsection (f), the district
38 authority, by a majority vote, shall:
39 (1) sustain the ordinance establishing the rates and charges;
40 (2) sustain the petition; or
41 (3) make any other ruling appropriate in the matter, subject to the
42 standards set forth in section 9 of this chapter.



1 (h) The order of the district authority may be appealed by the district
 2 or a petitioner to the circuit court, **superior court, or probate court**
 3 of the county in which the district is located. The court shall try the
 4 appeal without a jury and shall determine one (1) or both of the
 5 following:

6 (1) Whether the board of trustees of the district, in adopting the
 7 ordinance establishing sewer rates and charges, followed the
 8 procedure required by this chapter.

9 (2) Whether the sewer rates and charges established by the board
 10 by ordinance are just and equitable rates and charges, according
 11 to the standards set forth in section 9 of this chapter.

12 Either party may appeal the circuit court's, **superior court's, or**
 13 **probate court's** decision in the same manner that other civil cases may
 14 be appealed.

15 SECTION 68. IC 13-26-11-15, AS AMENDED BY P.L.97-2012,
 16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2016]: Sec. 15. (a) A district authority is established in each
 18 regional sewage district established under this article. A district
 19 authority:

20 (1) must consist of an odd number of members;

21 (2) must consist of at least three (3) members; and

22 (3) may not include as a member any person who serves on the
 23 board of trustees of the district.

24 (b) The district authority of a regional sewage district consists of the
 25 following members:

26 (1) In the case of a regional sewage district located in one (1)
 27 county, the following members:

28 (A) If no members of the county executive are trustees of the
 29 regional sewage district, the county executive of the county.

30 (B) If:

31 (i) one (1) or more members of the county executive are
 32 trustees of the regional sewage district; and

33 (ii) no members of the county fiscal body are trustees of the
 34 regional sewage district;

35 the members of the county fiscal body.

36 (C) If the regional sewage district's board of trustees consists
 37 of one (1) or more members of the county executive and one
 38 (1) or more members of the county fiscal body, three (3)
 39 members appointed as follows:

40 (i) Two (2) members appointed by the county executive. If
 41 not all of the members of the county executive are trustees
 42 of the district, the county executive may appoint either or



- 1 both of the two (2) members required by this item from
 2 among the county executive's own membership, subject to
 3 subsection (a)(3).
- 4 (ii) One (1) member appointed by the county fiscal body. If
 5 not all of the members of the county fiscal body are trustees
 6 of the district, the county fiscal body may appoint the
 7 member required by this item from among the county fiscal
 8 body's own membership, subject to subsection (a)(3).
- 9 (2) In the case of a regional sewage district located in more than
 10 one (1) county, the following members:
- 11 (A) If:
- 12 (i) an odd number of counties are part of the regional sewage
 13 district; and
- 14 (ii) each county in the district has at least one (1) county
 15 executive member who is not a trustee of the regional
 16 sewage district;
- 17 one (1) county executive member, appointed by that member's
 18 county executive, from each county in which the district is
 19 located, subject to subsection (a)(3).
- 20 (B) If an even number of counties are part of the regional
 21 sewage district, the following members:
- 22 (i) Two (2) county executive members, appointed by those
 23 members' county executive, from the county that has the
 24 largest number of customers served by the district's sewer
 25 system. However, if the county that has the largest number
 26 of customers served by the district's sewer system does not
 27 have at least two (2) members of its executive who are not
 28 also trustees of the district, the county executive of that
 29 county may appoint one (1) or more of the members
 30 required by this item from outside the county executive's
 31 own membership in order to comply with subsection (a)(3).
- 32 (ii) One (1) county executive member, appointed by that
 33 member's county executive, from each county, other than the
 34 county described in item (i), in which the district is located.
 35 However, if a county described in this item does not have at
 36 least one (1) member of its executive who is not also a
 37 trustee of the district, the county executive of that county
 38 may appoint the member required by this item from outside
 39 the county executive's own membership in order to comply
 40 with subsection (a)(3).
- 41 (C) If an odd number of counties are part of the regional
 42 sewage district and an odd number of those counties in the



1 district do not have at least one (1) county executive member
2 who is not also a trustee of the district, the following members:

3 (i) One (1) county executive member, appointed by that
4 member's county executive, from each county that has at
5 least one (1) county executive member who is not also a
6 trustee of the district, subject to subsection (a)(3).

7 (ii) One (1) member appointed by the county executive of
8 each county that does not have at least one (1) county
9 executive member who is not also a trustee of the district. A
10 member appointed under this item must be appointed from
11 outside the appointing county executive's own membership,
12 subject to subsection (a)(3).

13 (c) If a district adopts an ordinance increasing sewer rates and
14 charges at a rate that is greater than five percent (5%) per year, as
15 calculated from the rates and charges in effect from the date of the
16 district's last rate increase, the district shall mail, either separately or
17 along with a periodic billing statement, a notice of the new rates and
18 charges to each user of the sewer system who is affected by the
19 increase. The notice:

20 (1) shall be mailed not later than seven (7) days after the district
21 adopts the ordinance increasing the rates and charges; and

22 (2) must include a statement of a ratepayer's rights under this
23 section.

24 (d) If subsection (c) applies, fifty (50) ratepayers of the district or
25 ten percent (10%) of the district's ratepayers, whichever is fewer, may
26 file a written petition objecting to the rates and charges of the district.
27 A petition filed under this subsection must:

28 (1) contain the name and address of each petitioner;

29 (2) be filed with a member of the district authority, in the county
30 where at least one (1) petitioner resides, not later than thirty (30)
31 days after the district adopts the ordinance establishing the rates
32 and charges; and

33 (3) set forth the grounds for the ratepayers' objection.

34 If a petition meeting the requirements of this subsection is filed, the
35 district authority shall investigate and conduct a public hearing on the
36 petition. If more than one (1) petition concerning a particular increase
37 in rates and charges is filed, the district authority shall consider the
38 objections set forth in all the petitions at the same public hearing.

39 (e) The district authority shall set the matter for public hearing not
40 less than ten (10) business days but not later than twenty (20) business
41 days after the petition has been filed. The district authority shall send
42 notice of the hearing by certified mail to the district and the first listed



1 petitioner and publish the notice of the hearing in a newspaper of
2 general circulation in each county in the district.

3 (f) Upon the date fixed in the notice, the district authority shall hear
4 the evidence produced and determine the following:

5 (1) Whether the board of trustees of the district, in adopting the
6 ordinance increasing sewer rates and charges, followed the
7 procedure required by this chapter.

8 (2) Whether the increased sewer rates and charges established by
9 the board by ordinance are just and equitable rates and charges,
10 according to the standards set forth in section 9 of this chapter.

11 (g) After the district authority hears the evidence produced and
12 makes the determinations set forth in subsection (f), the district
13 authority, by a majority vote, shall:

14 (1) sustain the ordinance establishing the rates and charges;

15 (2) sustain the petition; or

16 (3) make any other ruling appropriate in the matter, subject to the
17 standards set forth in section 9 of this chapter.

18 (h) The order of the district authority may be appealed by the district
19 or a petitioner to the circuit court, **superior court, or probate court**
20 of the county in which the district is located. The court shall try the
21 appeal without a jury and shall determine one (1) or both of the
22 following:

23 (1) Whether the board of trustees of the district, in adopting the
24 ordinance increasing sewer rates and charges, followed the
25 procedure required by this chapter.

26 (2) Whether the increased sewer rates and charges established by
27 the board by ordinance are just and equitable rates and charges,
28 according to the standards set forth in section 9 of this chapter.

29 Either party may appeal the circuit court's, **superior court's, or**
30 **probate court's** decision in the same manner that other civil cases may
31 be appealed.

32 SECTION 69. IC 15-17-5-26, AS ADDED BY P.L.2-2008,
33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2016]: Sec. 26. (a) A person who fails to file an annual or a
35 special report as required by this chapter within the time fixed by the
36 state veterinarian for filing the report and for thirty (30) days after
37 notice of default shall forfeit to the state one hundred dollars (\$100) for
38 each day of the continuance of the failure beginning thirty-one (31)
39 days after the notice of default. The forfeiture is payable into the state
40 treasury and is recoverable in a civil suit in the name of the state of
41 Indiana brought in the circuit court, **superior court, or probate court**
42 where the person has the person's principal office or in any county in



1 which the person does business.

2 (b) The prosecuting attorneys, under the direction of the attorney
3 general, shall prosecute for the recovery of forfeitures. The costs and
4 expenses of prosecution must be paid out of the appropriation for the
5 expenses of the courts.

6 SECTION 70. IC 16-22-6-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A member may
8 be removed from office for neglect of duty, incompetency, inability to
9 perform duties, or other good cause by an order of the circuit court,
10 **superior court, or probate court** in the county in which the authority
11 is located, subject to the procedure set forth in subsection (b).

12 (b) A complaint may be filed by any person against the director
13 setting forth the charges preferred. The cause shall be placed on the
14 advanced calendar and is tried as other civil causes are tried by the
15 court without the intervention of a jury. If the charges are sustained, the
16 court shall declare the office vacant. A change of venue from the judge
17 shall be granted upon motion, but no change of venue from the county
18 may be taken.

19 SECTION 71. IC 16-22-6-36 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. An authority may
21 be liquidated after the authority's securities are redeemed, debts are
22 paid, and leases are terminated if the board of directors files a report
23 with ~~the judge~~ of the circuit court, **superior court, or probate court**
24 showing the facts and stating that the liquidation is in the best public
25 interest. The court shall find the facts and make an order book entry
26 ordering the authority liquidated.

27 SECTION 72. IC 16-22-7-9 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A member of the
29 governing board may be removed from office for neglect of duty,
30 incompetency, inability to perform duties, or other good cause by an
31 order of the circuit court, **superior court, or probate court** in the
32 county in which the authority is located, subject to the procedure in
33 subsection (b).

34 (b) A complaint may be filed by any person against a member
35 setting forth the charges preferred. The cause shall be placed on the
36 advanced calendar and be tried as other civil causes are tried by the
37 court without the intervention of a jury. If the charges are sustained, the
38 court shall declare the office vacant. A change of venue from the judge
39 shall be granted upon motion, but a change of venue from the county
40 may not be taken.

41 SECTION 73. IC 16-22-7-13 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. If a member of the



1 governing board has any pecuniary interest in a contract, an
 2 employment, a purchase, or a sale made under this chapter, the director
 3 shall disclose that interest and shall not vote on the matter. If the
 4 member fails to disclose the interest, the transaction is voidable if a suit
 5 is filed in circuit court, **superior court, or probate court** in not less
 6 than thirty (30) days.

7 SECTION 74. IC 16-22-7-41 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 41. An authority may
 9 be liquidated after redemption of the authority's securities, payment of
 10 the authority's debts, and termination of the authority's leases if the
 11 governing board files a report with ~~the judge~~ of the circuit court,
 12 **superior court, or probate court** showing the facts and stating that
 13 liquidation is in the best public interest. If the court finds the facts, the
 14 court shall make an order book entry ordering the authority liquidated.

15 SECTION 75. IC 16-23.5-2-2, AS ADDED BY P.L.2-2007,
 16 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board of commissioners
 18 of the county may appoint in writing five (5) residents of the county as
 19 members of the executive board of the agency. Original appointments
 20 to the executive board must be made in the following manner:

- 21 (1) One (1) member for a term of two (2) years.
- 22 (2) Two (2) members for a term of three (3) years.
- 23 (3) Two (2) members for a term of four (4) years.

24 (b) The county council may appoint in writing two (2) residents of
 25 the county as members of the executive board. Original appointments
 26 to the executive board must be made in the following manner:

- 27 (1) One (1) member for a term of two (2) years.
- 28 (2) One (1) member for a term of four (4) years.

29 (c) All persons subsequently appointed serve a term of four (4)
 30 years. A person may be reappointed for a subsequent term or terms. If
 31 a member of the executive board who was appointed by the board of
 32 commissioners dies, resigns, is removed, or ceases to be a resident of
 33 the county, the board of commissioners shall appoint another qualified
 34 person to fill the remainder of the unexpired term. If a member of the
 35 executive board who was appointed by the county council dies, resigns,
 36 is removed, or ceases to be a resident of the county, the county council
 37 shall appoint another qualified person to fill the remainder of the
 38 unexpired term.

39 (d) Persons appointed to the executive board must be
 40 knowledgeable and interested in the community health and medical
 41 care needs of the county and other areas of concern related to the
 42 development of a county medical center. However, only two (2) of the



1 five (5) board members who are appointed under subsection (a) may be
 2 medical practitioners, administrators of a medical or health facility in
 3 the county, or on the faculty of a medical institution in the county.

4 (e) A member of the executive board may be removed from office
 5 for neglect of duty, incompetence, inability to perform the member's
 6 duties, or any other good cause by an order of the circuit court,
 7 **superior court, or probate court** in the county in which the agency is
 8 located, subject to the following procedure:

9 (1) A complaint may be filed by any person against the member
 10 setting forth the charges preferred.

11 (2) The cause shall be placed on the advanced calendar and tried
 12 as other civil causes are tried by the court without a jury.

13 (3) If the charges are sustained, the court shall declare the office
 14 and term vacant.

15 (4) A change of venue from the judge may be granted upon
 16 motion, but a change of venue from the county may not be taken.

17 SECTION 76. IC 16-33-3-10, AS AMENDED BY P.L.44-2009,
 18 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2016]: Sec. 10. Whenever the circuit court, **superior court,**
 20 **or probate court** having jurisdiction finds, upon application by the
 21 county office of the division of family resources, that the parent or
 22 guardian of a client placed in the center is unable to meet the costs that
 23 the parent or guardian is required to pay for the services of the center,
 24 the court shall order payment of the costs from the county general fund.

25 SECTION 77. IC 16-41-22-17 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. A person aggrieved
 27 by the denial or revocation of a license under this chapter may appeal
 28 to the circuit court, **superior court, or probate court** of the county in
 29 which the assembly was to gather. The appeal must be taken not more
 30 than fifteen (15) days after the denial or revocation. The appeal is
 31 privileged.

32 SECTION 78. IC 16-41-27-26, AS AMENDED BY P.L.87-2005,
 33 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2016]: Sec. 26. (a) The state department shall provide a
 35 written notice to a mobile home community operator of the following:

36 (1) The revocation of the operator's license.

37 (2) The denial of the operator's application for a license.

38 (3) The denial of the approval of the construction or alteration of
 39 a mobile home community.

40 (b) The notice under subsection (a) must contain the following:

41 (1) A statement of the manner in which the operator has failed to
 42 comply with the law or rules of the state department.



1 (2) The length of time available to correct the violation.

2 (c) The state department may order an operator to comply with this
3 chapter or rules adopted under this chapter. If an operator fails to
4 comply within the time specified by the order, the state department may
5 initiate proceedings to force compliance in the circuit court, **superior**
6 **court, or probate court** in the county of the operator's residence or in
7 the county where the mobile home community is located. The court
8 may grant appropriate relief to ensure compliance with this chapter and
9 rules adopted under this chapter.

10 SECTION 79. IC 22-2-13-16, AS ADDED BY P.L.151-2007,
11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2016]: Sec. 16. (a) An employee may bring a civil action at
13 law to enforce this chapter.

14 (b) A circuit court, **superior court, or probate court** may:

15 (1) enjoin any act or practice that violates this chapter; and

16 (2) order any other equitable relief that is just and proper under
17 the circumstances to redress the violation of or to enforce this
18 chapter.

19 SECTION 80. IC 22-6-2-12 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Either party to the
21 dispute may within fifteen (15) days from the date such order is filed
22 with the clerk of the court petition the circuit court, **superior court, or**
23 **probate court** of any county, in which the employer operates or has an
24 office or place of business, for a review of such order on the ground (a)
25 that the parties were not given reasonable opportunity to be heard, or
26 (b) that the board of arbitration exceeded its powers, or (c) that the
27 order is unreasonable in that it is not supported by the evidence, or (d)
28 that the order was procured by fraud, collusion, or other unlawful
29 means or methods. A summons to the other party to the dispute shall
30 be issued as provided by law in other civil cases; and either party shall
31 have the same rights to a change of venue from the county, or to a
32 change of judge, as provided by law in other civil cases. The judge of
33 the circuit court, **superior court, or probate court**, without the
34 intervention of a jury, shall hear the evidence adduced by both parties
35 with respect to the issue raised by such petition and may reverse said
36 order only if ~~he~~ **the judge** finds that (a) one (1) of the parties was not
37 given reasonable opportunity to be heard, or (b) that the board of
38 arbitration exceeded its powers, or (c) that the order is unreasonable in
39 that it is not supported by the evidence, or (d) that the order was
40 procured by fraud, collusion, or other unlawful means or methods. The
41 decision of the judge ~~of the circuit court~~ shall be final. If the court
42 reverses said order for one (1) of the reasons stated herein, the clerk of



1 said court shall certify the court's decision to the governor, who may
 2 either attempt further conciliation or may appoint another board of
 3 arbitration, as hereinabove provided for, in the event that the parties do
 4 not prefer first to engage in further collective bargaining in an attempt
 5 to settle such dispute.

6 SECTION 81. IC 22-6-2-14 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Any person
 8 adversely affected by reason of any violation of the provisions of this
 9 chapter may file an action in the circuit court, **superior court, or**
 10 **probate court** of the county in which any such violation occurs to
 11 restrain and enjoin such violation and to compel the performance of the
 12 duties imposed by this chapter. In any such action the provisions of
 13 IC 22-6-1 shall not apply.

14 SECTION 82. IC 22-8-1.1-38.1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 38.1. (a) No person
 16 shall discharge or in any way discriminate against any employee
 17 because such employee has filed a complaint or instituted or caused to
 18 be instituted any proceeding under or related to this chapter or has
 19 testified or is about to testify in any such proceeding or because of the
 20 exercise by such employee on behalf of ~~himself~~ **the employee** or others
 21 of any right afforded by this chapter.

22 (b) Any employee who believes that ~~he~~ **the employee** has been
 23 discharged or otherwise discriminated against by any person in
 24 violation of this section may, within thirty (30) calendar days after such
 25 violation occurs, file a complaint with the commissioner alleging such
 26 discrimination. Upon receipt of such complaint, the commissioner shall
 27 cause such investigation to be made as ~~he~~ **the commissioner** deems
 28 appropriate. If after such investigation, the commissioner determines
 29 that the provisions of this section have been violated, ~~he;~~ **the**
 30 **commissioner**, through the attorney general, shall, within one hundred
 31 twenty (120) days after receipt of said complaint, bring an action in the
 32 circuit **court, courts of Indiana. The circuit courts of Indiana superior**
 33 **court, or probate court. The circuit court, superior court, or**
 34 **probate court** shall have jurisdiction to restrain violations of this
 35 section and order all appropriate relief, including rehiring, or
 36 reinstatement of the employee to ~~his~~ **the employee's** former position
 37 with back pay, after taking into account any interim earnings of the
 38 employee.

39 (c) Within ninety (90) days of the receipt of a complaint filed under
 40 this section, the commissioner shall notify the complainant in writing
 41 of ~~his~~ **the commissioner's** determination under this section.

42 SECTION 83. IC 22-8-1.1-39.1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39.1. (a) Whenever the
 2 commissioner is of the opinion that imminent danger exists in any
 3 workplace in this state, which condition can reasonably be expected to
 4 cause death or serious physical harm, the commissioner, through the
 5 attorney general, may petition the circuit court, **superior court, or**
 6 **probate court** of the county in which such workplace is located for
 7 appropriate relief. Any order issued under this section may require such
 8 steps to be taken as may be necessary to avoid, correct, or remove such
 9 imminent danger and prohibit the employment or presence of any
 10 individual in locations or under conditions where such imminent
 11 danger exists, except individuals whose presence is necessary to avoid,
 12 correct, or remove such imminent danger or to maintain the capacity of
 13 a continuous process operation to resume normal operations without a
 14 complete cessation of operations, or where a cessation of operations is
 15 necessary, to permit such to be accomplished in a safe and orderly
 16 manner.

17 (b) Whenever and as soon as an inspector concludes that conditions
 18 or practices described in subsection (a) exist in any place of
 19 employment, ~~he the inspector~~ shall inform the affected employers and
 20 employees of the danger and that ~~he the inspector~~ is recommending to
 21 the commissioner that relief be sought.

22 (c) If the commissioner arbitrarily or capriciously fails to seek relief
 23 under this section, any employee who may be injured by reason of such
 24 failure, or the representative of such employees, may bring an action
 25 against the commissioner, in the circuit court, **superior court, or**
 26 **probate court** of the county in which the imminent danger is alleged
 27 to exist or the employer has its principal office, for a writ of mandamus
 28 to compel the commissioner to seek such an order and for such further
 29 relief as may be appropriate.

30 SECTION 84. IC 23-2-4-23 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) If the
 32 commissioner determines, after notice and hearing, that any person has
 33 violated any provision of this chapter or any rule or order issued under
 34 this chapter, the commissioner may issue an order requiring the person
 35 to cease and desist from the unlawful practice or to take such
 36 affirmative action as in the judgment of the commissioner will carry out
 37 the purposes of this chapter.

38 (b) If the commissioner makes a finding of fact in writing that the
 39 public interest will be irreparably harmed by delay in issuing a cease
 40 and desist order, ~~it the commissioner~~ may issue a temporary cease and
 41 desist order which shall include in its terms a provision that, upon
 42 request, a hearing shall be held within ten (10) days of such request to



1 determine whether the order becomes permanent. A temporary cease
 2 and desist order shall be served on the person subject to it by certified
 3 mail, return receipt requested.

4 (c) If it appears that a person has engaged in an act or practice
 5 constituting a violation of any provision of this chapter or of a rule or
 6 order issued under this chapter, the commissioner may, with or without
 7 prior administrative proceedings, bring an action in the circuit court,
 8 **superior court, or probate court** to enjoin such acts or practices or to
 9 enforce compliance with this chapter or any rule or order issued under
 10 this chapter. Upon proper showing, injunctive relief or temporary
 11 restraining orders shall be granted. The commissioner shall not be
 12 required to post a bond in any court proceeding.

13 SECTION 85. IC 24-1-1-6 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. It shall be the duty
 15 of the judges of the ~~circuit~~ courts of this state specially to instruct the
 16 grand juries as to the provisions of this chapter.

17 SECTION 86. IC 24-5-16.5-12, AS ADDED BY P.L.151-2015,
 18 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2016]: Sec. 12. (a) A retail lessor who fails to comply with the
 20 requirements of this chapter is liable to the retail lessee for:

- 21 (1) actual damages sustained;
- 22 (2) a civil penalty of not more than one thousand dollars (\$1,000)
- 23 per lease transaction; and
- 24 (3) reasonable attorney's fees and costs.

25 (b) In addition to any other remedies provided by law, a retail lessee
 26 may bring an action in ~~the~~ circuit court, **superior court, or probate**
 27 **court** to recover the damages, penalties, and fees described in
 28 subsection (a).

29 (c) The total recovery of damages, penalties, and fees in a class
 30 action civil suit brought under this section may not exceed one hundred
 31 thousand dollars (\$100,000).

32 SECTION 87. IC 25-6.1-2-5, AS AMENDED BY P.L.59-2014,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2016]: Sec. 5. (a) The commission is empowered to do the
 35 following:

- 36 (1) Administer and enforce the provisions of this article.
- 37 (2) Adopt such rules in accordance with IC 4-22-2 and such forms
 38 as are necessary or appropriate for the administration and the
 39 effective and efficient enforcement of this article.
- 40 (3) Issue, suspend, and revoke licenses in accordance with this
 41 article.
- 42 (4) Subject to IC 25-1-7, investigate complaints concerning



1 licensees or persons the commission has reason to believe should
 2 be licensees, specifically including complaints respecting failure
 3 to comply with this article or the rules, and to take appropriate
 4 action pursuant to IC 25-1-11.

5 (5) Bring actions, in the name of the state of Indiana, in an
 6 appropriate circuit court, **superior court, or probate court** in
 7 order to enforce compliance with this article or the rules by
 8 restraining order or injunction.

9 (6) Hold public hearings on any matters for which a hearing is
 10 required under this article and to have all powers granted in
 11 IC 4-21.5.

12 (7) Adopt a seal and, through its secretary, certify copies.

13 (b) The licensing agency shall provide necessary employees and
 14 consultants to enforce this article.

15 (c) The commission shall adopt rules under IC 4-22-2 establishing
 16 the following:

17 (1) Standards for competent:

18 (A) practice as an auctioneer; and

19 (B) operation of an auction company.

20 (2) Continuing education requirements for an individual who has
 21 reactivated an auctioneer license with less than twelve (12)
 22 months remaining in the licensing period.

23 SECTION 88. IC 25-6.1-3-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. ~~Cease and Desist~~
 25 ~~Order.~~ (a) When the commission determines that a person not licensed
 26 under this article is engaged in or is believed to be engaged in activities
 27 for which a license is required under this article, the commission may
 28 issue an order to that person requiring ~~him~~ **the person** to show cause
 29 why ~~he~~ **the person** should not be ordered to cease and desist from such
 30 activities. The show cause order shall set forth a time and place for a
 31 hearing at which the affected person may appear and show cause as to
 32 why ~~he~~ **the person** should not be subject to licensing under this article.

33 (b) If the commission, after a hearing, determines that the activities
 34 in which the person is engaged are subject to licensing under this
 35 article, the commission may issue a cease and desist order which shall
 36 describe the person and activities which are the subject of the order.

37 (c) A cease and desist order issued under this section shall be
 38 enforceable in the circuit courts, **superior courts, or probate courts**
 39 of this state.

40 SECTION 89. IC 25-10-1-14 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section
 42 applies to all persons, including persons listed in IC 25-22.5-1-2.



1 (b) A person may manually manipulate, manually adjust, or
 2 manually mobilize the spinal column or the vertebral column of an
 3 individual only if the person is:

- 4 (1) a chiropractor who has been issued a license under this
 5 chapter;
 6 (2) a physician who has been issued an unlimited license to
 7 practice medicine under IC 25-22.5; or
 8 (3) an osteopathic physician who has been issued a license to
 9 practice osteopathic medicine under IC 25-22.5.

10 (c) A person may not delegate the manual manipulation, manual
 11 adjustment, or manual mobilization of the spinal column or the
 12 vertebral column of an individual to another person, unless the other
 13 person is:

- 14 (1) licensed as a chiropractor under this chapter;
 15 (2) licensed as a physician with an unlimited license to practice
 16 medicine under IC 25-22.5;
 17 (3) licensed as an osteopathic physician with a license to practice
 18 osteopathic medicine under IC 25-22.5;
 19 (4) a student in the final year of course work at an accredited
 20 chiropractic school participating in a preceptorship program and
 21 working under the direct supervision of a chiropractor licensed
 22 under this chapter; or
 23 (5) a graduate of a chiropractic school who holds a valid
 24 temporary permit issued under section 5.5 of this chapter.

25 (d) If a violation of subsection (b) or (c) is being committed:

- 26 (1) the board in its own name;
 27 (2) the board in the name of the state; or
 28 (3) the prosecuting attorney of the county in which the violation
 29 occurs, at the request of the board and in the name of the state;

30 may apply for an order enjoining the violation from the circuit court,
 31 **superior court, or probate court** of the county in which the violation
 32 occurs.

33 (e) Upon a showing that a person has violated subsection (b) or (c),
 34 the court may grant without bond an injunction, a restraining order, or
 35 other appropriate order.

36 (f) This section does not apply to a physical therapist practicing
 37 under IC 25-27. However, a physical therapist may not practice
 38 chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in
 39 IC 25-22.5-1-1.1) unless licensed to do so.

40 SECTION 90. IC 25-15-8-19 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. If a violation of any
 42 of sections 21 through 26 of this chapter is being committed:

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1 (1) the board in its own name;
 2 (2) the board in the name of the state;
 3 (3) the attorney general in the name of the state, at the request of
 4 the board; or
 5 (4) the prosecuting attorney of the county in which the violation
 6 occurs, at the request of the board, and in the name of the state;
 7 may apply for an order enjoining the violation from the circuit court,
 8 **superior court, or probate court** of the county in which the violation
 9 occurs.

10 SECTION 91. IC 25-20.2-3-8 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The board shall:

- 12 (1) administer and enforce this article;
 13 (2) adopt rules under IC 4-22-2 that are reasonably necessary or
 14 appropriate for the administration and enforcement of this article;
 15 (3) prescribe the requirements for and the form of licenses,
 16 applications, and other documents that are required by this article;
 17 (4) grant, deny, suspend, and revoke approval of examinations
 18 and courses of study;
 19 (5) issue, deny, suspend, and revoke licenses in accordance with
 20 this article;
 21 (6) in accordance with IC 25-1-7, investigate complaints
 22 concerning licensees or persons the board has reason to believe
 23 should be licensees, including complaints concerning failure to
 24 comply with this article or rules adopted under this article, and,
 25 when appropriate, take action under IC 25-20.2-8;
 26 (7) bring actions in the name of the state in an appropriate circuit
 27 court, **superior court, or probate court** in order to enforce
 28 compliance with this article or rules adopted under this article;
 29 (8) establish fees in accordance with IC 25-1-8;
 30 (9) inspect the records of a licensee in accordance with rules
 31 adopted by the board;
 32 (10) conduct or designate a member or other representative to
 33 conduct public hearings on any matter for which a hearing is
 34 required under this article and exercise all powers granted under
 35 IC 4-21.5;
 36 (11) adopt a seal containing the words "Indiana Home Inspectors
 37 Licensing Board" and, through the board's secretary, certify
 38 copies and authenticate all acts of the board;
 39 (12) in accordance with IC 25-1-6:
 40 (A) use counsel, consultants, and other persons;
 41 (B) enter into contracts; and
 42 (C) authorize expenditures;



1 that are reasonably necessary or appropriate to administer and
 2 enforce this article and rules adopted under this article;

3 (13) establish continuing education requirements for licensed
 4 home inspectors in accordance with IC 25-1-4;

5 (14) maintain the board's office, files, records, and property in the
 6 city of Indianapolis; and

7 (15) exercise all other powers specifically conferred on the board
 8 by this article.

9 SECTION 92. IC 25-20.2-8-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) If the board
 11 determines that an individual not licensed under this article is engaged
 12 in or believed to be engaged in activities for which a license is required
 13 under this article, the board may issue an order to that individual
 14 requiring the individual to show cause why the individual should not
 15 be ordered to cease and desist from such activities. The show cause
 16 order must set forth a date, time, and place for a hearing at which the
 17 affected individual may appear and show cause why the individual
 18 should not be subject to licensing under this article.

19 (b) If the board, after a hearing, determines that the activities in
 20 which the individual is engaged are subject to licensing under this
 21 article, the board may issue a cease and desist order that identifies the
 22 individual and describes activities that are the subjects of the order.

23 (c) A cease and desist order issued under this section is enforceable
 24 in circuit courts, **superior courts, and probate courts.**

25 SECTION 93. IC 25-23.7-3-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The board shall:

27 (1) enforce and administer this article;

28 (2) adopt rules under IC 4-22-2 for the administration and
 29 enforcement of this article, including competency standards and
 30 a code of ethics for licensed installers;

31 (3) prescribe the requirements for and the form of licenses issued
 32 or renewed under this article;

33 (4) issue, deny, suspend, and revoke licenses in accordance with
 34 this article;

35 (5) in accordance with IC 25-1-7, investigate and prosecute
 36 complaints involving licensees or individuals the board has
 37 reason to believe should be licensees, including complaints
 38 concerning the failure to comply with this article or rules adopted
 39 under this article;

40 (6) bring actions in the name of the state of Indiana in an
 41 appropriate circuit court, **superior court, or probate court** to
 42 enforce compliance with this article or rules adopted under this



- 1 article;
- 2 (7) establish fees in accordance with IC 25-1-8;
- 3 (8) inspect the records of a licensee in accordance with rules
- 4 adopted by the board;
- 5 (9) conduct or designate a board member or other representative
- 6 to conduct public hearings on any matter for which a hearing is
- 7 required under this article and to exercise all powers granted
- 8 under IC 4-21.5; and
- 9 (10) maintain the board's office, files, records, and property in the
- 10 city of Indianapolis.

11 SECTION 94. IC 25-26-13-28 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. At the request of

13 the board, the attorney general in the name of the state shall apply for

14 an injunction in the circuit court, **superior court, or probate court** of

15 the county wherein a violation of this chapter is occurring.

16 SECTION 95. IC 25-28.5-1-37 IS AMENDED TO READ AS

17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. The commission

18 conducting a hearing in any particular case shall have power to

19 subpoena and order production of books and papers. In any hearing, the

20 process issued by the commission shall extend to all parts of the state

21 and the process shall be served either in like manner as are served writs

22 of subpoena in the circuit court or by any person designated by the

23 commission for that purpose. The person serving the process shall

24 receive such compensation as may be allowed by the commission not

25 to exceed the fee prescribed by law for similar services in the circuit

26 courts and the fees shall be paid in the same manner as provided in this

27 chapter for fees of witnesses subpoenaed at the instance of the

28 commission. All witnesses who shall be subpoenaed and who appear

29 in any proceeding before the commission shall receive the same fees

30 and mileage as allowed by law to witnesses in the circuit courts, which

31 amount shall be paid by the party at whose instance the subpoena was

32 issued or upon whose behalf the witness has been called. When any

33 witness who has not been subpoenaed at the instance of any party to the

34 proceeding shall be subpoenaed at the instance of the commission the

35 fees and mileage of the witness shall be paid from the funds

36 appropriated to the use of the commission in the same manner as other

37 expenses of the commission are paid.

38 Where in any proceeding before the commission, any witness shall

39 fail or refuse to attend upon subpoena issued by the commission or any

40 of their representatives, or appearing, shall refuse to testify or shall

41 refuse to produce any books and papers the production of which is

42 called for by the subpoena, the attendance of any witness and the



1 giving of **his the** testimony of the witness and the production of the
 2 books and papers required shall be enforced by any circuit court,
 3 **superior court, or probate court** of this state.

4 SECTION 96. IC 25-30-1-22, AS AMENDED BY P.L.185-2007,
 5 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2016]: Sec. 22. (a) If the board determines that a person that
 7 is not licensed or exempt under this chapter is engaged in activities that
 8 require a license, the board may send a notice of hearing requiring the
 9 person to show cause why the challenged activities are not a violation
 10 of this chapter. The notice must be in writing and include the following
 11 information:

12 (1) The date, time, and place of the hearing.

13 (2) The alleged violation.

14 (3) That the affected person or the person's representative may
 15 present evidence concerning the alleged violation.

16 (b) A hearing conducted under this section must comply with the
 17 requirements under IC 4-21.5.

18 (c) If the board after a hearing determines that the activities that the
 19 person engaged in are subject to licensing under this chapter, the board
 20 may issue a cease and desist order that describes the person and
 21 activities that are the subject of the order.

22 (d) A cease and desist order issued under this section is enforceable
 23 in the circuit courts, **superior courts, and probate courts** of Indiana.

24 (e) The attorney general, the board, or the prosecuting attorney of
 25 any county where a violation of section 21(b) of this chapter occurs
 26 may file an action in the name of the state for an injunction.

27 SECTION 97. IC 25-30-1.3-24, AS ADDED BY P.L.185-2007,
 28 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2016]: Sec. 24. (a) If the board determines that a person that
 30 is not licensed or exempt under this chapter is engaged in activities that
 31 require a license, the board may send a notice of hearing requiring the
 32 person to show cause why the challenged activities are not a violation
 33 of this chapter. The notice must be in writing and include the following
 34 information:

35 (1) The date, time, and place of the hearing.

36 (2) The alleged violation.

37 (3) That the affected person or the person's representative may
 38 present evidence concerning the alleged violation.

39 (b) A hearing conducted under this section must comply with
 40 IC 4-21.5.

41 (c) If the board after a hearing determines that the activities that the
 42 person engaged in are subject to licensing under this chapter, the board



1 may issue a cease and desist order that describes the person and
2 activities that are the subject of the order.

3 (d) A cease and desist order issued under this section is enforceable
4 in the circuit courts, **superior courts, and probate courts** of Indiana.

5 (e) The attorney general, the board, or the prosecuting attorney of
6 any county where a violation of section 23(b) of this chapter occurs
7 may file an action in the name of the state for an injunction.

8 SECTION 98. IC 25-34.1-2-5, AS AMENDED BY P.L.200-2013,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2016]: Sec. 5. The commission may:

- 11 (1) administer and enforce the provisions of this article;
- 12 (2) adopt rules in accordance with IC 4-22-2 and prescribe forms
13 for licenses, applications, and other documents which are
14 necessary or appropriate for the administration and enforcement
15 of this article;
- 16 (3) issue, deny, suspend, and revoke licenses in accordance with
17 this article, which licenses shall remain the property of the
18 commission;
- 19 (4) subject to IC 25-1-7, investigate complaints concerning
20 licensees or persons the commission has reason to believe should
21 be licensees, including complaints respecting failure to comply
22 with this article or the rules, and, when appropriate, take action
23 pursuant to IC 25-34.1-6;
- 24 (5) bring actions, in the name of the state of Indiana, in an
25 appropriate circuit court, **superior court, or probate court** in
26 order to enforce compliance with this article or the rules;
- 27 (6) inspect the records of a licensee in accordance with rules and
28 standards prescribed by the commission;
- 29 (7) conduct, or designate a member or other representative to
30 conduct, public hearings on any matter for which a hearing is
31 required under this article and exercise all powers granted in
32 IC 4-21.5;
- 33 (8) adopt a seal containing the words "Indiana Real Estate
34 Commission" and, through its executive director, certify copies
35 and authenticate all acts of the commission;
- 36 (9) utilize counsel, consultants, and other persons who are
37 necessary or appropriate to administer and enforce this article and
38 the rules;
- 39 (10) enter into contracts and authorize expenditures that are
40 necessary or appropriate, subject to IC 25-1-6, to administer and
41 enforce this article and the rules;
- 42 (11) maintain the commission's office, files, records, and property



- 1 in the city of Indianapolis;
- 2 (12) grant, deny, suspend, and revoke approval of examinations
- 3 and courses of study as provided in IC 25-34.1-5;
- 4 (13) provide for the filing and approval of surety bonds which are
- 5 required by IC 25-34.1-5;
- 6 (14) adopt rules in accordance with IC 4-22-2 necessary for the
- 7 administration of the investigative fund established under
- 8 IC 25-34.1-8-7.5;
- 9 (15) adopt emergency rules under IC 4-22-2-37.1 to adopt any or
- 10 all parts of Uniform Standards of Professional Appraisal Practice
- 11 (USPAP), including the comments to the USPAP, as published by
- 12 the Appraisal Standards Board of the Appraisal Foundation, under
- 13 the authority of Title XI of the Financial Institutions Reform,
- 14 Recovery, and Enforcement Act (12 U.S.C. 3331-3351);
- 15 (16) exercise other specific powers conferred upon the
- 16 commission by this article; and
- 17 (17) adopt rules under IC 4-22-2 governing education, including
- 18 prelicensing, postlicensing, and continuing education.

19 SECTION 99. IC 25-36.5-1-13 IS AMENDED TO READ AS

20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. The department

21 may, by application to any circuit court, **superior court, or probate**

22 **court**, or to a judge thereof, obtain an injunction restraining any person

23 who engages in the business of timber buying in this state without a

24 certificate of registration (either because ~~his~~ **the person's** certificate

25 has been revoked or because of a failure to obtain a certificate of

26 registration in the first instance) from engaging in such business until

27 such person complies with this chapter and qualifies for and obtains a

28 certificate of registration. Upon refusal or neglect to obey the order of

29 the court or judge, said court or judge may compel obedience thereof

30 by proceedings for contempt.

31 SECTION 100. IC 26-3-7-31 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. (a) Whenever it

33 appears to the satisfaction of the director that a licensee cannot meet

34 the licensee's outstanding grain obligations owed to depositors, or when

35 a licensee refuses to submit the licensee's records or property to lawful

36 inspection, the director may give notice to the licensee to do any of the

37 following:

- 38 (1) Cover the shortage with grain that is fully paid for.
- 39 (2) Give additional bond, letter of credit, or cash deposit as
- 40 required by the director.
- 41 (3) Submit to inspection as the director may deem necessary.
- 42 (b) If the licensee fails to comply with the terms of the notice within



1 five (5) business days from the date of its issuance, or within an
 2 extension of time that the director may allow, the director may petition
 3 the circuit court, **superior court, or probate court** of the Indiana
 4 county where the licensee's principal place of business is located
 5 seeking the appointment of a receiver. If the court determines in
 6 accordance with IC 32-30-5 that a receiver should be appointed, upon
 7 the request of the licensee the court may appoint the agency or its
 8 representative to act as receiver. The agency or its representative shall
 9 not be appointed as receiver except upon the request of the licensee. If
 10 the agency or its representative is appointed, any person interested in
 11 an action as described in IC 32-30-5-2 may after twenty (20) days
 12 request that the agency or its representative be removed as receiver. If
 13 the agency or its representative is not serving as receiver, the receiver
 14 appointed shall meet and confer with representatives of the agency
 15 regarding the licensee's grain related obligations and, before taking any
 16 actions regarding those obligations, the receiver and the court shall
 17 consider the agency's views and comments.

18 SECTION 101. IC 26-3-7-32 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. (a) The director
 20 may apply for, and the courts of this state are vested with jurisdiction
 21 to issue, a temporary or permanent injunction against the business
 22 operation of a licensee, or the issuance of receipts or tickets without a
 23 license and against interference by any person with the director, the
 24 director's designated representative, or a receiver appointed under
 25 section 31 of this chapter, in the performance of their duties and
 26 powers under this chapter.

27 (b) Upon a determination by the director that there is reasonable
 28 cause to believe that a licensee is unable to meet the licensee's storage
 29 or other grain obligations, and that the licensee is removing, or the
 30 director has reasonable cause to believe that the licensee may remove,
 31 grain from the licensed premises, the director may, under the
 32 conditions provided in, and in accordance with, the Indiana Rules of
 33 Trial Procedure, seek from the circuit court, **superior court, or**
 34 **probate court** of the Indiana county in which the licensee has the
 35 licensee's principal place of business a temporary restraining order
 36 preventing the further sale or movement of any grain and requiring that
 37 proceeds from grain sales received after the issuance of the temporary
 38 restraining order should be held in the form in which they are received
 39 by the licensee and kept separate from all other funds held by the
 40 licensee.

41 SECTION 102. IC 27-1-23-8 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Whenever it



1 appears to the commissioner that any person has committed or is about
 2 to commit a violation of this chapter or of any rule or order issued by
 3 the commissioner hereunder, the commissioner may apply to the circuit
 4 court, **superior court, or probate court** for the county in which such
 5 person resides or, in the case of a corporation or other entity, has its
 6 principal office, or if such person has no such residence or office in this
 7 state then to the circuit court **or superior court** of Marion County, for
 8 an order enjoining such person from violating or continuing to violate
 9 this chapter or any such rule or order, and for such other equitable
 10 relief as the nature of the case and the interests of policyholders or the
 11 public may require.

12 (b) No security which is the subject of any agreement or
 13 arrangement regarding acquisition, or which is acquired or to be
 14 acquired, in contravention of the provisions of this chapter or of any
 15 rule or order issued by the commissioner hereunder may be voted at
 16 any shareholders' meeting, or may be counted for quorum purposes,
 17 and any action of shareholders requiring the affirmative vote of a
 18 percentage of shares may be taken as though such securities were not
 19 issued and outstanding; but no action taken at any such meeting shall
 20 be invalidated by the voting of such securities, unless the action would
 21 materially affect control of a domestic insurer or any corporation
 22 controlling such insurer or unless the courts of this state have so
 23 ordered. If a domestic insurer, any corporation controlling such insurer
 24 or the commissioner has reason to believe that any security of the
 25 domestic insurer or any corporation controlling such insurer has been
 26 or is about to be acquired in contravention of the provisions of this
 27 chapter or of any rule or order issued by the commissioner hereunder,
 28 the domestic insurer, any corporation controlling such insurer or the
 29 commissioner may apply to the circuit court **or superior court** of
 30 Marion County or to the circuit court, **superior court, or probate**
 31 **court** of the county in which the domestic insurer or corporation
 32 controlling such insurer has its principal place of business to enjoin any
 33 offer, request, invitation, agreement or acquisition commenced, entered
 34 into, or consummated in contravention of this chapter or any rule or
 35 order issued by the commissioner under this chapter, to enjoin the
 36 voting of any security so acquired, to void any vote of such security
 37 already cast at any meeting of shareholders, and for such other
 38 equitable relief as the nature of the case and the interests of the
 39 domestic insurer's policyholders or the public may require.

40 (c) In any case where a person has acquired or is proposing to
 41 acquire securities in violation of this chapter or any rule or order issued
 42 by the commissioner hereunder, the circuit court **or superior court** of



1 Marion County or the circuit court, **superior court, or probate court**
 2 of the county in which the domestic insurer or any corporation
 3 controlling such insurer has its principal place of business may, on
 4 such notice as the court deems appropriate, upon the application of the
 5 domestic insurer, any corporation controlling such insurer or the
 6 commissioner, seize or sequester any such securities owned directly or
 7 indirectly by such person, and issue such orders with respect thereto as
 8 may be appropriate to effectuate the provisions of this chapter.
 9 Notwithstanding any other provision of law, for the purposes of this
 10 chapter the situs of the ownership of the securities of domestic insurers
 11 and corporations controlling such insurers shall be deemed to be in this
 12 state.

13 (d) Violation of this chapter or any rule or order issued by the
 14 commissioner under this chapter shall be deemed to be irreparable
 15 harm for the purpose of obtaining any form of equitable relief.

16 SECTION 103. IC 27-2-19-8 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A law
 18 enforcement agency, insurer, or governmental agency who has obtained
 19 the names and addresses of a claimant's medical providers under
 20 section 6(b) of this chapter may obtain the claimant's medical records
 21 and medical reports from any other law enforcement agency, insurer,
 22 or governmental agency:

23 (1) with the prior authorization or release of the injured claimant;
 24 or

25 (2) without the prior authorization or release of the injured
 26 claimant if:

27 (A) there is a reasonable belief that the mere request for
 28 authorization or a release will hinder a fraud investigation; and

29 (B) a verified application is presented to the circuit court,
 30 **superior court, or probate court** in the county where the
 31 application or claim is presented that sets forth:

32 (i) probable cause for the need to obtain the medical records
 33 and medical reports and medical related information
 34 contained in the medical records and medical reports
 35 without obtaining the proper release or authorization; and

36 (ii) the specific medical records and medical reports and
 37 medical related information contained in the medical
 38 records and medical reports requested.

39 (b) The court, upon review of the information presented in
 40 subsection (a), may issue an order authorizing the law enforcement
 41 agency, insurer, or governmental agency to release the medical records
 42 and medical reports and the medical related information contained in



- 1 the medical records and reports requested.
- 2 SECTION 104. IC 27-10-3-10 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. An applicant for
- 4 license as a bail agent or recovery agent whose:
- 5 (1) application has been denied; or
- 6 (2) license has been suspended, revoked, or denied renewal by the
- 7 commissioner;
- 8 may appeal to the circuit court, **superior court, or probate court** of
- 9 the county from which the bail agent or recovery agent applied for the
- 10 license. The appeal shall be heard de novo.
- 11 SECTION 105. IC 28-1-3.1-4, AS AMENDED BY P.L.35-2010,
- 12 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2016]: Sec. 4. (a) Immediately upon the taking possession of
- 14 the business and property of any financial institution under section 2 of
- 15 this chapter, the department shall give notice by:
- 16 (1) posting the notice at the main entrance of the principal office
- 17 of the financial institution;
- 18 (2) causing the notice to be served upon the president or other
- 19 executive officer actively in charge of the business of the financial
- 20 institution; and
- 21 (3) filing the notice in the office of the circuit court, **superior**
- 22 **court, or probate court** in the county where the principal office
- 23 of the financial institution is located.
- 24 (b) Upon the filing of the notice under subsection (a), the clerk
- 25 shall:
- 26 (1) note the filing of the notice upon the records of the
- 27 receivership court; and
- 28 (2) enter the cause as a civil action upon the dockets of the court
- 29 under the name and style of "In the matter of the liquidation of
- 30 _____" (inserting the name of the financial institution).
- 31 (c) The receivership court may hear and determine all issues and
- 32 matters pertaining to or connected with the liquidation of the financial
- 33 institution, including:
- 34 (1) the amount of the compensation and necessary expenses of
- 35 any special representative, assistant, accountant, agent, or
- 36 attorney employed by the department, or the receiver appointed
- 37 by the department, as set forth in this chapter; and
- 38 (2) all papers and pleadings pertaining to the liquidation
- 39 proceedings.
- 40 (d) All entries, orders, judgments, and decrees of the receivership
- 41 court in connection with the liquidation proceedings shall be filed and
- 42 entered of record in the cause of action.



1 (e) The rights and liabilities of a financial institution and of its
 2 creditors, depositors, shareholders, and all other persons interested in
 3 its estate shall, unless otherwise directed by the court, be fixed as of the
 4 date of the filing of the notice of possession with the receivership court.
 5 In the case of mutual debts or mutual credits of equal priority between
 6 the financial institution and another person, the credits and debts shall
 7 be set off and the balance only shall be allowed or paid. The right to set
 8 off shall be determined as of the date of the filing of the notice of
 9 possession of the financial institution under subsection (a).

10 (f) Notwithstanding this section, if the Federal Deposit Insurance
 11 Corporation is appointed receiver of a financial institution, subsections
 12 (a)(3), (b), (c), and (d) do not apply, and applicable federal law governs
 13 the receivership.

14 SECTION 106. IC 28-1-11-3.2, AS AMENDED BY P.L.35-2010,
 15 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) As used in this section,
 17 "rights and privileges" means the power:

18 (1) to:

- 19 (A) create;
- 20 (B) deliver;
- 21 (C) acquire; or
- 22 (D) sell;

23 a product, a service, or an investment that is available to or
 24 offered by; or

25 (2) to engage in mergers, consolidations, reorganizations, or other
 26 activities or to exercise other powers authorized for;

27 national banks domiciled in Indiana.

28 (b) A bank that intends to exercise any rights and privileges that are:

- 29 (1) granted to national banks; but
- 30 (2) not authorized for banks under the Indiana Code (except for
 31 this section) or any rule adopted under the Indiana Code;

32 shall submit a letter to the department describing in detail the requested
 33 rights and privileges granted to national banks that the bank intends to
 34 exercise. If available, copies of relevant federal law, regulations, and
 35 interpretive letters must be attached to the letter submitted by the bank.

36 (c) The department shall promptly notify the requesting bank of the
 37 department's receipt of the letter submitted under subsection (b).
 38 Except as provided in subsection (e), the bank may exercise the
 39 requested rights and privileges sixty (60) days after the date on which
 40 the department receives the letter unless otherwise notified by the
 41 department.

42 (d) The department may deny the requested rights and privileges if



- 1 the department finds that:
- 2 (1) national banks domiciled in Indiana do not possess the
- 3 requested rights and privileges;
- 4 (2) the exercise of the requested rights and privileges by the bank
- 5 would adversely affect the safety and soundness of the bank;
- 6 (3) the exercise of the requested rights and privileges by the bank
- 7 would result in an unacceptable curtailment of consumer
- 8 protection; or
- 9 (4) the failure of the department to approve the requested rights
- 10 and privileges will not result in a competitive disadvantage to the
- 11 bank.
- 12 (e) The sixty (60) day period referred to in subsection (c) may be
- 13 extended by the department based on a determination that the bank's
- 14 letter raised issues requiring additional information or additional time
- 15 for analysis. If the sixty (60) day period is extended under this
- 16 subsection, the bank may exercise the requested rights and privileges
- 17 only if the bank receives prior written approval from the department.
- 18 However:
- 19 (1) the department must:
- 20 (A) approve or deny the requested rights and privileges; or
- 21 (B) convene a hearing;
- 22 not later than sixty (60) days after the department receives the
- 23 bank's letter; and
- 24 (2) if a hearing is convened, the department must approve or deny
- 25 the requested rights and privileges not later than sixty (60) days
- 26 after the hearing is concluded.
- 27 (f) The exercise of rights and privileges by a bank in compliance
- 28 with and in the manner authorized by this section is not a violation of
- 29 any provision of the Indiana Code or rules adopted under IC 4-22-2.
- 30 (g) If a bank receives approval to exercise the requested rights and
- 31 privileges granted to national banks domiciled in Indiana, the
- 32 department shall determine by order whether all banks may exercise
- 33 the same rights and privileges. In making the determination required by
- 34 this subsection, the department must ensure that the exercise of the
- 35 rights and privileges by all banks will not:
- 36 (1) adversely affect their safety and soundness; or
- 37 (2) unduly constrain Indiana consumer protection provisions.
- 38 (h) If the department denies the request of a bank under this section
- 39 to exercise any rights and privileges that are granted to national banks,
- 40 the bank may appeal the decision of the department to the circuit court,
- 41 **superior court, or probate court** with jurisdiction in the county in
- 42 which the principal office of the bank is located. In an appeal under this



1 section, the court shall determine the matter de novo.

2 SECTION 107. IC 28-1-20-8 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) When and if any
 4 bank ~~and/or~~ or trust company organized or reorganized under the
 5 provisions of this article, or any bank of discount and deposit or loan
 6 and trust and safe deposit company organized under any law enacted
 7 prior to February 24, 1933, shall be required to cease all banking
 8 operation within twenty (20) years from the time of its organization and
 9 promptly thereafter to close its business, such bank or trust company
 10 shall deliver over into the custody of the department all of its business
 11 and property for liquidation and the payment of its liabilities. Such
 12 delivery may be made by an instrument in writing executed pursuant
 13 to a resolution of the board of directors. Before, after, or
 14 contemporaneously with the delivery of all of its business and property
 15 to the department, such bank or trust company may, pursuant to a
 16 resolution of its boards of directors, file a petition with the department
 17 for authority to reopen its business and resume its banking operations.
 18 Such petition shall fix:

- 19 (1) the date of the organization of such bank or trust company;
- 20 (2) the day on which it desires to reopen its business and resume
 21 its banking operations, which may be the next succeeding
 22 business day after the delivery, or effective date of delivery fixed
 23 in any instrument in writing, of the business and property of such
 24 bank or trust company to the department;
- 25 (3) such other facts as the board of directors of such bank or trust
 26 company shall deem pertinent; and
- 27 (4) the information required by IC 28-1-15-1 and such other
 28 information as the department may prescribe or require.

29 Thereupon, the department shall make, or cause to be made, a careful
 30 investigation and examination of such bank or trust company, the
 31 qualifications and experience of the officers thereof, and the public
 32 necessity for such bank or trust company in the community in which it
 33 is or has been doing business, and the department, after such
 34 investigation and examination, shall, upon the basis of its findings with
 35 respect to all of the matters specified in this section, approve or
 36 disapprove the right of such bank or trust company to reopen its
 37 business and resume its banking operations.

38 (b) Upon the filing of any such petition more than thirty (30) days
 39 before the day upon which such bank or trust company shall desire to
 40 reopen its business and resume its banking operations, the department
 41 shall approve or disapprove such petition, in writing, and notify such
 42 bank or trust company of its action not later than the last business day



1 immediately preceding the day upon which such bank or trust company
 2 shall have requested the right to reopen its business and resume its
 3 banking operations. In the event that the department shall disapprove
 4 the right of such bank or trust company to reopen its business and
 5 resume its banking operations, such bank or trust company may appeal
 6 such order of the department to the circuit court, **superior court, or**
 7 **probate court** of the county in which it has its principal office, and
 8 thereupon the matter shall be determined de novo.

9 (c) In the event that any bank or trust company shall deliver its
 10 business and property to the department and fail to file a request to
 11 reopen its business and resume its banking operations within ten (10)
 12 days after such delivery, or in the event that the department or the
 13 circuit court, **superior court, or probate court** if the decision of the
 14 department be appealed, shall disapprove the petition of any bank or
 15 trust company to reopen its business and resume its banking operations,
 16 such bank or trust company shall be liquidated pursuant to the
 17 provisions for voluntary liquidation contained in IC 28-1-9.

18 SECTION 108. IC 28-5-1-6.3, AS AMENDED BY P.L.35-2010,
 19 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2016]: Sec. 6.3. (a) As used in this section,
 21 "rights and privileges" means the power:

22 (1) to:

- 23 (A) create;
- 24 (B) deliver;
- 25 (C) acquire; or
- 26 (D) sell;

27 a product, a service, or an investment that is available to or
 28 offered by; or

29 (2) to engage in mergers, consolidations, reorganizations, or other
 30 activities or to exercise other powers authorized for;

31 national banks domiciled in Indiana.

32 (b) An industrial loan and investment company that intends to
 33 exercise any rights and privileges that are:

- 34 (1) granted to national banks; but
- 35 (2) not authorized for industrial loan and investment companies
 36 under the Indiana Code (except for this section) or any rule
 37 adopted under the Indiana Code;

38 shall submit a letter to the department describing in detail the requested
 39 rights and privileges granted to national banks that the company
 40 intends to exercise. If available, copies of relevant federal law,
 41 regulations, and interpretive letters must be attached to the letter
 42 submitted by the company.



1 (c) The department shall promptly notify the requesting company of
 2 the department's receipt of the letter submitted under subsection (b).
 3 Except as provided in subsection (e), the company may exercise the
 4 requested rights and privileges sixty (60) days after the date on which
 5 the department receives the letter unless otherwise notified by the
 6 department.

7 (d) The department may deny the requested rights and privileges if
 8 the department finds that:

- 9 (1) national banks domiciled in Indiana do not possess the
 10 requested rights and privileges;
 11 (2) the exercise of the requested rights and privileges by the
 12 company would adversely affect the safety and soundness of the
 13 company;
 14 (3) the exercise of the requested rights and privileges by the
 15 company would result in an unacceptable curtailment of
 16 consumer protection; or
 17 (4) the failure of the department to approve the requested rights
 18 and privileges will not result in a competitive disadvantage to the
 19 company.

20 (e) The sixty (60) day period referred to in subsection (c) may be
 21 extended by the department based on a determination that the
 22 company's letter raised issues requiring additional information or
 23 additional time for analysis. If the sixty (60) day period is extended
 24 under this subsection, the company may exercise the requested rights
 25 and privileges only if the company receives prior written approval from
 26 the department. However:

- 27 (1) the department must:
 28 (A) approve or deny the requested rights and privileges; or
 29 (B) convene a hearing;
 30 not later than sixty (60) days after the department receives the
 31 company's letter; and
 32 (2) if a hearing is convened, the department must approve or deny
 33 the requested rights and privileges not later than sixty (60) days
 34 after the hearing is concluded.

35 (f) The exercise of rights and privileges by a company in
 36 compliance with and in the manner authorized by this section is not a
 37 violation of any provision of the Indiana Code or rules adopted under
 38 IC 4-22-2.

39 (g) If a company receives approval to exercise the requested rights
 40 and privileges granted to national banks domiciled in Indiana, the
 41 department shall determine by order whether all industrial loan and
 42 investment companies may exercise the same rights and privileges. In



1 making the determination required by this subsection, the department
 2 must ensure that the exercise of the rights and privileges by all
 3 industrial loan and investment companies will not:

- 4 (1) adversely affect their safety and soundness; or
- 5 (2) unduly constrain Indiana consumer protection provisions.

6 (h) If the department denies the request of a company under this
 7 section to exercise any rights and privileges that are granted to national
 8 banks, the company may appeal the decision of the department to the
 9 circuit court, **superior court, or probate court** with jurisdiction in the
 10 county in which the principal office of the company is located. In an
 11 appeal under this section, the court shall determine the matter de novo.

12 SECTION 109. IC 28-6.1-3-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this
 14 chapter, "court" refers to the circuit court, **superior court, or probate**
 15 **court** of the county in which the savings bank is located.

16 SECTION 110. IC 28-6.1-6-24, AS AMENDED BY P.L.35-2010,
 17 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) As used in this section,
 19 "rights and privileges" means the power:

- 20 (1) to:
 - 21 (A) create;
 - 22 (B) deliver;
 - 23 (C) acquire; or
 - 24 (D) sell;

25 a product, a service, or an investment that is available to or
 26 offered by; or

- 27 (2) to engage in mergers, consolidations, reorganizations, or other
 28 activities or to exercise other powers authorized for;

29 national banks domiciled in Indiana.

30 (b) Subject to the conditions set forth in this section, a savings bank
 31 may exercise the rights and privileges that are or may be granted to
 32 national banks domiciled in Indiana.

33 (c) A savings bank that intends to exercise any rights and privileges
 34 that are:

- 35 (1) granted to national banks; but
- 36 (2) not authorized for a savings bank under the Indiana Code
 37 (except for this section) or any rule adopted under the Indiana
 38 Code;

39 shall submit a letter to the department describing in detail the requested
 40 rights and privileges granted to national banks that the savings bank
 41 intends to exercise. If available, copies of relevant federal law,
 42 regulations, and interpretive letters must be attached to the letter



1 submitted by the company.

2 (d) The department shall promptly notify the requesting savings
3 bank of the department's receipt of the letter submitted under
4 subsection (c). Except as provided in subsection (f), the savings bank
5 may exercise the requested rights and privileges sixty (60) days after
6 the date on which the department receives the letter unless otherwise
7 notified by the department.

8 (e) The department may deny the requested rights and privileges if
9 the department finds that:

10 (1) national banks domiciled in Indiana do not possess the
11 requested rights and privileges;

12 (2) the exercise of the requested rights and privileges by the
13 savings bank would adversely affect the safety and soundness of
14 the savings bank;

15 (3) the exercise of the requested rights and privileges by the
16 savings bank would result in an unacceptable curtailment of
17 consumer protection; or

18 (4) the failure of the department to approve the requested rights
19 and privileges will not result in a competitive disadvantage to the
20 savings bank.

21 (f) The sixty (60) day period referred to in subsection (d) may be
22 extended by the department based on a determination that the savings
23 bank's letter raised issues requiring additional information or additional
24 time for analysis. If the sixty (60) day period is extended under this
25 subsection, the savings bank may exercise the requested rights and
26 privileges only if the savings bank receives prior written approval from
27 the department. However:

28 (1) the department must:

29 (A) approve or deny the requested rights and privileges; or

30 (B) convene a hearing;

31 not later than sixty (60) days after the department receives the
32 savings bank's letter; and

33 (2) if a hearing is convened, the department must approve or deny
34 the requested rights and privileges not later than sixty (60) days
35 after the hearing is concluded.

36 (g) The exercise of rights and privileges by a savings bank in
37 compliance with and in the manner authorized by this section is not a
38 violation of any provision of the Indiana Code or rules adopted under
39 IC 4-22-2.

40 (h) If a savings bank receives approval to exercise the requested
41 rights and privileges granted to national banks domiciled in Indiana,
42 the department shall determine by order whether all savings banks may



1 exercise the same rights and privileges. In making the determination
 2 required by this subsection, the department must ensure that the
 3 exercise of the rights and privileges by all savings banks will not:

4 (1) adversely affect their safety and soundness; or

5 (2) unduly constrain Indiana consumer protection provisions.

6 (i) If the department denies the request of a savings bank under this
 7 section to exercise any rights and privileges that are granted to national
 8 banks, the savings bank may appeal the decision of the department to
 9 the circuit court, **superior court, or probate court** with jurisdiction in
 10 the county in which the principal office of the savings bank is located.
 11 In an appeal under this section, the court shall determine the matter de
 12 novo.

13 SECTION 111. IC 28-6.1-15-7 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) After the
 15 department has given approval to the resolution of conversion and has
 16 returned the resolution of conversion to the savings bank, the savings
 17 bank shall give notice of the proposed conversion, by mail, to each
 18 depositor of record as of the date of the resolution of conversion.
 19 Notice to a depositor shall be sent to the address of the depositor as
 20 shown by the records of the savings bank. Notice shall also be given by
 21 at least ten (10) consecutive days of publication in a newspaper of
 22 general circulation published in the county in which the savings bank
 23 is located.

24 (b) After notice has been given under this section, a copy of the
 25 resolution of conversion shall be submitted to the circuit court,
 26 **superior court, or probate court** with jurisdiction in the county in
 27 which the savings bank is located.

28 (c) A depositor of the savings bank aggrieved by the proposed
 29 conversion may, not more than twenty (20) days after submission of the
 30 resolution of conversion with the court file in the court a verified
 31 statement of objection to the proposed conversion. The matter shall be
 32 docketed upon the books of the court, and entitled "In the Matter of the
 33 Conversion of _____ Savings Bank to _____" (inserting
 34 the names of the savings bank and the successor bank or trust
 35 company). The nature of an objection to the conversion is limited to the
 36 unfairness of the proposed conversion relative to the rights and
 37 interests of the objecting depositor. Without filing pleadings, the
 38 savings bank shall be considered to deny the objections.

39 (d) After the twenty (20) day period for filing objections has
 40 expired, the court shall proceed as soon as possible to hear the evidence
 41 and determine the fairness of the proposed conversion relative to the
 42 individual rights and interests of all objecting depositors. The objecting



- 1 depositors have the burden of proof.
- 2 (e) If the court finds that the proposed conversion is fair with respect
- 3 to the rights and interests of the objecting depositors, the court shall
- 4 enter an order:
- 5 (1) approving the conversion, subject only to the approval by the
- 6 secretary of state of the articles of incorporation of the proposed
- 7 bank or trust company; and
- 8 (2) assessing the costs of the proceeding against the objectors.
- 9 (f) If the court finds that the proposed conversion is not fair with
- 10 respect to the rights and interests of the objecting depositors, the court
- 11 shall enter an order:
- 12 (1) enjoining the conversion; and
- 13 (2) assessing the costs of the proceeding against the savings bank.
- 14 SECTION 112. IC 28-7-1-9.2, AS AMENDED BY P.L.35-2010,
- 15 SECTION 149, IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2016]: Sec. 9.2. (a) As used in this section,
- 17 "rights and privileges" means the power:
- 18 (1) to:
- 19 (A) create;
- 20 (B) deliver;
- 21 (C) acquire; or
- 22 (D) sell;
- 23 a product, a service, or an investment that is available to or
- 24 offered by; or
- 25 (2) to engage in mergers, consolidations, reorganizations, or other
- 26 activities or to exercise other powers authorized for;
- 27 federal credit unions domiciled in Indiana.
- 28 (b) A credit union that intends to exercise any rights and privileges
- 29 that are:
- 30 (1) granted to federal credit unions; but
- 31 (2) not authorized for credit unions under the Indiana Code
- 32 (except for this section) or any rule adopted under the Indiana
- 33 Code;
- 34 shall submit a letter to the department describing in detail the requested
- 35 rights and privileges granted to federal credit unions that the credit
- 36 union intends to exercise. If available, copies of relevant federal law,
- 37 regulations, and interpretive letters must be attached to the letter
- 38 submitted by the credit union.
- 39 (c) The department shall promptly notify the requesting credit union
- 40 of the department's receipt of the letter submitted under subsection (b).
- 41 Except as provided in subsection (e), the credit union may exercise the
- 42 requested rights and privileges sixty (60) days after the date on which



- 1 the department receives the letter unless otherwise notified by the
2 department.
- 3 (d) The department may deny the requested rights and privileges if
4 the department finds that:
- 5 (1) federal credit unions domiciled in Indiana do not possess the
6 requested rights and privileges;
 - 7 (2) the exercise of the requested rights and privileges by the credit
8 union would adversely affect the safety and soundness of the
9 credit union;
 - 10 (3) the exercise of the requested rights and privileges by the credit
11 union would result in an unacceptable curtailment of consumer
12 protection; or
 - 13 (4) the failure of the department to approve the requested rights
14 and privileges will not result in a competitive disadvantage to the
15 credit union.
- 16 (e) The sixty (60) day period referred to in subsection (c) may be
17 extended by the department based on a determination that the credit
18 union's letter raised issues requiring additional information or
19 additional time for analysis. If the sixty (60) day period is extended
20 under this subsection, the credit union may exercise the requested
21 rights and privileges only if the credit union receives prior written
22 approval from the department. However:
- 23 (1) the department must:
 - 24 (A) approve or deny the requested rights and privileges; or
 - 25 (B) convene a hearing;
 - 26 not later than sixty (60) days after the department receives the
27 credit union's letter; and
 - 28 (2) if a hearing is convened, the department must approve or deny
29 the requested rights and privileges not later than sixty (60) days
30 after the hearing is concluded.
- 31 (f) The exercise of rights and privileges by a credit union in
32 compliance with and in the manner authorized by this section is not a
33 violation of any provision of the Indiana Code or rules adopted under
34 IC 4-22-2.
- 35 (g) If a credit union receives approval to exercise the requested
36 rights and privileges granted to federal credit unions domiciled in
37 Indiana, the department shall determine by order whether all credit
38 unions may exercise the same rights and privileges. In making the
39 determination required by this subsection, the department must ensure
40 that the exercise of the rights and privileges by all credit unions will
41 not:
- 42 (1) adversely affect their safety and soundness; or



1 (2) unduly constrain Indiana consumer protection provisions.
 2 (h) If the department denies the request of a credit union under this
 3 section to exercise any rights and privileges that are granted to federal
 4 credit unions, the credit union may appeal the decision of the
 5 department to the circuit court, **superior court, or probate court** with
 6 jurisdiction in the county in which the principal office of the credit
 7 union is located. In an appeal under this section, the court shall
 8 determine the matter de novo.

9 SECTION 113. IC 28-11-3-6, AS AMENDED BY P.L.141-2005,
 10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2016]: Sec. 6. (a) As used in this section:

12 (1) "federally chartered" means an entity organized or reorganized
 13 under the law of the United States; and

14 (2) "state chartered" means an entity organized or reorganized
 15 under the law of Indiana or another state.

16 (b) If the department determines that federal law has preempted a
 17 provision of IC 24, IC 26, IC 28, IC 29, or IC 30, the provision of
 18 IC 24, IC 26, IC 28, IC 29, or IC 30 applies to a state chartered entity
 19 only to the same extent that the department determines the provision is
 20 applicable to the:

21 (1) same; or

22 (2) functionally equivalent;

23 type of federally chartered entity.

24 (c) A state chartered entity seeking an exemption from a provision
 25 of IC 24, IC 26, IC 28, IC 29, or IC 30 based on the preemption of the
 26 provision as applied to a federally chartered entity shall submit a letter
 27 to the department:

28 (1) describing in detail; and

29 (2) documenting the federal preemption of;

30 the provisions from which it seeks exemption. If available, copies of
 31 relevant federal law, regulations, and interpretive letters must be
 32 attached to the letter submitted by the requesting entity.

33 (d) The department shall notify the requesting entity of the
 34 department's receipt of the request not later than ten (10) business days
 35 after the department's receipt of a letter described in subsection (c).
 36 Except as provided in subsection (e), upon receipt of the notification,
 37 the requesting entity may operate as if it is exempt from the provision
 38 of IC 24, IC 26, IC 28, IC 29, or IC 30 ninety (90) days after the date
 39 on which the department receives the letter, unless otherwise notified
 40 by the department. This period may be extended for an additional
 41 ninety (90) days if the department determines that the requesting
 42 entity's letter raises issues requiring additional information or



1 additional time for analysis. If the department extends the period for
 2 the department's review of the request, the requesting entity may
 3 operate as if the requesting entity is exempt from a provision of IC 24,
 4 IC 26, IC 28, IC 29, or IC 30 during the extended period of review only
 5 if the requesting entity receives prior written approval from the
 6 department. However:

7 (1) the department must:

8 (A) approve or deny the requested exemption; or

9 (B) convene a hearing;

10 not later than ninety (90) days after the department receives the
 11 requesting entity's letter, unless the department has extended the
 12 period for the department's review under this subsection; and

13 (2) if a hearing is convened, the department must approve or deny
 14 the requested exemption not later than ninety (90) days after the
 15 hearing is concluded.

16 (e) The department may refuse to exempt a requesting entity from
 17 a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 if the department
 18 finds that any of the following conditions apply:

19 (1) The department determines that a described provision of
 20 IC 24, IC 26, IC 28, IC 29, or IC 30 is not preempted for a
 21 federally chartered entity of the:

22 (A) same; or

23 (B) functionally equivalent;

24 type.

25 (2) The extension of the federal preemption in the form of an
 26 exemption from a provision of IC 24, IC 26, IC 28, IC 29, or
 27 IC 30 to the requesting entity would:

28 (A) adversely affect the safety and soundness of the requesting
 29 entity; or

30 (B) result in an unacceptable curtailment of consumer
 31 protection provisions.

32 (3) The failure of the department to provide for the exemption
 33 from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 will not
 34 result in a competitive disadvantage to the requesting entity.

35 (f) The operation of a financial institution in a manner consistent
 36 with exemption from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30
 37 under this section is not a violation of any provision of the Indiana
 38 Code or rules adopted under IC 4-22-2.

39 (g) If a financial institution is exempted from the provisions of
 40 IC 24, IC 26, IC 28, IC 29, or IC 30 in compliance with this section, the
 41 department shall do the following:

42 (1) Determine whether the exemption shall apply to all financial



- 1 institutions that, in the opinion of the department, possess a
 2 charter that is:
- 3 (A) the same as; or
 - 4 (B) functionally the equivalent of;
- 5 the charter of the exempt institution.
- 6 (2) For purposes of the determination required under subdivision
 7 (1), ensure that applying the exemption to the financial
 8 institutions described in subdivision (1) will not:
- 9 (A) adversely affect the safety and soundness of the financial
 10 institutions; or
 - 11 (B) unduly constrain Indiana consumer protection provisions.
- 12 (3) Issue an order published in the Indiana Register that specifies
 13 whether the exemption applies to the financial institutions
 14 described in subdivision (1).
- 15 (h) If the department denies the request of a financial institution
 16 under this section for exemption from Indiana Code provisions that are
 17 preempted for federally chartered institutions, the requesting institution
 18 may appeal the decision of the department to the circuit court, **superior**
 19 **court, or probate court** of the county in which the principal office of
 20 the requesting institution is located.
- 21 (i) If the department determines that federal law has preempted a
 22 provision of IC 24, IC 26, IC 28, IC 29, or IC 30 as the provision
 23 applies to an operating subsidiary of a federally chartered entity, the
 24 provision of IC 24, IC 26, IC 28, IC 29, or IC 30 applies to a qualifying
 25 subsidiary (as defined in IC 28-13-16-1) of a state chartered entity only
 26 to the same extent that the department determines the provision applies
 27 to the operating subsidiary of:
- 28 (1) the same; or
 - 29 (2) the functionally equivalent;
- 30 type of federally chartered entity. In determining whether to extend the
 31 exemption from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 to
 32 a qualifying subsidiary (as defined in IC 28-13-16-1) of a state
 33 chartered entity under this subsection, the department shall use the
 34 procedures and undertake the considerations described in this section
 35 for a preemption determination with respect to a state chartered entity.
- 36 SECTION 114. IC 28-15-2-2, AS AMENDED BY P.L.35-2010,
 37 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section,
 39 "rights and privileges" means the power:
- 40 (1) to:
 - 41 (A) create;
 - 42 (B) deliver;



- 1 (C) acquire; or
 2 (D) sell;
 3 a product, a service, or an investment that is available to or
 4 offered by; or
 5 (2) to engage in mergers, consolidations, reorganizations, or other
 6 activities or to exercise other powers authorized for;
 7 federal savings associations domiciled in Indiana.
 8 (b) Subject to this section, savings associations may exercise the
 9 rights and privileges that are granted to federal savings associations.
 10 (c) A savings association that intends to exercise any rights and
 11 privileges that are:
 12 (1) granted to federal savings associations; but
 13 (2) not authorized for savings associations under:
 14 (A) the Indiana Code (except for this section); or
 15 (B) a rule adopted under IC 4-22-2;
 16 shall submit a letter to the department, describing in detail the
 17 requested rights and privileges granted to federal savings associations
 18 that the savings association intends to exercise. If available, copies of
 19 relevant federal law, regulations, and interpretive letters must be
 20 attached to the letter.
 21 (d) The department shall promptly notify the requesting savings
 22 association of its receipt of the letter submitted under subsection (c).
 23 Except as provided in subsection (f), the savings association may
 24 exercise the requested rights and privileges sixty (60) days after the
 25 date on which the department receives the letter unless otherwise
 26 notified by the department.
 27 (e) The department may deny the requested rights and privileges if
 28 the department finds that:
 29 (1) federal savings associations in Indiana do not possess the
 30 requested rights and privileges;
 31 (2) the exercise of the requested rights and privileges by the
 32 savings association would adversely affect the safety and
 33 soundness of the savings association;
 34 (3) the exercise of the requested rights and privileges by the
 35 savings association would result in an unacceptable curtailment
 36 of consumer protection; or
 37 (4) the failure of the department to approve the requested rights
 38 and privileges will not result in a competitive disadvantage to the
 39 savings association.
 40 (f) The sixty (60) day period referred to in subsection (d) may be
 41 extended by the department based on a determination that the savings
 42 association letter raises issues requiring additional information or



1 additional time for analysis. If the sixty (60) day period is extended
 2 under this subsection, the savings association may exercise the
 3 requested rights and privileges only if the savings association receives
 4 prior written approval from the department. However:

5 (1) the department must:

6 (A) approve or deny the requested rights and privileges; or

7 (B) convene a hearing;

8 not later than sixty (60) days after the department receives the
 9 savings association's letter; and

10 (2) if a hearing is convened, the department must approve or deny
 11 the requested rights and privileges not later than sixty (60) days
 12 after the hearing is concluded.

13 (g) The exercise of rights and privileges by a savings association in
 14 compliance with and in the manner authorized by this section does not
 15 constitute a violation of any provision of the Indiana Code or rules
 16 adopted under IC 4-22-2.

17 (h) If a savings association receives approval to exercise the
 18 requested rights and privileges granted to national savings associations
 19 domiciled in Indiana, the department shall determine by order whether
 20 all savings associations may exercise the same rights and privileges. In
 21 making the determination required by this subsection, the department
 22 must ensure that the exercise of the rights and privileges by all savings
 23 associations will not:

24 (1) adversely affect their safety and soundness; or

25 (2) unduly constrain Indiana consumer protection provisions.

26 (i) If the department denies the request of a savings association
 27 under this section to exercise any rights and privileges that are granted
 28 to national savings associations, the company may appeal the decision
 29 of the department to the circuit court, **superior court, or probate**
 30 **court** with jurisdiction in the county in which the principal office of the
 31 savings association is located.

32 SECTION 115. IC 28-15-2-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If the department
 34 denies the request of a savings association under section 2 of this
 35 chapter to exercise any rights and privileges that are granted to federal
 36 savings associations, the savings association may appeal the decision
 37 of the department to the circuit court, **superior court, or probate**
 38 **court** with jurisdiction in the county in which the principal office of the
 39 savings association is located. In an appeal under this section, the court
 40 shall determine the matter de novo.

41 SECTION 116. IC 29-2-19-19, AS ADDED BY P.L.143-2009,
 42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2016]: Sec. 19. An action to contest the validity of any
2 declaration made under this chapter must be:

- 3 (1) brought in the same manner as an action to contest the validity
4 of a will under IC 29-1-7;
5 (2) filed in the circuit court, **superior court, or probate court** of
6 the county in which the declarant's remains are located;
7 (3) expedited on the docket of the circuit court, **superior court,**
8 **or probate court** as a matter requiring priority; and
9 (4) accompanied by a bond, cash deposit, or other surety
10 sufficient to guarantee that the hospital, nursing home, funeral
11 home, or other institution holding the declarant's remains is
12 compensated for the storage charges incurred while the action is
13 pending.

14 SECTION 117. IC 31-12-1-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. In judicial circuits
16 having at least three (3) judges of the superior court, **probate court,**
17 **and circuit court,** the judges of the superior, **probate,** and circuit
18 courts may annually, in January, designate one (1) or more of the
19 judges to hear all cases under this chapter. The designated judges shall
20 hold as many sessions of court each week as are necessary for the
21 prompt disposition of the court's business.

22 SECTION 118. IC 32-17-4-2, AS AMENDED BY P.L.41-2012,
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2016]: Sec. 2. (a) A person described in section 1(a) of this
25 chapter may file a petition to compel partition in the circuit court, **or**
26 **superior court, or probate court** having probate jurisdiction of the
27 county in which the land or any part of the land is located.

28 (b) A petition filed under subsection (a) must contain the following:

- 29 (1) A description of the premises.
30 (2) The rights and titles in the land of the parties interested.

31 (c) At the time a person files a petition under subsection (a), the
32 person shall cause a title search to be made regarding the land that is
33 the subject of the partition. The person shall file a copy of the results
34 of the title search with the court.

35 SECTION 119. IC 32-17-5-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. On application of a
37 party in interest described in section 1 of this chapter, the circuit court,
38 **superior court, or probate court** may, if all the parties are:

- 39 (1) parties to the proceedings and before the court; or
40 (2) properly served with notice as in other civil actions;

41 decree a sale, exchange, or lease of the real estate, or sale or exchange
42 of the personal property, if the court considers a sale, exchange, or



- 1 lease to be advantageous to the parties concerned.
- 2 SECTION 120. IC 32-17-5-5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The circuit court,
- 4 **superior court, or probate court:**
- 5 (1) of the county in which a will, deed, or instrument:
- 6 (A) is probated or recorded; and
- 7 (B) under or from which a party claims or derives the party's
- 8 interest in the real or personal property that is the subject of
- 9 the will, deed, or instrument; or
- 10 (2) that has jurisdiction of a trust from which the property is
- 11 derived;
- 12 has jurisdiction to hear and determine the rights of the parties under
- 13 this chapter. Proceedings under this chapter are commenced by
- 14 complaint as in other civil actions.
- 15 (b) For an infant defendant who is a member of the class for whom
- 16 property that is the subject of a proceeding under this chapter is held:
- 17 (1) in reversion;
- 18 (2) in remainder; or
- 19 (3) upon condition;
- 20 the court shall appoint a special guardian ad litem who is not related to
- 21 any of the parties interested in the property. The living members stand
- 22 for and represent the whole class, and the parties stand for and
- 23 represent the full title and whole interest in the property.
- 24 SECTION 121. IC 32-18-1-5 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the trustee fails
- 26 to comply with the provisions of sections 1 through 4 of this chapter,
- 27 the judge of the circuit court, **superior court, or probate court**, or the
- 28 clerk of the circuit court may, at the instance of the assignor or a
- 29 creditor, by petition:
- 30 (1) remove the trustee; and
- 31 (2) appoint another suitable person as trustee.
- 32 (b) A replacement trustee shall:
- 33 (1) comply with the requirements specified in this chapter;
- 34 (2) immediately take possession and control of the property
- 35 assigned; and
- 36 (3) enter upon the execution of the trust, as provided in this
- 37 chapter.
- 38 SECTION 122. IC 32-18-1-11 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The trustee shall,
- 40 within six (6) months after beginning the duties of the trust, report to
- 41 the judge of the circuit court, **superior court, or probate court**, under
- 42 oath:



- 1 (1) the amount of money in the trustee's hands from:
 2 (A) the sale of property; and
 3 (B) collections; and
 4 (2) the amount still uncollected.

5 The trustee shall also, in the report, list all claims of creditors that have
 6 been presented to the trustee against the assignor. The trustee shall
 7 denote the claims that the trustee concludes should be allowed and
 8 those that the trustee determines not to allow.

9 SECTION 123. IC 32-18-1-13 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A part of the
 11 property assigned on which there are liens or encumbrances may be
 12 sold by the trustee subject to the liens or encumbrances.

13 (b) However, if the trustee is satisfied that the general fund would
 14 be materially increased by the payment of the liens or encumbrances,
 15 the trustee shall make application, by petition, to the judge of the
 16 circuit court, **superior court, or probate court** for an order to pay the
 17 liens and encumbrances before selling the property. Before the holder
 18 of any lien or encumbrance is entitled to receive any part of the holder's
 19 debt from the general fund, the holder shall proceed to enforce the
 20 payment of the debt by sale, or otherwise, of the property on which the
 21 lien or encumbrance exists. For the residue of the claim, the holder of
 22 the lien or encumbrance shall share pro rata with the other creditors, if
 23 entitled to do so under Indiana law.

24 SECTION 124. IC 32-18-1-19 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) The judge of the
 26 circuit court, **superior court, or probate court** may, upon the petition
 27 of a creditor or the assignor, remove a trustee under this chapter for
 28 good cause shown and appoint a successor.

29 (b) If a vacancy occurs by death, resignation, or removal of a trustee
 30 from Indiana, the judge may fill the vacancy and shall order a trustee
 31 who is removed to surrender all property in the trustee's hands
 32 belonging to the trust to the successor. The court may require a trustee
 33 removed under this section to pay to the clerk of the court all money in
 34 the trustee's hands, and on or before the next term, the trustee shall
 35 make and file a full and final report showing the condition of the trust
 36 and the trustee's management of the trust while under the trustee's
 37 control. If the court is satisfied with the report and the trustee has fully
 38 complied with this chapter and paid all money in the trustee's hands to
 39 the clerk of the court, the court may discharge the trustee.

40 SECTION 125. IC 32-23-8-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The owner of a lease
 42 that is canceled by a county recorder under this chapter may, not more



1 than six (6) months after the date of cancellation of the lease, appeal
 2 the order and record of cancellation in the circuit court, **superior**
 3 **court, or probate court** of the county in which the land is located.

4 SECTION 126. IC 32-23-12-8, AS ADDED BY P.L.94-2009,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2016]: Sec. 8. (a) The person seeking to create a trust for an
 7 interest in coal land for the purpose of leasing and developing the coal
 8 interest shall join as a defendant each person who has a legal interest
 9 in the coal land, except for any plaintiffs or persons having a legal
 10 interest in the coal land who at the time of the action are parties to a
 11 valid and existing lease granting to the plaintiff the mining rights
 12 sought by the plaintiff. A person who might have a contingent or future
 13 interest in the coal land is bound by the judgment entered in the
 14 proceedings.

15 (b) The plaintiff shall file a verified petition that specifically sets
 16 forth the following:

17 (1) The request of each plaintiff that a trustee be appointed to
 18 execute a lease granting the plaintiff the right to mine and remove
 19 coal from the subject coal land.

20 (2) The legal description of the coal land.

21 (3) The interest of the plaintiff in the coal within the coal land.

22 (4) The apparent interest of each defendant in the coal within the
 23 coal land.

24 (5) A statement that the plaintiff is willing to purchase a mineral
 25 lease covering the interest of each defendant and that the
 26 existence of these unleased mineral interests is detrimental to and
 27 impairs the enjoyment of the interest of the plaintiff.

28 (c) The Indiana rules of trial procedure govern an action under this
 29 chapter to make an unknown party a defendant.

30 (d) The court shall appoint a guardian ad litem for any defendant to
 31 the proceeding who is a ward of the state or a ward to another person.

32 (e) If it appears to the court that a person who is not in being, but
 33 upon coming into being, is or may be entitled to any interest in the
 34 property sought to be leased, the court shall appoint a guardian ad litem
 35 to appear for and represent the interest in the proceeding and to defend
 36 the proceeding on behalf of the person not in being. A judgment or
 37 order entered by the circuit court in the proceeding is effective against
 38 the person not in being.

39 (f) The court shall receive evidence and hear testimony concerning:

40 (1) the matters in the plaintiff's petition; and

41 (2) the prevailing terms of similar coal leases obtained in the
 42 vicinity of the coal land in the petition, including the length of the



- 1 lease term, bonus money, delay rentals, royalty rates, and other
 2 forms of lease payments.
- 3 If, upon taking evidence and hearing testimony, the court determines
 4 that the material allegations of the petition are true and that there has
 5 been compliance with the required notice provisions, the court shall
 6 enter an order determining the interest of each defendant in the coal
 7 land sought to be leased. The court shall also appoint a trustee for the
 8 purpose of executing in favor of the plaintiff a coal lease covering the
 9 interest of each defendant. The court's judgment appointing the trustee
 10 and authorizing the execution of the lease must specify the minimum
 11 terms that may be accepted by the trustee. Those terms must be
 12 substantially consistent with the terms of other similar coal leases
 13 obtained in the vicinity as determined by the court. The terms of the
 14 coal lease also must be substantially consistent with the terms of other
 15 existing leases, if any, covering the remaining coal interests in the land
 16 described in the petition.
- 17 (g) The coal land to be covered by a coal lease must be contiguous.
 18 To the extent that any of the coal land described in the petition is not
 19 contiguous to other coal land in the petition, that coal land must be
 20 subject to separate coal leases.
- 21 (h) The court shall determine a reasonable fee to be paid to the
 22 trustee and the trustee's reasonable attorney's fees and costs of the
 23 proceeding, which shall be paid by the plaintiff.
- 24 (i) Each plaintiff shall promptly furnish to the court a report of
 25 proceedings of the evidence received and testimony taken at the
 26 hearing on the petition. The report of proceedings shall be filed and
 27 made a part of the case record.
- 28 (j) In proceedings under this chapter, the circuit **court**, superior
 29 court, **or probate court** may:
- 30 (1) investigate and determine questions of conflicting or
 31 controverted titles;
 - 32 (2) remove invalid and inapplicable encumbrances from the title
 33 to the coal land; and
 - 34 (3) establish and confirm the title to the coal or the right to mine
 35 and remove coal from any of the coal land.
- 36 SECTION 127. IC 32-24-1-3, AS AMENDED BY P.L.110-2007,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2016]: Sec. 3. (a) Any person that may exercise the power of
 39 eminent domain for any public use under any statute may exercise the
 40 power only in the manner provided in this article, except as otherwise
 41 provided by law.
- 42 (b) Except as provided in subsection (g), before proceeding to



- 1 condemn, the person:
- 2 (1) may enter upon any land to examine and survey the property
- 3 sought to be acquired; and
- 4 (2) must make an effort to purchase for the use intended the land,
- 5 right-of-way, easement, or other interest, in the property.
- 6 (c) The effort to purchase under subsection (b)(2) must include the
- 7 following:
- 8 (1) Establishing a proposed purchase price for the property.
- 9 (2) Providing the owner of the property with an appraisal or other
- 10 evidence used to establish the proposed purchase price.
- 11 (3) Conducting good faith negotiations with the owner of the
- 12 property.
- 13 (d) If the land or interest in the land, or property or right is owned
- 14 by a person who is an incapacitated person (as defined in
- 15 IC 29-3-1-7.5) or less than eighteen (18) years of age, the person
- 16 seeking to acquire the property may purchase the property from the
- 17 guardian of the incapacitated person or person less than eighteen (18)
- 18 years of age. If the purchase is approved by the court appointing the
- 19 guardian and the approval is written upon the face of the deed, the
- 20 conveyance of the property purchased and the deed made and approved
- 21 by the court are valid and binding upon the incapacitated person or
- 22 persons less than eighteen (18) years of age.
- 23 (e) The deed given, when executed instead of condemnation,
- 24 conveys only the interest stated in the deed.
- 25 (f) If property is taken by proceedings under this article, the entire
- 26 fee simple title may be taken and acquired.
- 27 (g) This subsection applies to a public utility (as defined in
- 28 IC 32-24-1-5.9(a)) or a pipeline company (as defined in IC 8-1-22.6-7).
- 29 If a public utility or a pipeline company seeks to acquire land or an
- 30 interest in land under this article, the public utility or pipeline company
- 31 may not enter upon the land to examine or survey the property sought
- 32 to be acquired unless either of the following occur:
- 33 (1) The public utility or the pipeline company sends notice by
- 34 certified mail to the affected landowner (as defined in
- 35 IC 8-1-22.6-2) of the public utility's or the pipeline company's
- 36 intention to enter upon the landowner's property for survey
- 37 purposes. The notice required by this subdivision must be mailed
- 38 not later than fourteen (14) days before the date of the public
- 39 utility's or the pipeline company's proposed examination or
- 40 survey.
- 41 (2) The public utility or the pipeline company receives the
- 42 landowner's signed consent to enter the property to perform the



1 proposed examination or survey.

2 An affected landowner may bring an action to enforce this subsection
3 in the circuit court, **superior court, or probate court** of the county in
4 which the landowner's property is located. A prevailing landowner is
5 entitled to the landowner's actual damages as a result of the public
6 utility's or the pipeline company's violation. In addition, the court may
7 award a prevailing landowner reasonable costs of the action and
8 attorney's fees.

9 SECTION 128. IC 32-30-10-3, AS AMENDED BY P.L.105-2009,
10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2016]: Sec. 3. (a) Subject to IC 32-30-10.5 with respect to
12 mortgage transactions described in IC 32-30-10.5-5, if a mortgagor
13 defaults in the performance of any condition contained in a mortgage,
14 the mortgagee or the mortgagee's assigns may proceed in the circuit
15 court, **superior court, or probate court** of the county where the real
16 estate is located to foreclose the equity of redemption contained in the
17 mortgage.

18 (b) If the real estate is located in more than one (1) county, the
19 circuit court, **superior court, or probate court** of any county in which
20 the real estate is located has jurisdiction for an action for the
21 foreclosure of the equity of redemption contained in the mortgage.

22 SECTION 129. IC 32-33-4-4, AS AMENDED BY P.L.173-2013,
23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2016]: Sec. 4. (a) To perfect the lien provided for in section
25 3 of this chapter, the hospital must file for record in the office of the
26 recorder of the county in which the hospital is located, within ninety
27 (90) days after the person is discharged or not later than the date of the
28 final settlement, compromise, or resolution of the cause of action, suit,
29 or claim accruing to the patient, whichever occurs first, a verified
30 statement in writing stating:

- 31 (1) the name and address of the patient as it appears on the
32 records of the hospital;
33 (2) the name and address of the operator of the hospital;
34 (3) the dates of the patient's admission to and discharge from the
35 hospital;
36 (4) the amount claimed to be due for the hospital care; and
37 (5) to the best of the hospital's knowledge, the names and
38 addresses of anyone claimed by the patient or the patient's legal
39 representative to be liable for damages arising from the patient's
40 illness or injury.

41 (b) Within ten (10) days after filing the statement, the hospital shall
42 send a copy by registered mail, postage prepaid:



- 1 (1) to each person claimed to be liable because of the illness or
 2 injury at the address given in the statement;
 3 (2) to the attorney representing the patient if the name of the
 4 attorney is known or with reasonable diligence could be
 5 discovered by the hospital; and
 6 (3) to the department of insurance as notice to insurance
 7 companies doing business in Indiana.
- 8 (c) The filing of a claim under subsections (a) and (b) is notice to
 9 any person, firm, limited liability company, or corporation that may be
 10 liable because of the illness or injury if the person, firm, limited
 11 liability company, or corporation:
 12 (1) receives notice under subsection (b);
 13 (2) resides or has offices in a county where the lien was perfected
 14 or in a county where the lien was filed in the recorder's office as
 15 notice under this subsection; or
 16 (3) is an insurance company authorized to do business in Indiana
 17 under IC 27-1-3-20.
- 18 (d) A lien:
 19 (1) is effective under this chapter on the date a hospital complies
 20 with subsections (a) and (b); and
 21 (2) may not be made retroactive to any prior date.
- 22 (e) A person desiring to contest a lien or the reasonableness of the
 23 charges claimed by the hospital may do so by filing a motion to quash
 24 or reduce the claim in the circuit court, **superior court, or probate**
 25 **court** in which the lien was perfected, making all other parties of
 26 interest respondents.
- 27 SECTION 130. IC 33-37-3-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The prepayment of
 29 fees under this chapter is not required in an appeal of a civil matter to
 30 a circuit court, **superior court, or probate court** from a court of
 31 inferior jurisdiction.
- 32 SECTION 131. IC 33-37-5-11 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section
 34 applies to an action in a ~~circuit~~ court in a county that has established a
 35 program under IC 9-30-9.
- 36 (b) The probation department shall collect an alcohol abuse
 37 deterrent program fee and a medical fee set by the court under
 38 IC 9-30-9-8 and deposit the fee into the supplemental adult probation
 39 services fund.
- 40 SECTION 132. IC 33-38-13-32 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. If a witness in a
 42 commission proceeding:



1 (1) fails or refuses to attend upon subpoena; or
 2 (2) refuses to testify or produce documentary evidence demanded
 3 by subpoena;
 4 a circuit court, **superior court, or probate court** may enforce the
 5 subpoena.

6 SECTION 133. IC 33-38-13-34 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. (a) In all formal
 8 proceedings, discovery is available to the commission and the judge or
 9 justice under the Indiana Rules of Civil Procedure. A motion requesting
 10 a discovery order must be made to the circuit court, **superior court, or**
 11 **probate court** judge in the county in which the commission hearing is
 12 held.

13 (b) In all formal proceedings, the counsel shall provide the
 14 following to the judge or justice at least twenty (20) days before the
 15 hearing:

16 (1) The names and addresses of all witnesses whose testimony the
 17 counsel expects to offer at the hearing.

18 (2) Copies of all written statements and transcripts of testimony
 19 of witnesses described in subdivision (1) that:

20 (A) are in the possession of the counsel or the commission;

21 (B) are relevant to the hearing; and

22 (C) have not previously been provided to the justice or judge.

23 (3) Copies of all documentary evidence that the counsel expects
 24 to offer in evidence at the hearing.

25 (c) Upon objection of the justice or judge, the following are not
 26 admissible in a hearing:

27 (1) The testimony of a witness whose name and address have not
 28 been furnished to the judge or justice under subsection (b).

29 (2) Documentary evidence that has not been furnished to the
 30 judge or justice under subsection (b).

31 (d) After formal proceedings have been instituted, the justice or
 32 judge may request in writing that the counsel furnish to the justice or
 33 judge the names and addresses of all witnesses known at any time to
 34 the counsel who have information that may be relevant to a charge
 35 against or a defense of the justice or judge. The counsel shall provide
 36 to the justice or judge copies of documentary evidence that:

37 (1) are known at any time to the counsel or in the possession at
 38 any time of the counsel or the commission;

39 (2) are relevant to a charge against or defense of the justice or
 40 judge; and

41 (3) have not previously been provided to the justice or judge.

42 The counsel shall comply with a request under this subsection not more



1 than ten (10) days after receiving the request and not more than ten
 2 (10) days after the counsel becomes aware of the information or
 3 evidence.

4 (e) During the course of an investigation by the commission, the
 5 justice or judge whose conduct is being investigated may demand in
 6 writing that the commission:

- 7 (1) institute formal proceedings against the justice or judge; or
- 8 (2) enter a formal finding that there is not probable cause to
 9 believe that the justice or judge is guilty of any misconduct.

10 The commission shall comply with a request under this subsection not
 11 more than sixty (60) days after receiving the request. A copy of the
 12 request shall be filed with the supreme court. If the commission finds
 13 that there is not probable cause, the commission shall file the finding
 14 with the supreme court. A document filed with the supreme court under
 15 this subsection is a matter of public record.

16 SECTION 134. IC 33-38-14-34 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. If a witness in a
 18 commission proceeding:

- 19 (1) fails or refuses to attend upon subpoena; or
- 20 (2) refuses to testify or produce documentary evidence demanded
 21 by subpoena;

22 a circuit court, **superior court, or probate court** may enforce the
 23 subpoena.

24 SECTION 135. IC 33-38-14-36 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. (a) In all formal
 26 proceedings, discovery is available to the commission and the judge
 27 under the Indiana Rules of Civil Procedure. A motion requesting a
 28 discovery order must be made to the circuit court, **superior court, or**
 29 **probate court** in the county in which the commission hearing is held.

30 (b) In all formal proceedings, the counsel shall provide the
 31 following to the judge at least twenty (20) days before a hearing:

- 32 (1) The names and addresses of all witnesses whose testimony the
 33 counsel expects to offer at the hearing.
- 34 (2) Copies of all written statements and transcripts of testimony
 35 of witnesses described in subdivision (1) that:
 - 36 (A) are in the possession of the counsel or the commission;
 - 37 (B) are relevant to the hearing; and
 - 38 (C) have not been provided to the judge.

39 (3) Copies of all documentary evidence that the counsel expects
 40 to introduce at the hearing.

41 (c) On objection by a judge, the testimony of a witness whose name
 42 and address have not been furnished to the judge and documentary



1 evidence that has not been furnished to the judge, are not admissible at
2 a hearing.

3 (d) After formal proceedings have been instituted, a judge may
4 request in writing that the counsel provide the judge the names and
5 addresses of all witnesses known at any time to the counsel who have
6 information that may be relevant to any charge against or any defense
7 of the judge. The counsel shall provide copies of written statements,
8 transcripts of testimony, and documentary evidence that:

9 (1) are in the commission counsel's possession at any time;

10 (2) are relevant to a charge against or defense of the judge; and

11 (3) have not been furnished to the judge.

12 The counsel shall comply with the request not more than ten (10) days
13 after receiving the request or not more than ten (10) days after any
14 information or evidence becomes known to the counsel.

15 (e) During an investigation by the commission, a judge whose
16 conduct is being investigated may demand in writing that the
17 commission institute formal proceedings against the judge or enter a
18 formal finding that there is not probable cause to believe the judge is
19 guilty of misconduct. Not more than sixty (60) days after receiving a
20 written demand, the commission shall comply with the demand. A copy
21 of the demand shall be filed in the supreme court and is a matter of
22 public record. If the commission finds there is not probable cause, the
23 finding shall be filed in the supreme court and is a matter of public
24 record.

25 SECTION 136. IC 33-39-1-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) When a
27 prosecuting attorney receives information of the commission of a
28 felony or misdemeanor, the prosecuting attorney shall cause process to
29 issue from a court (~~except the circuit court~~) having jurisdiction to issue
30 the process to the proper officer, directing the officer to subpoena the
31 persons named in the process who are likely to have information
32 concerning the commission of the felony or misdemeanor. The
33 prosecuting attorney shall examine a person subpoenaed before the
34 court that issued the process concerning the offense.

35 (b) If the facts elicited under subsection (a) are sufficient to
36 establish a reasonable presumption of guilt against the party charged,
37 the court shall:

38 (1) cause the testimony that amounts to a charge of a felony or
39 misdemeanor to be reduced to writing and subscribed and sworn
40 to by the witness; and

41 (2) issue process for the apprehension of the accused, as in other
42 cases.



1 SECTION 137. IC 34-17-2-1, AS AMENDED BY P.L.146-2008,
 2 SECTION 678, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An information described in
 4 IC 34-17-1-1 may be filed:

5 (1) by the prosecuting attorney in the circuit court, **superior**
 6 **court, or probate court** of the proper county, upon the
 7 prosecuting attorney's own relation, whenever the prosecuting
 8 attorney:

9 (A) determines it to be the prosecuting attorney's duty to do so;
 10 or

11 (B) is directed by the court or other competent authority; or

12 (2) by any other person on the person's own relation, whenever
 13 the person claims an interest in the office, franchise, or
 14 corporation that is the subject of the information.

15 (b) The prosecuting attorney shall file an information in the circuit
 16 court, **superior court, or probate court** of the county against the
 17 county assessor or a township assessor under IC 34-17-1-1(2) if:

18 (1) the board of county commissioners adopts an ordinance under
 19 IC 6-1.1-4-31(f); or

20 (2) the city-county council adopts an ordinance under
 21 IC 6-1.1-4-31(g).

22 SECTION 138. IC 34-17-2-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Following
 24 forfeiture or escheat of property as described in IC 34-17-1-3, an
 25 information may be filed by the prosecuting attorney in the circuit
 26 court, **superior court, or probate court** for the recovery of the
 27 property, alleging the ground on which the recovery is claimed.

28 (b) Proceedings and judgment are the same as in a civil action for
 29 the recovery of property.

30 SECTION 139. IC 34-25.5-2-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The ~~criminal circuit~~
 32 **judges of any courts with criminal jurisdiction** in Indiana may:

33 (1) issue writs of habeas corpus within their respective counties;

34 (2) hear and determine writs of habeas corpus in favor of all
 35 persons arrested and held upon any charge in violation of Indiana
 36 criminal laws; and

37 (3) admit to bail, or discharge the prisoner;

38 in the same manner, to the same extent, and under the same rules and
 39 regulations as judges of the circuit courts are authorized by law to do.

40 SECTION 140. IC 34-25.5-5-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as
 42 provided in subsection (b), the court or judge shall not inquire into the



1 legality of any judgment or process by which the party is in custody, or
 2 discharge the party when the term of commitment has not expired in
 3 any of the following cases:

4 (1) Upon process issued by any court or judge of the United States
 5 where the court or judge has exclusive jurisdiction.

6 (2) Upon any process issued on a final judgment of a court of
 7 competent jurisdiction.

8 (3) For any contempt of any court, officer, or body with authority
 9 to commit.

10 (4) Upon a warrant issued from the circuit court, **superior court,**
 11 **or probate court** upon an indictment or information.

12 (b) Subsection (a)(1), (a)(2), and (a)(3) do not include an order of
 13 commitment, as for contempt, upon proceedings to enforce the remedy
 14 of a party.

15 SECTION 141. IC 34-26-1-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Restraining
 17 orders and injunctions may be granted by the circuit courts, **superior**
 18 **courts, or probate courts,** or the judges of the circuit courts, **superior**
 19 **courts, or probate courts,** in their respective counties.

20 (b) If the circuit court, **superior court, or probate court** judges are:

21 (1) absent from their circuits; or

22 (2) by reason of sickness or other cause unable or incompetent to
 23 hear and determine the granting of a temporary injunction or
 24 restraining order;

25 any circuit court, **superior court, or probate court** judge of an
 26 adjoining circuit may hear and determine the granting of a temporary
 27 injunction or restraining order.

28 SECTION 142. IC 34-26-1-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The regular
 30 presiding judge in the county where the petition was filed shall hear
 31 and determine whether an injunction or restraining order issued under
 32 section 3(b) of this chapter (or IC 34-1-10-1 before its repeal) shall be
 33 made permanent.

34 (b) The circuit courts, **superior courts, or probate courts,** or the
 35 circuit court, **superior court, or probate court** judges may, in any
 36 county of the circuit, issue restraining orders or injunctions to operate
 37 in any other county in the circuit.

38 (c) All petitions for restraining orders and injunctions shall be filed
 39 in the clerk's office in the county in which the order or injunction is
 40 requested.

41 SECTION 143. IC 34-28-2-2, AS AMENDED BY P.L.61-2010,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2016]: Sec. 2. (a) The petition described in section 1 of this
2 chapter must:

3 (1) if applicable, include the information required by section 2.5
4 of this chapter;

5 (2) in the case of a petition filed by a person described in section
6 2.5 of this chapter, be subscribed and sworn to (or affirmed):

7 (A) under the penalties of perjury; and

8 (B) before a notary public or other person authorized to
9 administer oaths; and

10 (3) be filed with the circuit court, **superior court, or probate**
11 **court** of the county in which the person resides.

12 (b) In the case of a parent or guardian who wishes to change the
13 name of a minor child, the petition must be verified, and it must state
14 in detail the reason the change is requested. In addition, except where
15 a parent's consent is not required under IC 31-19-9, the written consent
16 of a parent, or the written consent of the guardian if both parents are
17 dead, must be filed with the petition.

18 (c) Before a minor child's name may be changed, the parents or
19 guardian of the child must be served with a copy of the petition as
20 required by the Indiana trial rules.

21 SECTION 144. IC 34-49-5-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Appeal bonds for
23 appeals taken to circuit courts, **superior courts, or probate courts** are
24 governed by IC 34-56-2.

25 SECTION 145. IC 34-52-1-9 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. In all cases where
27 lands are attached and judgment rendered in favor of the plaintiff in the
28 circuit court, **superior court, or probate court**, in which the sum
29 claimed, or the judgment rendered is less than fifty dollars (\$50), the
30 plaintiff shall recover costs if the attachment against the land is
31 sustained by the court.

32 SECTION 146. IC 34-56-2-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies
34 to all cases in which:

35 (1) an appeal is taken from:

36 (A) a board of county commissioners, viewers, or
37 commissioners to assess damages; or

38 (B) any other person or tribunal;

39 to the circuit court, **superior court, or probate court**; and

40 (2) the appeal bond filed in the case is defective:

41 (A) in substance or form; or

42 (B) for want of proper approval.



1 SECTION 147. IC 34-56-2-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The circuit court,
 3 **superior court, or probate court** shall not dismiss a case on account
 4 of the defect or informality of the appeal bond if the appellant, when
 5 required by the court to which the appeal is taken, files in the court a
 6 sufficient bond, with surety to the acceptance of the court, in the sum
 7 required by the court.

8 SECTION 148. IC 36-2-2-7 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the executive
 10 finds that two (2) or more of its members are disqualified from acting
 11 in a quasi-judicial proceeding, the disqualified members shall cease to
 12 act in that proceeding. Within ten (10) days after the finding, the
 13 county auditor shall send a certified copy of the record of the
 14 proceeding to the judge of the circuit court, **superior court, or**
 15 **probate court** for the county. If the judge affirms the disqualification
 16 of the members of the executive, ~~he~~ **the judge** shall appoint
 17 disinterested and competent persons to serve as special members of the
 18 executive in the proceeding.

19 (b) A person who consents to serve as a special member of the
 20 executive must have the same qualifications as an elected member of
 21 the executive. ~~His~~ **The person's** appointment and oath shall be filed
 22 with the county auditor and entered on the records of the executive, and
 23 ~~he~~ **the person** may act with the other members of the executive
 24 conducting the proceeding until a final determination is reached.

25 SECTION 149. IC 36-2-2-27 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) A party to a
 27 proceeding before the executive who is aggrieved by a decision of the
 28 executive may appeal that decision to the circuit court, **superior court,**
 29 **or probate court** for the county.

30 (b) A person who is not a party to a proceeding before the executive
 31 may appeal a decision of the executive only if ~~he~~ **the person** files with
 32 the county auditor an affidavit:

- 33 (1) specifically setting forth ~~his~~ **the person's** interest in the matter
 34 decided; and
 35 (2) alleging that ~~he~~ **the person** is aggrieved by the decision of the
 36 executive.

37 (c) An appeal under this section must be taken within thirty (30)
 38 days after the executive makes the decision by which the appellant is
 39 aggrieved.

40 SECTION 150. IC 36-2-2-29 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) An appeal under
 42 section 27 of this chapter shall be docketed among the other causes



1 pending in the circuit court, **superior court, or probate court**, and
2 shall be tried as an original cause.

3 (b) A court may decide an appeal under section 27 of this chapter
4 by:

5 (1) affirming the decision of the executive; or

6 (2) remanding the cause to the executive with directions as to how
7 to proceed;

8 and may require the executive to comply with this decision.

9 SECTION 151. IC 36-2-2.5-12, AS ADDED BY P.L.77-2014,
10 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2016]: Sec. 12. (a) If the single county executive is
12 disqualified from acting in a quasi-judicial proceeding, the single
13 county executive shall cease to act in that proceeding. Not later than
14 ten (10) days after the finding that the single county executive is
15 disqualified to act in a proceeding, the county auditor shall send a
16 certified copy of the record of the proceeding to the judge of the circuit
17 court, **superior court, or probate court** for the county. If the judge
18 affirms the disqualification of the single county executive, the judge
19 shall appoint a disinterested and competent person to serve as a special
20 executive in the proceeding.

21 (b) A person who consents to serve as a special executive must have
22 the same qualifications as an elected single county executive. The
23 person's appointment and oath shall be filed with the county auditor
24 and entered on the records of the single county executive. A person
25 appointed as a special executive may conduct the proceeding until a
26 final determination is reached.

27 SECTION 152. IC 36-2-2.5-17, AS ADDED BY P.L.77-2014,
28 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2016]: Sec. 17. (a) An appeal under section 16 of this chapter
30 shall be docketed among the other causes pending in the circuit court,
31 **superior court, or probate court**, and shall be tried as an original
32 cause.

33 (b) A court may decide an appeal under section 16 of this chapter
34 by:

35 (1) affirming the decision of the single county executive; or

36 (2) remanding the cause to the single county executive with
37 directions as to how to proceed;

38 and may require the single county executive to comply with this
39 decision.

40 SECTION 153. IC 36-2-12-14 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) The owner of
42 property surveyed under this chapter may appeal that survey to the



1 circuit court, **superior court, or probate court** for the county:

2 (1) within ninety (90) days if ~~he~~ **the owner** is a resident of the
3 county and was served with notice of the survey; or

4 (2) within one (1) year if ~~he~~ **the owner** is not a resident of the
5 county and notice was by publication.

6 (b) When an appeal is taken under this section, the surveyor shall
7 immediately transmit copies of the relevant field notes and other papers
8 to the court, without requiring an appeal bond.

9 (c) The court may receive evidence of any other surveys of the same
10 premises. If the court decides against the original survey, it may order
11 a new survey to be made by a competent person other than the person
12 who did the original survey, and it shall:

13 (1) determine the true boundary lines and corners of the lands
14 included in the survey; and

15 (2) order the county surveyor to:

16 (A) locate and perpetuate the boundary lines and corners
17 according to the court's findings by depositing durable markers
18 in the proper places, below the freezing point;

19 (B) mark the boundary lines and corners; and

20 (C) enter the boundary lines and corners in ~~his~~ **the county**
21 **surveyor's** field notes.

22 (d) A new survey made under this section may be appealed under
23 this section.

24 SECTION 154. IC 36-4-3-18 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) An order under
26 section 17 of this chapter may be appealed to the circuit court,
27 **superior court, or probate court** for the county in which any part of
28 the affected territory is located. If an appeal is brought, the matters
29 determined at the original hearing shall be tried de novo, and the circuit
30 court's, **superior court's, or probate court's** order may be appealed
31 in the same manner as other civil actions are tried and appealed. The
32 municipality involved in the disannexation may, by its attorney, appear
33 and defend its interests in the proceeding.

34 (b) The appellant or appellants in the circuit court, **superior court,**
35 **or probate court** shall give to the clerk of the municipality a bond:

36 (1) with a solvent, freehold surety who is a resident of the county
37 in which the territory is located;

38 (2) conditioned on the due prosecution of the appeal and the
39 payment of all costs accrued by or to accrue against the appellant
40 or appellants; and

41 (3) in a sum considered adequate by the clerk.

42 If ~~he~~ **the clerk** approves the bond, the clerk shall immediately make a



1 transcript of all proceedings in the cause and certify it, together with all
2 papers in the cause, to the clerk of the court in which the appeal is
3 filed.

4 (c) On an appeal under this section, a court may make orders
5 concerning streets and alleys, including their vacation, and award
6 damages.

7 SECTION 155. IC 36-4-4-5, AS AMENDED BY P.L.141-2007,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2016]: Sec. 5. (a) If uncertainty exists or a dispute arises
10 concerning the executive or legislative nature of a power or duty
11 exercised or proposed to be exercised by a branch, officer, department,
12 or agency of the government of a municipality, a petition may be filed
13 in the circuit court **or superior court** of the county in which the
14 municipality is located by the municipal executive, another municipal
15 elected official, the president of the municipal legislative body, or any
16 person who alleges and establishes to the satisfaction of the court that
17 the person is or would be adversely affected by the exercise of the
18 power; however, in a county that does not contain a consolidated city
19 and that has a superior court with three (3) or more judges, the petition
20 shall be filed in the superior court and shall be heard and determined
21 by the court sitting en banc.

22 (b) In a county containing a consolidated city, the petition shall be
23 heard and determined by a five (5) member panel of judges from the
24 superior court. The clerk of the court shall select the judges
25 electronically and randomly. Not more than three (3) members of the
26 five (5) member panel of judges may be of the same political party. The
27 first judge selected shall maintain the case file and preside over the
28 proceedings.

29 (c) The petition must set forth the action taken or the power
30 proposed to be exercised, and all facts and circumstances relevant to a
31 determination of the nature of the power, and must request that the
32 court hear the matter and determine which branch, officer, department,
33 or agency of the municipality, if any, is authorized to exercise the
34 power. On the filing of the petition, the clerk of the court shall issue
35 notice to the municipal executive, each municipal elected official, and
36 the president of the municipal legislative body, unless the petition was
37 filed by that person, and to the municipal attorney, department of law,
38 or legal division.

39 (d) The court shall determine the matters set forth in the petition and
40 shall affix the responsibility for the exercise of the power or the
41 performance of the duty, unless it determines that the power or duty
42 does not exist. Costs of the proceeding shall be paid by the



1 municipality, except that if an appeal is taken from the decision of the
 2 court by any party to the proceeding other than the municipal
 3 executive, another municipal elected official, or the president of the
 4 municipal legislative body, the costs of the appeal shall be paid by the
 5 unsuccessful party on appeal or in the manner directed by the court
 6 deciding the appeal.

7 SECTION 156. IC 36-4-5-8 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Whenever the
 9 executive is absent or going to be absent from the city, ill, or injured,
 10 **he the executive** may designate:

11 (1) the deputy mayor, if that position has been established under
 12 IC 36-4-9-7; or

13 (2) a member of the city legislative body;

14 as acting executive, with all the powers of the office. The executive
 15 may exercise this power for a maximum of fifteen (15) days in any
 16 sixty (60) day period.

17 (b) A designation under subsection (a) shall be certified to the
 18 president or president pro tempore and clerk of the city legislative
 19 body. In addition, when the executive resumes **his the executive's**
 20 duties, **he the executive** shall certify to those officers the expiration of
 21 the designation.

22 (c) Whenever the president or president pro tempore of the city
 23 legislative body files with the circuit court, **superior court, or probate**
 24 **court** of the county in which the city is located a written statement
 25 suggesting that the executive is unable to discharge the powers and
 26 duties of **his the executive's** office, the circuit court, **superior court,**
 27 **or probate court** shall convene within forty-eight (48) hours to decide
 28 that question. After that, when the executive files with the circuit court,
 29 **his superior court, or probate court the executive's** written
 30 declaration that no inability exists, the circuit court, **superior court, or**
 31 **probate court** shall convene within forty-eight (48) hours to decide
 32 whether that is the case. Upon a decision that no inability exists, the
 33 executive shall resume the powers and duties of **his the executive's**
 34 office.

35 (d) If the circuit court, **superior court, or probate court** decides
 36 under subsection (c) that the executive is unable to discharge the
 37 powers and duties of **his the executive's** office, then:

38 (1) the deputy mayor, if that position has been established under
 39 IC 36-4-9-7; or

40 (2) the president of the legislative body in a second class city, or
 41 the president pro tempore of the legislative body in a third class
 42 city, if there is no deputy mayor;



1 shall serve as acting executive, with all the powers of the office. A
 2 person may serve as acting executive for a maximum of six (6) months
 3 under this subsection. The city legislative body may appropriate funds
 4 to compensate a person acting as executive under subsection (d).

5 SECTION 157. IC 36-4-6-21 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The legislative
 7 body may investigate:

- 8 (1) the departments, officers, and employees of the city;
 9 (2) any charges against a department, officer, or employee of the
 10 city; and
 11 (3) the affairs of a person with whom the city has entered or is
 12 about to enter into a contract.

13 (b) When conducting an investigation under this section, the
 14 legislative body:

- 15 (1) is entitled to access to all records pertaining to the
 16 investigation; and
 17 (2) may compel the attendance of witnesses and the production of
 18 evidence by subpoena and attachment served and executed in the
 19 county in which the city is located.

20 (c) If a person refuses to testify or produce evidence at an
 21 investigation conducted under this section, the legislative body may
 22 order its clerk to immediately present to the circuit court, **superior**
 23 **court, or probate court** of the county a written report of the facts
 24 relating to the refusal. The court shall hear all questions relating to the
 25 refusal to testify or produce evidence, and shall also hear any new
 26 evidence not included in the clerk's report. If the court finds that the
 27 testimony or evidence sought should be given or produced, it shall
 28 order the person to testify or produce the evidence, or both.

29 SECTION 158. IC 36-5-1.2-7 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A person aggrieved
 31 by a decision made by the town legislative body under section 6 of this
 32 chapter may appeal the decision to the circuit court, **superior court, or**
 33 **probate court** with jurisdiction in the county in which the town is
 34 located.

35 SECTION 159. IC 36-5-1.2-11 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The circuit
 37 court, **superior court, or probate court** shall hear an appeal under this
 38 chapter without a jury.

39 (b) Change of venue from the judge may be granted, but change of
 40 venue from the county may not be granted.

41 SECTION 160. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,
 42 SECTION 148, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) When twenty-five (25) or
 2 more resident freeholders of a township file a petition with the circuit
 3 court, **superior court, or probate court** of the county, alleging that the
 4 township executive is incapable of performing **his the executive's**
 5 duties due to mental or physical incapacity, the clerk of the court shall
 6 issue a summons to be served on the executive. The summons is
 7 returnable not less than ten (10) days from its date of issue.

8 (b) Immediately following the return date set out on the summons,
 9 the circuit court, **superior court, or probate court** shall hold a hearing
 10 on the matter alleged in the petition. After hearing the evidence and
 11 being fully advised, the court shall enter its findings and judgment.

12 (c) If the court finds the executive incapable of performing the
 13 duties of office, the clerk of the court shall certify a copy of the
 14 judgment to the county executive, which shall, within five (5) days,
 15 appoint a resident of the township as acting executive of the township
 16 during the incapacity of the executive.

17 (d) The acting executive shall execute and file a bond in an amount
 18 fixed by the county auditor. After taking the oath of office, the acting
 19 executive has all the powers and duties of the executive.

20 (e) The acting executive is entitled to the salary and benefits
 21 provided by this article for the executive.

22 (f) When an incapacitated executive files a petition with the circuit
 23 court, **superior court, or probate court** of the county alleging that the
 24 executive is restored to mental or physical ability to perform the duties
 25 of office, the court shall immediately hold a hearing on the matters
 26 alleged. After hearing the evidence and being fully advised, the court
 27 shall enter its findings and judgment.

28 (g) If the court finds the executive capable of resuming duties, the
 29 clerk of the court shall certify a copy of the judgment to the county
 30 executive, which shall, within five (5) days, revoke the appointment of
 31 the acting executive.

32 (h) For purposes of this section, the board of county commissioners
 33 is considered the executive of a county having a consolidated city.

34 SECTION 161. IC 36-7-3-12 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Persons who:

36 (1) own or are interested in any lots or parts of lots; and

37 (2) want to vacate all or part of a public way or public place in or
 38 contiguous to those lots or parts of lots;

39 may file a petition for vacation with the legislative body of:

40 (A) a municipality, if all or any part of the public way or
 41 public place to be vacated is located within the corporate
 42 boundaries of that municipality; or



1 (B) the county, if all or the only part of the public way or
2 public place to be vacated is located outside the corporate
3 boundaries of a municipality.

4 (b) Notice of the petition must be given in the manner prescribed by
5 subsection (c). The petition must:

6 (1) state the circumstances of the case;
7 (2) specifically describe the property proposed to be vacated; and
8 (3) give the names and addresses of all owners of land that abuts
9 the property proposed to be vacated.

10 (c) The legislative body shall hold a hearing on the petition within
11 thirty (30) days after it is received. The clerk of the legislative body
12 shall give notice of the petition and of the time and place of the
13 hearing:

14 (1) in the manner prescribed in IC 5-3-1; and
15 (2) by certified mail to each owner of land that abuts the property
16 proposed to be vacated.

17 The petitioner shall pay the expense of providing this notice.

18 (d) The hearing on the petition is subject to IC 5-14-1.5. At the
19 hearing, any person aggrieved by the proposed vacation may object to
20 it as provided by section 13 of this chapter.

21 (e) After the hearing on the petition, the legislative body may, by
22 ordinance, vacate the public way or public place. The clerk of the
23 legislative body shall furnish a copy of each vacation ordinance to the
24 county recorder for recording and to the county auditor.

25 (f) Within thirty (30) days after the adoption of a vacation
26 ordinance, any aggrieved person may appeal the ordinance to the
27 circuit court, **superior court, or probate court** of the county. The
28 court shall try the matter de novo and may award damages.

29 SECTION 162. IC 36-7-5.1-11, AS AMENDED BY P.L.119-2012,
30 SECTION 197, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Each member of the
32 commission must have:

33 (1) knowledge and experience regarding affairs in the joint
34 district;
35 (2) awareness of the social, economic, agricultural, and industrial
36 conditions of the joint district; and
37 (3) an interest in the development of the joint district.

38 (b) A challenge to the appointment of a member based on the
39 qualifications described in subsection (a) must be filed within thirty
40 (30) days after the appointment. The challenge may be filed in the
41 circuit court, **superior court, or probate court** of any county that
42 contains the entire joint district or any part of the joint district.



1 (c) Except as provided in subsection (d), a member must be a
 2 resident of a county where a part of the joint district is located or reside
 3 within ten (10) miles of the borders of the district.

4 (d) In a joint district that contains all or part of a county having a
 5 population of more than seventy-five thousand (75,000) but less than
 6 seventy-seven thousand (77,000), two (2) of the members appointed by
 7 the legislative body of that county under section 9(1) of this chapter
 8 must, in addition to the requirements of subsections (a) and (b), be
 9 residents of any township that is entirely or partially located within the
 10 joint district.

11 SECTION 163. IC 36-8-3.5-17 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) The commission
 13 may take the following disciplinary actions against a regular member
 14 of the department:

- 15 (1) Suspension with or without pay.
- 16 (2) Demotion.
- 17 (3) Dismissal.

18 If a member is suspended under this subsection, the member is entitled
 19 to the member's remuneration and allowances for insurance benefits to
 20 which the member was entitled before the suspension. In addition, the
 21 local unit may provide the member's allowances for any other fringe
 22 benefits to which the member was entitled before the suspension. The
 23 commission shall determine if a member of the department who is
 24 suspended in excess of five (5) days shall continue to receive the
 25 member's salary during suspension.

26 (b) A member may be disciplined by the commission if:

- 27 (1) the member is convicted of a crime; or
- 28 (2) the commission finds the member guilty of a breach of
 29 discipline, including:
 - 30 (A) neglect of duty;
 - 31 (B) violation of commission rules;
 - 32 (C) neglect or disobedience of orders;
 - 33 (D) continuing incapacity;
 - 34 (E) absence without leave;
 - 35 (F) immoral conduct;
 - 36 (G) conduct injurious to the public peace or welfare;
 - 37 (H) conduct unbecoming a member; or
 - 38 (I) furnishing information to an applicant for appointment or
 39 promotion that gives that person an advantage over another
 40 applicant.

41 (c) If the chief of the department, after an investigation within the
 42 department, prefers charges against a member of the department for an



1 alleged breach of discipline under subsection (b), including any civilian
 2 complaint of an alleged breach of discipline under subsection (b)(2)(F),
 3 (b)(2)(G), or (b)(2)(H), a hearing shall be conducted upon the request
 4 of the member. If a hearing is requested within five (5) days of the
 5 chief preferring charges, the parties may by agreement designate a
 6 hearing officer who is qualified by education, training, or experience.
 7 If the parties do not agree within this five (5) day period, the
 8 commission may hold the hearing or designate a person or board to
 9 conduct the hearing, as provided in the commission's rules. The
 10 designated person or board must be qualified by education, training, or
 11 experience to conduct such a hearing and may not hold an upper level
 12 policy making position. The hearing conducted under this subsection
 13 shall be held within thirty (30) days after it is requested by the member.

14 (d) Written notice of the hearing shall be served upon the accused
 15 member in person or by a copy left at the member's last and usual place
 16 of residence at least fourteen (14) days before the date set for the
 17 hearing. The notice must state:

- 18 (1) the time and place of the hearing;
- 19 (2) the charges against the member;
- 20 (3) the specific conduct that comprises the charges;
- 21 (4) that the member is entitled to be represented by counsel or
 22 another representative of the member's choice;
- 23 (5) that the member is entitled to call and cross-examine
 24 witnesses;
- 25 (6) that the member is entitled to require the production of
 26 evidence; and
- 27 (7) that the member is entitled to have subpoenas issued, served,
 28 and executed.

29 (e) The commission may:

- 30 (1) compel the attendance of witnesses by issuing subpoenas;
- 31 (2) examine witnesses under oath; and
- 32 (3) order the production of books, papers, and other evidence by
 33 issuing subpoenas.

34 (f) If a witness refuses to appear at a hearing of the commission after
 35 having received written notice requiring the witness's attendance, or
 36 refuses to produce evidence that the commission requests by written
 37 notice, the commission may file an affidavit in the circuit court,
 38 **superior court, or probate court** of the county setting forth the facts
 39 of the refusal. Upon the filing of the affidavit, a summons shall be
 40 issued from the circuit court, **superior court, or probate court** and
 41 served by the sheriff of the county requiring the appearance of the
 42 witness or the production of information or evidence to the



- 1 commission.
- 2 (g) Disobedience of a summons constitutes contempt of the circuit
3 court, **superior court, or probate court** from which the summons has
4 been issued. Expenses related to the filing of an affidavit and the
5 issuance and service of a summons shall be charged to the witness
6 against whom the summons has been issued, unless the circuit court,
7 **superior court, or probate court** finds that the action of the witness
8 was taken in good faith and with reasonable cause. In that case, and in
9 any case in which an affidavit has been filed without the issuance of a
10 summons, the expenses shall be charged to the commission.
- 11 (h) A decision to discipline a member may be made only if the
12 preponderance of the evidence presented at the hearing indicates such
13 a course of action.
- 14 (i) A member who is aggrieved by the decision of a person or board
15 designated to conduct a disciplinary hearing under subsection (c) may
16 appeal to the commission within ten (10) days of the decision. The
17 commission shall on appeal review the record and either affirm,
18 modify, or reverse the decision on the basis of the record and such oral
19 or written testimony that the commission determines, including
20 additional or newly discovered evidence.
- 21 (j) The commission, or the designated person or board, shall keep
22 a record of the proceedings in cases of suspension, demotion, or
23 dismissal. The commission shall give a free copy of the transcript to the
24 member upon request if an appeal is filed.
- 25 SECTION 164. IC 36-8-5-8 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A police officer
27 or firefighter desiring to return to service in the police or fire
28 department shall report to the person responsible for regulating and
29 employing members of the department. This action must be taken
30 within sixty (60) days after honorable discharge from military service
31 or government war work.
- 32 (b) Within fifteen (15) days after the police officer or firefighter
33 reports to the department, the police officer or firefighter shall be
34 placed on duty at the rank held at the time of entering military service
35 or government war work.
- 36 (c) If a member of the police or fire department is refused a proper
37 assignment under subsection (b), ~~he~~ **the member of the police or fire**
38 **department** may file an action in the circuit court, **superior court, or**
39 **probate court** of the county in the manner prescribed by IC 36-8-3-4.
- 40 SECTION 165. IC 36-8-10-3, AS AMENDED BY P.L.184-2015,
41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2016]: Sec. 3. (a) The fiscal body of each county shall, by



1 ordinance, establish a sheriff's merit board to be known as the
 2 _____ county sheriff's merit board (inserting
 3 the name of the county).

4 (b) The board consists of five (5) members. Three (3) members shall
 5 be appointed by the sheriff, and two (2) members shall be elected by a
 6 majority vote of the members of the county police force under
 7 procedures established by the sheriff's merit board. However:

8 (1) an active county police officer;

9 (2) a relative (as defined in IC 36-1-20.2-8) of an active county
 10 police officer; or

11 (3) a relative (as defined in IC 36-1-20.2-8) of the sheriff;

12 may not serve on the board, either as a member appointed by the sheriff
 13 or elected by the county police force. Appointments are for terms of
 14 four (4) years or for the remainder of an unexpired term. Not more than
 15 two (2) of the members appointed by the sheriff nor more than one (1)
 16 of the members elected by the officers may belong to the same political
 17 party. All members must reside in the county. All members serve
 18 during their respective terms and until their successors have been
 19 appointed and qualified. A member may be removed for cause duly
 20 adjudicated by declaratory judgment of the circuit court, **superior**
 21 **court, or probate court** of the county.

22 (c) As compensation for service, each member of the board is
 23 entitled to receive from the county a minimum of fifteen dollars (\$15)
 24 per day for each day, or fraction of a day, that the member is engaged
 25 in transacting the business of the board.

26 (d) As soon as practicable after the members of the board have been
 27 appointed, they shall meet upon the call of the sheriff and organize by
 28 electing a president and a secretary from among their membership.
 29 Three (3) members of the board constitute a quorum for the transaction
 30 of business. The board shall hold regular monthly meetings throughout
 31 the year as is necessary to transact the business of the sheriff's
 32 department.

33 SECTION 166. IC 36-8-10-11, AS AMENDED BY P.L.135-2012,
 34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2016]: Sec. 11. (a) The sheriff may dismiss, demote, or
 36 temporarily suspend a county police officer for cause after preferring
 37 charges in writing and after a fair public hearing before the board,
 38 which is reviewable in the circuit court, **superior court, or probate**
 39 **court**. Written notice of the charges and hearing must be delivered by
 40 certified mail to the officer to be disciplined at least fourteen (14) days
 41 before the date set for the hearing. The officer may be represented by
 42 counsel. The board shall make specific findings of fact in writing to



- 1 support its decision.
- 2 (b) The sheriff may temporarily suspend an officer with or without
3 pay for a period not exceeding fifteen (15) days, without a hearing
4 before the board, after preferring charges of misconduct in writing
5 delivered to the officer.
- 6 (c) A county police officer may not be dismissed, demoted, or
7 temporarily suspended because of political affiliation nor after the
8 officer's probationary period, except as provided in this section. Subject
9 to IC 3-5-9, an officer may:
- 10 (1) be a candidate for elective office and serve in that office if
11 elected;
- 12 (2) be appointed to an office and serve in that office if appointed;
13 and
- 14 (3) except when in uniform or on duty, solicit votes or campaign
15 funds for the officer or others.
- 16 (d) The board has subpoena powers enforceable by the circuit court,
17 **superior court, or probate court** for hearings under this section. An
18 officer on probation may be dismissed by the sheriff without a right to
19 a hearing.
- 20 (e) An appeal under subsection (a) must be taken by filing in court,
21 within thirty (30) days after the date the decision is rendered, a verified
22 complaint stating in a concise manner the general nature of the charges
23 against the officer, the decision of the board, and a demand for the
24 relief asserted by the officer. A bond must also be filed that guarantees
25 the appeal will be prosecuted to a final determination and that the
26 plaintiff will pay all costs only if the court finds that the board's
27 decision should be affirmed. The bond must be approved as bonds for
28 costs are approved in other cases. The county must be named as the
29 sole defendant and the plaintiff shall have a summons issued as in other
30 cases against the county. Neither the board nor the members of it may
31 be made parties defendant to the complaint, but all are bound by
32 service upon the county and the judgment rendered by the court.
- 33 (f) All appeals shall be tried by the court. The appeal shall be heard
34 de novo only upon any new issues related to the charges upon which
35 the decision of the board was made. Within ten (10) days after the
36 service of summons, the board shall file in court a complete written
37 transcript of all papers, entries, and other parts of the record relating
38 to the particular case. Inspection of these documents by the person
39 affected, or by the person's agent, must be permitted by the board
40 before the appeal is filed, if requested. The court shall review the
41 record and decision of the board on appeal.
- 42 (g) The court shall make specific findings and state the conclusions



1 of law upon which its decision is made. If the court finds that the
 2 decision of the board appealed from should in all things be affirmed,
 3 its judgment should so state. If the court finds that the decision of the
 4 board appealed from should not be affirmed in all things, then the court
 5 shall make a general finding, setting out sufficient facts to show the
 6 nature of the proceeding and the court's decision on it. The court shall
 7 either:

- 8 (1) reverse the decision of the board; or
- 9 (2) order the decision of the board to be modified.

10 (h) The final judgment of the court may be appealed by either party.
 11 Upon the final disposition of the appeal by the courts, the clerk shall
 12 certify and file a copy of the final judgment of the court to the board,
 13 which shall conform its decisions and records to the order and
 14 judgment of the court. If the decision is reversed or modified, then the
 15 board shall pay to the party entitled to it any salary or wages withheld
 16 from the party pending the appeal and to which the party is entitled
 17 under the judgment of the court.

18 (i) Either party shall be allowed a change of venue from the court or
 19 a change of judge in the same manner as such changes are allowed in
 20 civil cases. The rules of trial procedure govern in all matters of
 21 procedure upon the appeal that are not otherwise provided for by this
 22 section.

23 (j) An appeal takes precedence over other pending litigation and
 24 shall be tried and determined by the court as soon as practical.

25 SECTION 167. IC 36-9-2-2, AS AMENDED BY P.L.153-2014,
 26 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2016]: Sec. 2. (a) A unit may establish, aid, maintain, and
 28 operate transportation systems.

29 (b) This subsection applies to an eligible county (as defined by
 30 IC 8-25-1-4) that establishes a public transportation system through a
 31 public transportation project authorized and funded under IC 8-25. The
 32 unit must establish fares and charges that cover at least twenty-five
 33 percent (25%) of the operating expenses of the public transportation
 34 system. For purposes of this subsection, operating expenses include
 35 only those expenses incurred in the operation of fixed route services
 36 that are established or expanded as a result of a public transportation
 37 project authorized and funded under IC 8-25. The unit annually shall
 38 report on the unit's compliance with this subsection not later than sixty
 39 (60) days after the close of the unit's fiscal year. The report must
 40 include information on any fare increases necessary to achieve
 41 compliance. The unit shall submit the report to the department of local
 42 government finance and make the report available electronically



1 through the Indiana transparency Internet web site established under
2 IC 5-14-3.8.

3 (c) If a unit fails to prepare and disclose the annual report in the
4 manner required by subsection (b), any person subject to a tax
5 described in IC 8-25 may initiate a cause of action in the circuit court,
6 **superior court, or probate court** of the eligible county to compel the
7 appropriate officials of the unit to prepare and disclose the annual
8 report not later than thirty (30) days after a court order mandating the
9 unit to comply with subsection (b) is issued by the ~~circuit~~ court.

10 SECTION 168. IC 36-9-4-58, AS AMENDED BY P.L.153-2014,
11 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2016]: Sec. 58. (a) An urban mass transportation system
13 operating under this chapter is considered a common carrier not
14 operating under a franchise or contract granted by a municipality and
15 not regulated by ordinance, and is subject to the authority of the
16 department of state revenue under IC 8-2.1 to the same extent as any
17 other common carrier. However, in determining the reasonableness of
18 the fares and charges of such a system, the department of state revenue
19 shall consider, among other factors, the policy of this chapter to foster
20 and assure the development and maintenance of urban mass
21 transportation systems, and it is not necessary that the operating
22 revenues of the system be sufficient to cover the cost to the system of
23 providing adequate service.

24 (b) If a public transportation corporation providing public
25 transportation services in Marion County expands its service through
26 a public transportation project authorized and funded under IC 8-25,
27 the public transportation corporation shall establish fares and charges
28 that cover at least twenty-five percent (25%) of the operating expenses
29 of the urban mass transportation system operated by the public
30 transportation corporation. For purposes of this subsection, operating
31 expenses include only those expenses incurred in the operation of fixed
32 route services that are established or expanded as a result of a public
33 transportation project authorized and funded under IC 8-25. The public
34 transportation corporation annually shall report on the corporation's
35 compliance with this subsection not later than sixty (60) days after the
36 close of the corporation's fiscal year. The report must include
37 information on any fare increases necessary to achieve compliance. The
38 public transportation corporation shall submit the report to the
39 department of local government finance and make the report available
40 electronically through the Indiana transparency Internet web site
41 established under IC 5-14-3.8.

42 (c) If a public transportation corporation fails to prepare and



1 disclose the annual report in the manner required by subsection (b), any
 2 person subject to a tax described in IC 8-25 may initiate a cause of
 3 action in the circuit court **or superior court** of the eligible county to
 4 compel the appropriate officials of the public transportation corporation
 5 to prepare and disclose the annual report not later than thirty (30) days
 6 after a court order mandating the public transportation corporation to
 7 comply with subsection (b) is issued by the circuit court **or superior**
 8 **court.**

9 SECTION 169. IC 36-9-13-22 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) Except as
 11 provided in subsection (b), the board of directors of a building
 12 authority, acting in the name of the authority, may:

13 (1) finance, improve, construct, reconstruct, renovate, purchase,
 14 lease, acquire, equip, operate, maintain, and manage land,
 15 government buildings, or systems for the joint or separate use of
 16 one (1) or more eligible entities;

17 (2) lease all or part of land, government buildings, or systems to
 18 eligible entities;

19 (3) govern, manage, regulate, operate, improve, reconstruct,
 20 renovate, repair, and maintain any land, government building, or
 21 system acquired or financed under this chapter;

22 (4) sue, be sued, plead, and be impleaded, but all actions against
 23 the authority must be brought in the circuit court, **superior court,**
 24 **or probate court** for the county in which the authority is located;
 25 (5) condemn, appropriate, lease, rent, purchase, and hold any real
 26 or personal property needed or considered useful in connection
 27 with government buildings or systems regardless of whether that
 28 property is then held for a governmental or public use;

29 (6) acquire real or personal property by gift, devise, or bequest
 30 and hold, use, or dispose of that property for the purposes
 31 authorized by this chapter;

32 (7) enter upon any lots or lands for the purpose of surveying or
 33 examining them to determine the location of a government
 34 building;

35 (8) design, order, contract for, and construct, reconstruct,
 36 renovate, and maintain land, government buildings, or systems
 37 and perform any work that is necessary or desirable to improve
 38 the grounds, premises, and systems under its control;

39 (9) determine, allocate, and adjust space in government buildings
 40 to be used by any eligible entity;

41 (10) construct, reconstruct, renovate, maintain, and operate
 42 auditoriums, public meeting places, and parking facilities in



- 1 conjunction with or as a part of government buildings;
- 2 (11) collect all money that is due on account of the operation,
- 3 maintenance, or management of, or otherwise related to, land,
- 4 government buildings, or systems, and expend that money for
- 5 proper purposes;
- 6 (12) let concessions for the operation of restaurants, cafeterias,
- 7 public telephones, news and cigar stands, and vending machines;
- 8 (13) employ the managers, superintendents, architects, engineers,
- 9 consultants, attorneys, auditors, clerks, foremen, custodians, and
- 10 other employees or independent contractors necessary for the
- 11 proper operation of land, government buildings, or systems and
- 12 fix the compensation of those employees or independent
- 13 contractors, but a contract of employment may not be made for a
- 14 period of more than four (4) years although it may be extended or
- 15 renewed from time to time;
- 16 (14) make and enter into all contracts and agreements necessary
- 17 or incidental to the performance of its duties and the execution of
- 18 its powers under this chapter;
- 19 (15) provide coverage for its employees under IC 22-3 and
- 20 IC 22-4; and
- 21 (16) accept grants and contributions for any purpose specified in
- 22 this subsection.
- 23 (b) The building authority in a county having a consolidated city
- 24 may not purchase, construct, acquire, finance, or lease any land,
- 25 government building, or system for use by an eligible entity other than
- 26 the consolidated city or county, unless that action is first approved by:
- 27 (1) the city-county legislative body; and
- 28 (2) the governing body of the eligible entity involved.
- 29 SECTION 170. IC 36-9-29-5 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The circuit court,
- 31 **superior court, or probate court** shall hear a petition filed under
- 32 section 4 of this chapter without a jury. The hearing may be continued
- 33 and adjourned from time to time as the court may direct. There may be
- 34 a change of judge as in civil cases, but no change of venue from the
- 35 county.
- 36 (b) All persons affected by the establishment of the proposed flood
- 37 control district or the construction of the proposed flood control district
- 38 or the construction of the proposed flood control works may file
- 39 objections showing any reason why:
- 40 (1) the district should not be established;
- 41 (2) the works should not be constructed; or
- 42 (3) their property should or should not be included in the



1 proposed district.
2 The court shall hear evidence and determine the facts upon these
3 issues. All objections shall be filed at least two (2) days before the date
4 fixed for the hearing.
5 (c) If the court finds that a necessity exists for the establishment of
6 a flood control district and the construction and installation of flood
7 control works as requested by the petition, the court shall render
8 judgment accordingly and shall enter a decree establishing the district,
9 describing it in such a manner that the property included in it may be
10 sufficiently identified and segregated to permit the levy and collection
11 of the special taxes provided for by this chapter. There is no appeal
12 from such a judgment, and, after the entry of such a decree, the
13 establishment of the district may not be questioned in any action or
14 proceeding, except as otherwise provided by this chapter.
15 (d) If the court finds that no necessity exists for the establishment of
16 the flood control district, the proceedings shall be dismissed at the cost
17 of the petitioning city.
18 (e) If it appears to the court that the boundaries of the flood control
19 district as described in the declaratory resolution should be changed,
20 or that changes in the flood control works as described in the
21 declaratory resolution should be made, and that such changes will
22 beneficially or injuriously affect property that would not have been so
23 affected by the district and works proposed in the declaratory
24 resolution, then the court may enter an interlocutory order to that effect
25 and fix a time for further hearing on the petition.
26 (f) The date for a hearing under subsection (e) may not be less than
27 ten (10) nor more than fifteen (15) days after the order. The court shall
28 direct the clerk of the court to publish a notice of the hearing that sets
29 out a brief summary of the order, including a brief description of the
30 changes the court proposes to make in respect to the boundaries or
31 works. The notice shall be published in accordance with IC 5-3-1. The
32 notice must state the time and place for the continuation of the hearing
33 on the petition, and advise all parties affected by the proposed changes
34 that they may appear and be heard. Objections may be filed in the
35 manner prescribed by subsection (a), but must be filed at least two (2)
36 days before the time fixed for the continuation of the hearing and must
37 be based solely on the changes proposed to be made. If, at the
38 conclusion of the continued hearing, the court finds that all or part of
39 the proposed changes should be made, or that the district should be
40 established and the works constructed as provided for in the declaratory
41 resolution, the court shall render judgment accordingly and enter a
42 decree as provided under subsection (c).



1 SECTION 171. IC 36-9-29-35 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. After the docketing
 3 of the petition for the establishment of the flood control district, and
 4 until the flood control works have been completed and accepted, the
 5 cause remains on the docket of the circuit court, **superior court, or**
 6 **probate court** as a pending action for the filing of the further petitions
 7 and the making of the further orders that are authorized by this chapter
 8 or found necessary to facilitate the completion of the works.

9 SECTION 172. IC 36-9-29-36 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. All court
 11 proceedings relating to the establishment or maintenance of the flood
 12 control district, or the performance of any act under this chapter, must
 13 be brought and determined only in and by the circuit court, **superior**
 14 **court, or probate court** establishing the district. The jurisdiction of
 15 the court in all such matters is conclusive and its judgment is final,
 16 except as otherwise provided in this chapter. All proceedings had under
 17 this chapter shall be heard by the court without the intervention of a
 18 jury, except as otherwise provided in this chapter. Laws with respect to
 19 change of venue from the county do not apply to proceedings under this
 20 chapter, but changes of venue from the judge may be had as in other
 21 civil cases.

22 SECTION 173. IC 36-9-29-37 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. (a) If any defects or
 24 irregularities occur in any of the proceedings had under this chapter,
 25 the defects or irregularities may be cured by supplementary
 26 proceedings of the same general nature as those provided for by this
 27 chapter. Only those parties whose interests or property are directly and
 28 adversely affected by the defects or irregularities may object to them.

29 (b) It is not necessary to delay the general course of the proceedings
 30 while defects or irregularities are being corrected or supplied.

31 (c) If an objection is filed with the circuit court, **superior court, or**
 32 **probate court** and the objection is overruled or decided adversely to
 33 the objecting party, the court costs incurred in the filing, hearing, and
 34 determination of the objection shall be taxed to the objecting party. If
 35 the objection is sustained or determined in favor of the objecting party,
 36 then the costs shall be taxed to the flood control district.

37 SECTION 174. IC 36-10-4-23 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The board may,
 39 in a proceeding separate from the acquisition of land by purchase or
 40 appropriation, order the improvement of a parkway, pleasure driveway,
 41 or boulevard, or part of any of these, under the control of the board by
 42 surface grading, paving, curbing, or constructing sidewalks in the same



1 manner as the works board of the city may improve a public way or
 2 sidewalk within the city. The powers, rights, and duties of the board in
 3 carrying out this work are the same as the powers, rights, and duties of
 4 the works board in the performance of similar work under general
 5 procedures. In addition, the board may determine the kind of pavement
 6 to be used. The powers, rights, and duties of the persons to be assessed
 7 are the same as those provided under general procedures for doing
 8 similar work by the works board, with the cost of improvements
 9 assessed to the same extent as property is assessed.

10 (b) When costs are assessed, they become a lien upon the property
 11 to the same extent, are enforceable in the same manner, and have the
 12 same rights to payment by installments and appeal as are provided for
 13 street and sidewalk improvements ordered by the works board.

14 (c) If a majority of the resident freeholders affected by the proposed
 15 improvement remonstrate in writing against the improvement, the
 16 board may, after giving ten (10) days' notice to the remonstrators,
 17 petition the circuit court, **superior court, or probate court** to
 18 specifically order the improvement. If at the hearing on the petition the
 19 board establishes the public necessity of the proposed improvement
 20 and demonstrates that the benefits will equal the assessments against
 21 the separate lots or parcels of land, the order shall be made.

22 (d) If land along one (1) side of a parkway, pleasure driveway, or
 23 boulevard is owned by the city or used by it for park purposes, one-half
 24 (1/2) of the cost of the improvements under this section, as well as any
 25 part of the other one-half (1/2) of the cost of the improvements that
 26 cannot be met by special assessments against abutting property, is
 27 considered to be benefits accruing to all of the property, real and
 28 personal, not exempt from taxation under this chapter and located
 29 within the boundaries of the district. The cost shall be paid out of the
 30 proceeds of the bonds of the taxing district that are issued and sold for
 31 those purposes. Payment shall be made as provided in sections 35 and
 32 37 of this chapter.

33 (e) The board may provide for the rough grading of a parkway,
 34 pleasure driveway, or boulevard at the same time as the acquisition of
 35 the property or after the property, or a necessary part of it, has already
 36 been secured under section 21 of this chapter.

37 (f) The board may change and fix the grade of a boulevard, park
 38 boulevard, public driveway, or public ground under its control to the
 39 same extent as the works board of the city may change and fix the
 40 grade of a public way or public place within the city.

41 SECTION 175. IC 36-10-10-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A director may be



1 removed from office for good cause by an order of the circuit court,
2 **superior court, or probate court** of the county in which the authority
3 is located, subject to the procedure of this section. A complaint stating
4 the preferred charges may be filed by any person against a director. The
5 cause shall be placed on the advanced calendar and be tried as other
6 civil causes are tried by the court without the intervention of a jury. If
7 the charges are sustained, the court shall declare the office vacant. A
8 change of venue from the judge shall be granted upon motion, but a
9 change of venue from the county may not be taken.

10 SECTION 176. IC 36-10-10-26 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. An authority may
12 be liquidated after redemption of all of its securities, payment of all of
13 its debts, and termination of all of its leases if the board files a report
14 with the judge of the circuit court, **superior court, or probate court**
15 showing those facts and stating that liquidation would be in the best
16 public interest. If the court finds those facts to be true, it shall make an
17 order book entry ordering the authority liquidated.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1322, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1322 as introduced.)

WASHBURNE

Committee Vote: Yeas 12, Nays 0

