



February 26, 2016

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# ENGROSSED HOUSE BILL No. 1322

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DIGEST OF HB 1322 (Updated February 24, 2016 12:22 pm - DI 106)

**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. Requires the public defender commission (rather than the division of state court administration) to hire staff to support the public defender commission. Makes technical corrections.

**Effective:** July 1, 2016.

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## Koch

(SENATE SPONSORS — STEELE, BRODEN)

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January 12, 2016, read first time and referred to Committee on Courts and Criminal Code.  
January 21, 2016, reported — Do Pass.  
January 25, 2016, read second time, amended, ordered engrossed.  
January 26, 2016, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Judiciary.  
February 25, 2016, amended, reported favorably — Do Pass.

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EH 1322—LS 6783/DI 69





February 26, 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.

## ENGROSSED HOUSE BILL No. 1322

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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

**EH 1322—LS 6783/DI 69**



- 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 14-11-1-3 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A member of the  
34 commission, a division director, or a hearing officer appointed by the  
35 commission may do the following:

36 (1) Administer oaths and certify to official acts.

37 (2) Require information from any person for purposes of this title.

38 (3) Issue subpoenas.

39 (4) Require the attendance of witnesses.

40 (5) Examine witnesses under oath.

41 (b) If a person fails to comply with an order issued under this  
42 chapter or under IC 14-3-1 (before its repeal), the circuit court,





1 **superior court, or probate court** having jurisdiction over the person  
2 shall, on request, require compliance with the order.

3 SECTION 70. IC 14-27-5-5 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Before making  
5 financial commitments described in this chapter with a federal agency,  
6 the board of directors must file a petition for approval of the proposed  
7 action in the circuit court, **superior court, or probate court** of the  
8 county in which the most land affected by the construction or  
9 improvements lies. The petition must state the following for the  
10 proposed loan:

- 11 (1) The purpose.  
12 (2) The amount.  
13 (3) The terms.

14 SECTION 71. IC 14-27-8-16 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) Upon the death  
16 or removal from the county of a drainage commissioner, the board of  
17 commissioners of the county shall appoint a successor.

18 (b) A drainage commissioner is subject to removal for cause upon  
19 written charges filed against the drainage commissioner in the circuit  
20 court, **superior court, or probate court**.

21 SECTION 72. IC 14-27-9-2 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board shall  
23 hear an objection offered by an affected landowner to the assessment  
24 for repairs within ten (10) days of the posting under section 1 of this  
25 chapter.

26 (b) An affected landowner may appeal the assessment to the circuit  
27 court, **superior court, or probate court** of the county within ten (10)  
28 days after the hearing.

29 SECTION 73. IC 14-28-4-27 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) The commission  
31 may institute the following:

- 32 (1) A suit for injunction in the circuit court, **superior court, or**  
33 **probate court** with jurisdiction in the county to restrain an  
34 individual or a governmental entity from violating this chapter or  
35 an ordinance adopted under this chapter or under IC 13-2-22.6  
36 (before its repeal).  
37 (2) A suit for a mandatory injunction directing an individual or a  
38 governmental entity to remove a structure erected in violation of:  
39 (A) this chapter or IC 13-2-22.6 (before its repeal); or  
40 (B) an ordinance adopted under this chapter or under  
41 IC 13-2-22.6 (before its repeal).

42 (b) If the commission is successful in the commission's suit, the



1 respondent shall pay the costs of the action. A change of venue from  
2 the county may not be granted.

3 SECTION 74. IC 14-33-2-9 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The circuit court,  
5 **superior court, or probate court** with jurisdiction in the county  
6 having the most land in the proposed district has exclusive jurisdiction  
7 over the establishment of the district. If the district is established, this  
8 court also has exclusive jurisdiction over all further hearings in  
9 connection with the district.

10 SECTION 75. IC 14-33-5-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) At each annual  
12 meeting of the district, directors shall be elected to fill vacancies on the  
13 board due to expiration of terms, resignation, or otherwise. The election  
14 shall be conducted by written ballots. Except as provided in subsection  
15 (c), to be elected an individual must receive a majority of the votes of  
16 the freeholders of the district who are:

17 (1) present and voting in person; or

18 (2) absent but have mailed or delivered a written ballot vote.

19 (b) A written ballot vote must be signed and mailed or delivered to  
20 the district office. A ballot is valid if delivered or received before the  
21 scheduled date of the annual meeting.

22 (c) Upon receipt of a petition from the board of directors of a  
23 conservancy district, the ~~circuit~~ court may modify the order  
24 establishing the district under IC 14-33-2-27 to provide that each  
25 director representing an area established under IC 14-33-2-27 shall be  
26 elected by a majority of the votes of the freeholders of the respective  
27 areas.

28 SECTION 76. IC 14-33-5.4-3.5, AS ADDED BY P.L.16-2010,  
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2016]: Sec. 3.5. (a) If in the opinion of the secretary of the  
31 district a freehold has been divided into multiple freeholds for the sole  
32 purpose of increasing the number of freeholders eligible to cast a vote  
33 in an election under this chapter, the secretary of the district may  
34 determine to exclude the freeholders of those multiple freeholds from  
35 the list of freeholders referred to in section 3(f) of this chapter.

36 (b) The determination of the secretary of the district under  
37 subsection (a) may be challenged by petitioning the circuit court,  
38 **superior court, or probate court** that created the district.

39 SECTION 77. IC 14-33-16-1 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as  
41 provided in subsection (b), this chapter applies to a district if  
42 construction of works of improvement has not begun within six (6)



1 years after the district plan is approved by the ~~circuit~~ court.

2 (b) Even if the construction of works of improvement has not begun  
3 within six (6) years after the district plan of a district was approved,  
4 this chapter does not apply to the district if the ~~circuit~~ court having  
5 jurisdiction over the district under IC 14-33-2-9 determines that the  
6 board of directors of the district has, since the approval of the district  
7 plan, worked diligently and in good faith to resolve the matters that  
8 must be resolved before construction can begin.

9 SECTION 78. IC 14-33-16.5-10, AS ADDED BY P.L.189-2005,  
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2016]: Sec. 10. (a) After an election is held under this chapter,  
12 the assistant secretary of the smaller district shall do the following:

13 (1) Keep the ballots safe and secure until the end of the voting  
14 period.

15 (2) At the end of the voting period, present all ballots cast to the  
16 three (3) clerks.

17 (3) Record the election results in the records of the smaller  
18 district.

19 (4) Certify the results of the election to the county auditor and the  
20 ~~circuit~~ court having supervisory jurisdiction over the smaller  
21 district as promptly as possible.

22 (b) The clerks of the smaller district shall do the following:

23 (1) Count the ballots.

24 (2) Report the results of the election to the secretary in writing  
25 over the signature of each clerk.

26 SECTION 79. IC 14-33-16.5-13, AS ADDED BY P.L.189-2005,  
27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2016]: Sec. 13. (a) In an election held under this chapter, if a  
29 majority of the freeholders of the smaller district votes to dissolve the  
30 smaller district, not later than sixty (60) days after the election, as the  
31 final action of the board of directors of the smaller district, the board  
32 shall:

33 (1) make a full and final accounting to the ~~circuit~~ court having  
34 supervisory jurisdiction over the smaller district; and

35 (2) file all records of the smaller district with the court.

36 (b) If the smaller district's board of directors fails to timely comply  
37 with subsection (a), the ~~circuit~~ court having supervisory jurisdiction  
38 over the smaller district shall order the board to comply or suffer a  
39 finding of contempt of court.

40 (c) The larger district shall take custody and control of the smaller  
41 district's operations, obligations, and assets on the earlier of:

42 (1) the date the smaller district's board of directors complies with



- 1 subsection (a)(1); or  
 2 (2) the sixtieth day after the election.
- 3 (d) The larger district is directly responsible for payment of the  
 4 smaller district's bonds or notes outstanding upon the larger district  
 5 taking custody and control of the smaller district's operations,  
 6 obligations, and assets.
- 7 (e) When the smaller district's board of directors complies with  
 8 subsection (a), the ~~circuit~~ court shall issue an order:
- 9 (1) dissolving the smaller district; and  
 10 (2) discharging the board of directors of the smaller district.
- 11 SECTION 80. IC 14-33-17-20 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. The circuit court,  
 13 **superior court, or probate court** of the county in the merged district  
 14 having the most land has exclusive jurisdiction over the merger and  
 15 over all further hearings in connection with the district.
- 16 SECTION 81. IC 14-33-19-4 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A petition filed  
 18 under section 3 of this chapter must be filed as follows:
- 19 (1) For a levee district, in the court establishing the levee district.  
 20 (2) For an incorporated levee association formed under Acts  
 21 1913, c.165, in the circuit court, **superior court, or probate**  
 22 **court** of the county in which the principal offices of the  
 23 incorporated levee association are located.
- 24 SECTION 82. IC 14-33-20-30 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. If:
- 26 (1) the:
- 27 (A) board defaults in the payment of the principal or interest  
 28 on any of the bonds, notes, or other evidences of indebtedness  
 29 payable from revenues after the bonds, notes, or other  
 30 evidences of indebtedness have become due, whether at  
 31 maturity or upon call for redemption; and  
 32 (B) default continues for a period of thirty (30) days; or
- 33 (2) the board or the board's officers, agents, or employees:
- 34 (A) fail or refuse to comply with this chapter; or  
 35 (B) default in an agreement made with the holders of the  
 36 bonds, notes, or other evidences of indebtedness;
- 37 any holder or a trustee of a holder may apply to the circuit court,  
 38 **superior court, or probate court** with jurisdiction in the county in  
 39 which the district is primarily situated for the appointment of a receiver  
 40 of the water facilities, whether or not the holder or trustee is seeking or  
 41 has sought to enforce any other right or remedy in connection with the  
 42 bonds, notes, or other evidences of indebtedness.



1 SECTION 83. IC 14-33-20-31 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. Upon an  
 3 application the circuit court, **superior court, or probate court:**

4 (1) may appoint; and

5 (2) shall appoint, if the application is made by the holders or a  
 6 trustee of the holders of twenty-five percent (25%) in principal  
 7 amount of the bonds, notes, or other evidences of indebtedness  
 8 then outstanding;

9 a receiver of the water facilities.

10 SECTION 84. IC 15-17-5-26, AS ADDED BY P.L.2-2008,  
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2016]: Sec. 26. (a) A person who fails to file an annual or a  
 13 special report as required by this chapter within the time fixed by the  
 14 state veterinarian for filing the report and for thirty (30) days after  
 15 notice of default shall forfeit to the state one hundred dollars (\$100) for  
 16 each day of the continuance of the failure beginning thirty-one (31)  
 17 days after the notice of default. The forfeiture is payable into the state  
 18 treasury and is recoverable in a civil suit in the name of the state of  
 19 Indiana brought in the circuit court, **superior court, or probate court**  
 20 where the person has the person's principal office or in any county in  
 21 which the person does business.

22 (b) The prosecuting attorneys, under the direction of the attorney  
 23 general, shall prosecute for the recovery of forfeitures. The costs and  
 24 expenses of prosecution must be paid out of the appropriation for the  
 25 expenses of the courts.

26 SECTION 85. IC 16-22-6-6 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A member may  
 28 be removed from office for neglect of duty, incompetency, inability to  
 29 perform duties, or other good cause by an order of the circuit court,  
 30 **superior court, or probate court** in the county in which the authority  
 31 is located, subject to the procedure set forth in subsection (b).

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

39 SECTION 86. IC 16-22-6-36 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. An authority may  
 41 be liquidated after the authority's securities are redeemed, debts are  
 42 paid, and leases are terminated if the board of directors files a report



1 with ~~the judge of~~ the circuit court, **superior court, or probate court**  
 2 showing the facts and stating that the liquidation is in the best public  
 3 interest. The court shall find the facts and make an order book entry  
 4 ordering the authority liquidated.

5 SECTION 87. IC 16-22-7-9 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A member of the  
 7 governing board may be removed from office for neglect of duty,  
 8 incompetency, inability to perform duties, or other good cause by an  
 9 order of the circuit court, **superior court, or probate court** in the  
 10 county in which the authority is located, subject to the procedure in  
 11 subsection (b).

12 (b) A complaint may be filed by any person against a member  
 13 setting forth the charges preferred. The cause shall be placed on the  
 14 advanced calendar and be 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 a change of venue from the county  
 18 may not be taken.

19 SECTION 88. IC 16-22-7-13 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. If a member of the  
 21 governing board has any pecuniary interest in a contract, an  
 22 employment, a purchase, or a sale made under this chapter, the director  
 23 shall disclose that interest and shall not vote on the matter. If the  
 24 member fails to disclose the interest, the transaction is voidable if a suit  
 25 is filed in circuit court, **superior court, or probate court** in not less  
 26 than thirty (30) days.

27 SECTION 89. IC 16-22-7-41 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 41. An authority may  
 29 be liquidated after redemption of the authority's securities, payment of  
 30 the authority's debts, and termination of the authority's leases if the  
 31 governing board files a report with ~~the judge of~~ the circuit court,  
 32 **superior court, or probate court** showing the facts and stating that  
 33 liquidation is in the best public interest. If the court finds the facts, the  
 34 court shall make an order book entry ordering the authority liquidated.

35 SECTION 90. IC 16-23.5-2-2, AS ADDED BY P.L.2-2007,  
 36 SECTION 191, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board of commissioners  
 38 of the county may appoint in writing five (5) residents of the county as  
 39 members of the executive board of the agency. Original appointments  
 40 to the executive board must be made in the following manner:

- 41 (1) One (1) member for a term of two (2) years.
- 42 (2) Two (2) members for a term of three (3) years.



- 1 (3) Two (2) members for a term of four (4) years.
- 2 (b) The county council may appoint in writing two (2) residents of  
3 the county as members of the executive board. Original appointments  
4 to the executive board must be made in the following manner:
- 5 (1) One (1) member for a term of two (2) years.
- 6 (2) One (1) member for a term of four (4) years.
- 7 (c) All persons subsequently appointed serve a term of four (4)  
8 years. A person may be reappointed for a subsequent term or terms. If  
9 a member of the executive board who was appointed by the board of  
10 commissioners dies, resigns, is removed, or ceases to be a resident of  
11 the county, the board of commissioners shall appoint another qualified  
12 person to fill the remainder of the unexpired term. If a member of the  
13 executive board who was appointed by the county council dies, resigns,  
14 is removed, or ceases to be a resident of the county, the county council  
15 shall appoint another qualified person to fill the remainder of the  
16 unexpired term.
- 17 (d) Persons appointed to the executive board must be  
18 knowledgeable and interested in the community health and medical  
19 care needs of the county and other areas of concern related to the  
20 development of a county medical center. However, only two (2) of the  
21 five (5) board members who are appointed under subsection (a) may be  
22 medical practitioners, administrators of a medical or health facility in  
23 the county, or on the faculty of a medical institution in the county.
- 24 (e) A member of the executive board may be removed from office  
25 for neglect of duty, incompetence, inability to perform the member's  
26 duties, or any other good cause by an order of the circuit court,  
27 **superior court, or probate court** in the county in which the agency is  
28 located, subject to the following procedure:
- 29 (1) A complaint may be filed by any person against the member  
30 setting forth the charges preferred.
- 31 (2) The cause shall be placed on the advanced calendar and tried  
32 as other civil causes are tried by the court without a jury.
- 33 (3) If the charges are sustained, the court shall declare the office  
34 and term vacant.
- 35 (4) A change of venue from the judge may be granted upon  
36 motion, but a change of venue from the county may not be taken.
- 37 SECTION 91. IC 16-33-3-10, AS AMENDED BY P.L.44-2009,  
38 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2016]: Sec. 10. Whenever the circuit court, **superior court,**  
40 **or probate court** having jurisdiction finds, upon application by the  
41 county office of the division of family resources, that the parent or  
42 guardian of a client placed in the center is unable to meet the costs that



1 the parent or guardian is required to pay for the services of the center,  
 2 the court shall order payment of the costs from the county general fund.

3 SECTION 92. IC 16-41-22-17 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. A person aggrieved  
 5 by the denial or revocation of a license under this chapter may appeal  
 6 to the circuit court, **superior court, or probate court** of the county in  
 7 which the assembly was to gather. The appeal must be taken not more  
 8 than fifteen (15) days after the denial or revocation. The appeal is  
 9 privileged.

10 SECTION 93. IC 16-41-27-26, AS AMENDED BY P.L.87-2005,  
 11 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2016]: Sec. 26. (a) The state department shall provide a  
 13 written notice to a mobile home community operator of the following:

- 14 (1) The revocation of the operator's license.
- 15 (2) The denial of the operator's application for a license.
- 16 (3) The denial of the approval of the construction or alteration of  
 17 a mobile home community.

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

- 19 (1) A statement of the manner in which the operator has failed to  
 20 comply with the law or rules of the state department.
- 21 (2) The length of time available to correct the violation.

22 (c) The state department may order an operator to comply with this  
 23 chapter or rules adopted under this chapter. If an operator fails to  
 24 comply within the time specified by the order, the state department may  
 25 initiate proceedings to force compliance in the circuit court, **superior**  
 26 **court, or probate court** in the county of the operator's residence or in  
 27 the county where the mobile home community is located. The court  
 28 may grant appropriate relief to ensure compliance with this chapter and  
 29 rules adopted under this chapter.

30 SECTION 94. IC 22-2-13-16, AS ADDED BY P.L.151-2007,  
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2016]: Sec. 16. (a) An employee may bring a civil action at  
 33 law to enforce this chapter.

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

- 35 (1) enjoin any act or practice that violates this chapter; and
- 36 (2) order any other equitable relief that is just and proper under  
 37 the circumstances to redress the violation of or to enforce this  
 38 chapter.

39 SECTION 95. IC 22-6-2-12 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Either party to the  
 41 dispute may within fifteen (15) days from the date such order is filed  
 42 with the clerk of the court petition the circuit court, **superior court, or**





1 **probate court** of any county, in which the employer operates or has an  
 2 office or place of business, for a review of such order on the ground (a)  
 3 that the parties were not given reasonable opportunity to be heard, or  
 4 (b) that the board of arbitration exceeded its powers, or (c) that the  
 5 order is unreasonable in that it is not supported by the evidence, or (d)  
 6 that the order was procured by fraud, collusion, or other unlawful  
 7 means or methods. A summons to the other party to the dispute shall  
 8 be issued as provided by law in other civil cases; and either party shall  
 9 have the same rights to a change of venue from the county, or to a  
 10 change of judge, as provided by law in other civil cases. The judge of  
 11 the circuit court, **superior court, or probate court**, without the  
 12 intervention of a jury, shall hear the evidence adduced by both parties  
 13 with respect to the issue raised by such petition and may reverse said  
 14 order only if ~~he~~ **the judge** finds that (a) one (1) of the parties was not  
 15 given reasonable opportunity to be heard, or (b) that the board of  
 16 arbitration exceeded its powers, or (c) that the order is unreasonable in  
 17 that it is not supported by the evidence, or (d) that the order was  
 18 procured by fraud, collusion, or other unlawful means or methods. The  
 19 decision of the judge ~~of the circuit court~~ shall be final. If the court  
 20 reverses said order for one (1) of the reasons stated herein, the clerk of  
 21 said court shall certify the court's decision to the governor, who may  
 22 either attempt further conciliation or may appoint another board of  
 23 arbitration, as hereinabove provided for, in the event that the parties do  
 24 not prefer first to engage in further collective bargaining in an attempt  
 25 to settle such dispute.

26 SECTION 96. IC 22-6-2-14 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Any person  
 28 adversely affected by reason of any violation of the provisions of this  
 29 chapter may file an action in the circuit court, **superior court, or**  
 30 **probate court** of the county in which any such violation occurs to  
 31 restrain and enjoin such violation and to compel the performance of the  
 32 duties imposed by this chapter. In any such action the provisions of  
 33 IC 22-6-1 shall not apply.

34 SECTION 97. IC 22-8-1.1-38.1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 38.1. (a) No person  
 36 shall discharge or in any way discriminate against any employee  
 37 because such employee has filed a complaint or instituted or caused to  
 38 be instituted any proceeding under or related to this chapter or has  
 39 testified or is about to testify in any such proceeding or because of the  
 40 exercise by such employee on behalf of ~~himself~~ **the employee** or others  
 41 of any right afforded by this chapter.

42 (b) Any employee who believes that ~~he~~ **the employee** has been



1 discharged or otherwise discriminated against by any person in  
 2 violation of this section may, within thirty (30) calendar days after such  
 3 violation occurs, file a complaint with the commissioner alleging such  
 4 discrimination. Upon receipt of such complaint, the commissioner shall  
 5 cause such investigation to be made as ~~he~~ **the commissioner** deems  
 6 appropriate. If after such investigation, the commissioner determines  
 7 that the provisions of this section have been violated, ~~he~~; **the**  
 8 **commissioner**, through the attorney general, shall, within one hundred  
 9 twenty (120) days after receipt of said complaint, bring an action in the  
 10 circuit **court, courts of Indiana. The circuit courts of Indiana superior**  
 11 **court, or probate court. The circuit court, superior court, or**  
 12 **probate court** shall have jurisdiction to restrain violations of this  
 13 section and order all appropriate relief, including rehiring, or  
 14 reinstatement of the employee to ~~his~~ **the employee's** former position  
 15 with back pay, after taking into account any interim earnings of the  
 16 employee.

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

20 SECTION 98. IC 22-8-1.1-39.1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39.1. (a) Whenever the  
 22 commissioner is of the opinion that imminent danger exists in any  
 23 workplace in this state, which condition can reasonably be expected to  
 24 cause death or serious physical harm, the commissioner, through the  
 25 attorney general, may petition the circuit court, **superior court, or**  
 26 **probate court** of the county in which such workplace is located for  
 27 appropriate relief. Any order issued under this section may require such  
 28 steps to be taken as may be necessary to avoid, correct, or remove such  
 29 imminent danger and prohibit the employment or presence of any  
 30 individual in locations or under conditions where such imminent  
 31 danger exists, except individuals whose presence is necessary to avoid,  
 32 correct, or remove such imminent danger or to maintain the capacity of  
 33 a continuous process operation to resume normal operations without a  
 34 complete cessation of operations, or where a cessation of operations is  
 35 necessary, to permit such to be accomplished in a safe and orderly  
 36 manner.

37 (b) Whenever and as soon as an inspector concludes that conditions  
 38 or practices described in subsection (a) exist in any place of  
 39 employment, ~~he~~ **the inspector** shall inform the affected employers and  
 40 employees of the danger and that ~~he~~ **the inspector** is recommending to  
 41 the commissioner that relief be sought.

42 (c) If the commissioner arbitrarily or capriciously fails to seek relief



1 under this section, any employee who may be injured by reason of such  
 2 failure, or the representative of such employees, may bring an action  
 3 against the commissioner, in the circuit court, **superior court, or**  
 4 **probate court** of the county in which the imminent danger is alleged  
 5 to exist or the employer has its principal office, for a writ of mandamus  
 6 to compel the commissioner to seek such an order and for such further  
 7 relief as may be appropriate.

8 SECTION 99. IC 23-2-4-23 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) If the  
 10 commissioner determines, after notice and hearing, that any person has  
 11 violated any provision of this chapter or any rule or order issued under  
 12 this chapter, the commissioner may issue an order requiring the person  
 13 to cease and desist from the unlawful practice or to take such  
 14 affirmative action as in the judgment of the commissioner will carry out  
 15 the purposes of this chapter.

16 (b) If the commissioner makes a finding of fact in writing that the  
 17 public interest will be irreparably harmed by delay in issuing a cease  
 18 and desist order, ~~it~~ **the commissioner** may issue a temporary cease and  
 19 desist order which shall include in its terms a provision that, upon  
 20 request, a hearing shall be held within ten (10) days of such request to  
 21 determine whether the order becomes permanent. A temporary cease  
 22 and desist order shall be served on the person subject to it by certified  
 23 mail, return receipt requested.

24 (c) If it appears that a person has engaged in an act or practice  
 25 constituting a violation of any provision of this chapter or of a rule or  
 26 order issued under this chapter, the commissioner may, with or without  
 27 prior administrative proceedings, bring an action in the circuit court,  
 28 **superior court, or probate court** to enjoin such acts or practices or to  
 29 enforce compliance with this chapter or any rule or order issued under  
 30 this chapter. Upon proper showing, injunctive relief or temporary  
 31 restraining orders shall be granted. The commissioner shall not be  
 32 required to post a bond in any court proceeding.

33 SECTION 100. IC 24-1-1-6 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. It shall be the duty  
 35 of the judges of the ~~circuit~~ courts of this state specially to instruct the  
 36 grand juries as to the provisions of this chapter.

37 SECTION 101. IC 24-5-16.5-12, AS ADDED BY P.L.151-2015,  
 38 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2016]: Sec. 12. (a) A retail lessor who fails to comply with the  
 40 requirements of this chapter is liable to the retail lessee for:

- 41 (1) actual damages sustained;  
 42 (2) a civil penalty of not more than one thousand dollars (\$1,000)



1 per lease transaction; and

2 (3) reasonable attorney's fees and costs.

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

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

10 SECTION 102. IC 25-6.1-2-5, AS AMENDED BY P.L.59-2014,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2016]: Sec. 5. (a) The commission is empowered to do the  
13 following:

14 (1) Administer and enforce the provisions of this article.

15 (2) Adopt such rules in accordance with IC 4-22-2 and such forms  
16 as are necessary or appropriate for the administration and the  
17 effective and efficient enforcement of this article.

18 (3) Issue, suspend, and revoke licenses in accordance with this  
19 article.

20 (4) Subject to IC 25-1-7, investigate complaints concerning  
21 licensees or persons the commission has reason to believe should  
22 be licensees, specifically including complaints respecting failure  
23 to comply with this article or the rules, and to take appropriate  
24 action pursuant to IC 25-1-11.

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

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

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

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

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

37 (1) Standards for competent:

38 (A) practice as an auctioneer; and

39 (B) operation of an auction company.

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



1 SECTION 103. IC 25-6.1-3-9 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. ~~Cease and Desist~~  
 3 ~~Order.~~ (a) When the commission determines that a person not licensed  
 4 under this article is engaged in or is believed to be engaged in activities  
 5 for which a license is required under this article, the commission may  
 6 issue an order to that person requiring ~~him~~ **the person** to show cause  
 7 why ~~he~~ **the person** should not be ordered to cease and desist from such  
 8 activities. The show cause order shall set forth a time and place for a  
 9 hearing at which the affected person may appear and show cause as to  
 10 why ~~he~~ **the person** should not be subject to licensing under this article.

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

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

18 SECTION 104. IC 25-10-1-14 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section  
 20 applies to all persons, including persons listed in IC 25-22.5-1-2.

21 (b) A person may manually manipulate, manually adjust, or  
 22 manually mobilize the spinal column or the vertebral column of an  
 23 individual only if the person is:

- 24 (1) a chiropractor who has been issued a license under this  
 25 chapter;
- 26 (2) a physician who has been issued an unlimited license to  
 27 practice medicine under IC 25-22.5; or
- 28 (3) an osteopathic physician who has been issued a license to  
 29 practice osteopathic medicine under IC 25-22.5.

30 (c) A person may not delegate the manual manipulation, manual  
 31 adjustment, or manual mobilization of the spinal column or the  
 32 vertebral column of an individual to another person, unless the other  
 33 person is:

- 34 (1) licensed as a chiropractor under this chapter;
- 35 (2) licensed as a physician with an unlimited license to practice  
 36 medicine under IC 25-22.5;
- 37 (3) licensed as an osteopathic physician with a license to practice  
 38 osteopathic medicine under IC 25-22.5;
- 39 (4) a student in the final year of course work at an accredited  
 40 chiropractic school participating in a preceptorship program and  
 41 working under the direct supervision of a chiropractor licensed  
 42 under this chapter; or



- 1 (5) a graduate of a chiropractic school who holds a valid  
 2 temporary permit issued under section 5.5 of this chapter.
- 3 (d) If a violation of subsection (b) or (c) is being committed:  
 4 (1) the board in its own name;  
 5 (2) the board in the name of the state; or  
 6 (3) the prosecuting attorney of the county in which the violation  
 7 occurs, at the request of the board and in the name of the state;  
 8 may apply for an order enjoining the violation from the circuit court,  
 9 **superior court, or probate court** of the county in which the violation  
 10 occurs.
- 11 (e) Upon a showing that a person has violated subsection (b) or (c),  
 12 the court may grant without bond an injunction, a restraining order, or  
 13 other appropriate order.
- 14 (f) This section does not apply to a physical therapist practicing  
 15 under IC 25-27. However, a physical therapist may not practice  
 16 chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in  
 17 IC 25-22.5-1-1.1) unless licensed to do so.
- 18 SECTION 105. IC 25-15-8-19 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. If a violation of any  
 20 of sections 21 through 26 of this chapter is being committed:  
 21 (1) the board in its own name;  
 22 (2) the board in the name of the state;  
 23 (3) the attorney general in the name of the state, at the request of  
 24 the board; or  
 25 (4) the prosecuting attorney of the county in which the violation  
 26 occurs, at the request of the board, and in the name of the state;  
 27 may apply for an order enjoining the violation from the circuit court,  
 28 **superior court, or probate court** of the county in which the violation  
 29 occurs.
- 30 SECTION 106. IC 25-20.2-3-8 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The board shall:  
 32 (1) administer and enforce this article;  
 33 (2) adopt rules under IC 4-22-2 that are reasonably necessary or  
 34 appropriate for the administration and enforcement of this article;  
 35 (3) prescribe the requirements for and the form of licenses,  
 36 applications, and other documents that are required by this article;  
 37 (4) grant, deny, suspend, and revoke approval of examinations  
 38 and courses of study;  
 39 (5) issue, deny, suspend, and revoke licenses in accordance with  
 40 this article;  
 41 (6) in accordance with IC 25-1-7, investigate complaints  
 42 concerning licensees or persons the board has reason to believe



- 1 should be licensees, including complaints concerning failure to  
 2 comply with this article or rules adopted under this article, and,  
 3 when appropriate, take action under IC 25-20.2-8;  
 4 (7) bring actions in the name of the state in an appropriate circuit  
 5 court, **superior court, or probate court** in order to enforce  
 6 compliance with this article or rules adopted under this article;  
 7 (8) establish fees in accordance with IC 25-1-8;  
 8 (9) inspect the records of a licensee in accordance with rules  
 9 adopted by the board;  
 10 (10) conduct or designate a member or other representative to  
 11 conduct public hearings on any matter for which a hearing is  
 12 required under this article and exercise all powers granted under  
 13 IC 4-21.5;  
 14 (11) adopt a seal containing the words "Indiana Home Inspectors  
 15 Licensing Board" and, through the board's secretary, certify  
 16 copies and authenticate all acts of the board;  
 17 (12) in accordance with IC 25-1-6:  
 18 (A) use counsel, consultants, and other persons;  
 19 (B) enter into contracts; and  
 20 (C) authorize expenditures;  
 21 that are reasonably necessary or appropriate to administer and  
 22 enforce this article and rules adopted under this article;  
 23 (13) establish continuing education requirements for licensed  
 24 home inspectors in accordance with IC 25-1-4;  
 25 (14) maintain the board's office, files, records, and property in the  
 26 city of Indianapolis; and  
 27 (15) exercise all other powers specifically conferred on the board  
 28 by this article.  
 29 SECTION 107. IC 25-20.2-8-4 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) If the board  
 31 determines that an individual not licensed under this article is engaged  
 32 in or believed to be engaged in activities for which a license is required  
 33 under this article, the board may issue an order to that individual  
 34 requiring the individual to show cause why the individual should not  
 35 be ordered to cease and desist from such activities. The show cause  
 36 order must set forth a date, time, and place for a hearing at which the  
 37 affected individual may appear and show cause why the individual  
 38 should not be subject to licensing under this article.  
 39 (b) If the board, after a hearing, determines that the activities in  
 40 which the individual is engaged are subject to licensing under this  
 41 article, the board may issue a cease and desist order that identifies the  
 42 individual and describes activities that are the subjects of the order.



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

3 SECTION 108. IC 25-23.7-3-8 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The board shall:

- 5 (1) enforce and administer this article;  
 6 (2) adopt rules under IC 4-22-2 for the administration and  
 7 enforcement of this article, including competency standards and  
 8 a code of ethics for licensed installers;  
 9 (3) prescribe the requirements for and the form of licenses issued  
 10 or renewed under this article;  
 11 (4) issue, deny, suspend, and revoke licenses in accordance with  
 12 this article;  
 13 (5) in accordance with IC 25-1-7, investigate and prosecute  
 14 complaints involving licensees or individuals the board has  
 15 reason to believe should be licensees, including complaints  
 16 concerning the failure to comply with this article or rules adopted  
 17 under this article;  
 18 (6) bring actions in the name of the state of Indiana in an  
 19 appropriate circuit court, **superior court, or probate court** to  
 20 enforce compliance with this article or rules adopted under this  
 21 article;  
 22 (7) establish fees in accordance with IC 25-1-8;  
 23 (8) inspect the records of a licensee in accordance with rules  
 24 adopted by the board;  
 25 (9) conduct or designate a board member or other representative  
 26 to conduct public hearings on any matter for which a hearing is  
 27 required under this article and to exercise all powers granted  
 28 under IC 4-21.5; and  
 29 (10) maintain the board's office, files, records, and property in the  
 30 city of Indianapolis.

31 SECTION 109. IC 25-26-13-28 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. At the request of  
 33 the board, the attorney general in the name of the state shall apply for  
 34 an injunction in the circuit court, **superior court, or probate court** of  
 35 the county wherein a violation of this chapter is occurring.

36 SECTION 110. IC 25-28.5-1-37 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. The commission  
 38 conducting a hearing in any particular case shall have power to  
 39 subpoena and order production of books and papers. In any hearing, the  
 40 process issued by the commission shall extend to all parts of the state  
 41 and the process shall be served either in like manner as are served writs  
 42 of subpoena in the circuit court or by any person designated by the





1 commission for that purpose. The person serving the process shall  
 2 receive such compensation as may be allowed by the commission not  
 3 to exceed the fee prescribed by law for similar services in the circuit  
 4 courts and the fees shall be paid in the same manner as provided in this  
 5 chapter for fees of witnesses subpoenaed at the instance of the  
 6 commission. All witnesses who shall be subpoenaed and who appear  
 7 in any proceeding before the commission shall receive the same fees  
 8 and mileage as allowed by law to witnesses in the circuit courts, which  
 9 amount shall be paid by the party at whose instance the subpoena was  
 10 issued or upon whose behalf the witness has been called. When any  
 11 witness who has not been subpoenaed at the instance of any party to the  
 12 proceeding shall be subpoenaed at the instance of the commission the  
 13 fees and mileage of the witness shall be paid from the funds  
 14 appropriated to the use of the commission in the same manner as other  
 15 expenses of the commission are paid.

16 Where in any proceeding before the commission, any witness shall  
 17 fail or refuse to attend upon subpoena issued by the commission or any  
 18 of their representatives, or appearing, shall refuse to testify or shall  
 19 refuse to produce any books and papers the production of which is  
 20 called for by the subpoena, the attendance of any witness and the  
 21 giving of **his the testimony of the witness** and the production of the  
 22 books and papers required shall be enforced by any circuit court,  
 23 **superior court, or probate court** of this state.

24 SECTION 111. IC 25-30-1-22, AS AMENDED BY P.L.185-2007,  
 25 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2016]: Sec. 22. (a) If the board determines that a person that  
 27 is not licensed or exempt under this chapter is engaged in activities that  
 28 require a license, the board may send a notice of hearing requiring the  
 29 person to show cause why the challenged activities are not a violation  
 30 of this chapter. The notice must be in writing and include the following  
 31 information:

- 32 (1) The date, time, and place of the hearing.
- 33 (2) The alleged violation.
- 34 (3) That the affected person or the person's representative may  
 35 present evidence concerning the alleged violation.

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

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

42 (d) A cease and desist order issued under this section is enforceable



1 in the circuit courts, **superior courts, and probate courts** of Indiana.

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

5 SECTION 112. IC 25-30-1.3-24, AS ADDED BY P.L.185-2007,  
6 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2016]: Sec. 24. (a) If the board determines that a person that  
8 is not licensed or exempt under this chapter is engaged in activities that  
9 require a license, the board may send a notice of hearing requiring the  
10 person to show cause why the challenged activities are not a violation  
11 of this chapter. The notice must be in writing and include the following  
12 information:

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

14 (2) The alleged violation.

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

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

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

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

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

28 SECTION 113. IC 25-34.1-2-5, AS AMENDED BY P.L.200-2013,  
29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2016]: Sec. 5. The commission may:

31 (1) administer and enforce the provisions of this article;

32 (2) adopt rules in accordance with IC 4-22-2 and prescribe forms  
33 for licenses, applications, and other documents which are  
34 necessary or appropriate for the administration and enforcement  
35 of this article;

36 (3) issue, deny, suspend, and revoke licenses in accordance with  
37 this article, which licenses shall remain the property of the  
38 commission;

39 (4) subject to IC 25-1-7, investigate complaints concerning  
40 licensees or persons the commission has reason to believe should  
41 be licensees, including complaints respecting failure to comply  
42 with this article or the rules, and, when appropriate, take action



- 1 pursuant to IC 25-34.1-6;  
 2 (5) bring actions, in the name of the state of Indiana, in an  
 3 appropriate circuit court, **superior court, or probate court** in  
 4 order to enforce compliance with this article or the rules;  
 5 (6) inspect the records of a licensee in accordance with rules and  
 6 standards prescribed by the commission;  
 7 (7) conduct, or designate a member or other representative to  
 8 conduct, public hearings on any matter for which a hearing is  
 9 required under this article and exercise all powers granted in  
 10 IC 4-21.5;  
 11 (8) adopt a seal containing the words "Indiana Real Estate  
 12 Commission" and, through its executive director, certify copies  
 13 and authenticate all acts of the commission;  
 14 (9) utilize counsel, consultants, and other persons who are  
 15 necessary or appropriate to administer and enforce this article and  
 16 the rules;  
 17 (10) enter into contracts and authorize expenditures that are  
 18 necessary or appropriate, subject to IC 25-1-6, to administer and  
 19 enforce this article and the rules;  
 20 (11) maintain the commission's office, files, records, and property  
 21 in the city of Indianapolis;  
 22 (12) grant, deny, suspend, and revoke approval of examinations  
 23 and courses of study as provided in IC 25-34.1-5;  
 24 (13) provide for the filing and approval of surety bonds which are  
 25 required by IC 25-34.1-5;  
 26 (14) adopt rules in accordance with IC 4-22-2 necessary for the  
 27 administration of the investigative fund established under  
 28 IC 25-34.1-8-7.5;  
 29 (15) adopt emergency rules under IC 4-22-2-37.1 to adopt any or  
 30 all parts of Uniform Standards of Professional Appraisal Practice  
 31 (USPAP), including the comments to the USPAP, as published by  
 32 the Appraisal Standards Board of the Appraisal Foundation, under  
 33 the authority of Title XI of the Financial Institutions Reform,  
 34 Recovery, and Enforcement Act (12 U.S.C. 3331-3351);  
 35 (16) exercise other specific powers conferred upon the  
 36 commission by this article; and  
 37 (17) adopt rules under IC 4-22-2 governing education, including  
 38 prelicensing, postlicensing, and continuing education.  
 39 SECTION 114. IC 25-36.5-1-13 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. The department  
 41 may, by application to any circuit court, **superior court, or probate**  
 42 **court**, or to a judge thereof, obtain an injunction restraining any person



1 who engages in the business of timber buying in this state without a  
 2 certificate of registration (either because ~~his~~ **the person's** certificate  
 3 has been revoked or because of a failure to obtain a certificate of  
 4 registration in the first instance) from engaging in such business until  
 5 such person complies with this chapter and qualifies for and obtains a  
 6 certificate of registration. Upon refusal or neglect to obey the order of  
 7 the court or judge, said court or judge may compel obedience thereof  
 8 by proceedings for contempt.

9 SECTION 115. IC 26-3-7-31 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. (a) Whenever it  
 11 appears to the satisfaction of the director that a licensee cannot meet  
 12 the licensee's outstanding grain obligations owed to depositors, or when  
 13 a licensee refuses to submit the licensee's records or property to lawful  
 14 inspection, the director may give notice to the licensee to do any of the  
 15 following:

- 16 (1) Cover the shortage with grain that is fully paid for.
- 17 (2) Give additional bond, letter of credit, or cash deposit as  
 18 required by the director.
- 19 (3) Submit to inspection as the director may deem necessary.

20 (b) If the licensee fails to comply with the terms of the notice within  
 21 five (5) business days from the date of its issuance, or within an  
 22 extension of time that the director may allow, the director may petition  
 23 the circuit court, **superior court, or probate court** of the Indiana  
 24 county where the licensee's principal place of business is located  
 25 seeking the appointment of a receiver. If the court determines in  
 26 accordance with IC 32-30-5 that a receiver should be appointed, upon  
 27 the request of the licensee the court may appoint the agency or its  
 28 representative to act as receiver. The agency or its representative shall  
 29 not be appointed as receiver except upon the request of the licensee. If  
 30 the agency or its representative is appointed, any person interested in  
 31 an action as described in IC 32-30-5-2 may after twenty (20) days  
 32 request that the agency or its representative be removed as receiver. If  
 33 the agency or its representative is not serving as receiver, the receiver  
 34 appointed shall meet and confer with representatives of the agency  
 35 regarding the licensee's grain related obligations and, before taking any  
 36 actions regarding those obligations, the receiver and the court shall  
 37 consider the agency's views and comments.

38 SECTION 116. IC 26-3-7-32 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. (a) The director  
 40 may apply for, and the courts of this state are vested with jurisdiction  
 41 to issue, a temporary or permanent injunction against the business  
 42 operation of a licensee, or the issuance of receipts or tickets without a



1 license and against interference by any person with the director, the  
 2 director's designated representative, or a receiver appointed under  
 3 section 31 of this chapter, in the performance of their duties and  
 4 powers under this chapter.

5 (b) Upon a determination by the director that there is reasonable  
 6 cause to believe that a licensee is unable to meet the licensee's storage  
 7 or other grain obligations, and that the licensee is removing, or the  
 8 director has reasonable cause to believe that the licensee may remove,  
 9 grain from the licensed premises, the director may, under the  
 10 conditions provided in, and in accordance with, the Indiana Rules of  
 11 Trial Procedure, seek from the circuit court, **superior court, or**  
 12 **probate court** of the Indiana county in which the licensee has the  
 13 licensee's principal place of business a temporary restraining order  
 14 preventing the further sale or movement of any grain and requiring that  
 15 proceeds from grain sales received after the issuance of the temporary  
 16 restraining order should be held in the form in which they are received  
 17 by the licensee and kept separate from all other funds held by the  
 18 licensee.

19 SECTION 117. IC 27-1-23-8 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Whenever it  
 21 appears to the commissioner that any person has committed or is about  
 22 to commit a violation of this chapter or of any rule or order issued by  
 23 the commissioner hereunder, the commissioner may apply to the circuit  
 24 court, **superior court, or probate court** for the county in which such  
 25 person resides or, in the case of a corporation or other entity, has its  
 26 principal office, or if such person has no such residence or office in this  
 27 state then to the circuit court **or superior court** of Marion County, for  
 28 an order enjoining such person from violating or continuing to violate  
 29 this chapter or any such rule or order, and for such other equitable  
 30 relief as the nature of the case and the interests of policyholders or the  
 31 public may require.

32 (b) No security which is the subject of any agreement or  
 33 arrangement regarding acquisition, or which is acquired or to be  
 34 acquired, in contravention of the provisions of this chapter or of any  
 35 rule or order issued by the commissioner hereunder may be voted at  
 36 any shareholders' meeting, or may be counted for quorum purposes,  
 37 and any action of shareholders requiring the affirmative vote of a  
 38 percentage of shares may be taken as though such securities were not  
 39 issued and outstanding; but no action taken at any such meeting shall  
 40 be invalidated by the voting of such securities, unless the action would  
 41 materially affect control of a domestic insurer or any corporation  
 42 controlling such insurer or unless the courts of this state have so



1 ordered. If a domestic insurer, any corporation controlling such insurer  
 2 or the commissioner has reason to believe that any security of the  
 3 domestic insurer or any corporation controlling such insurer has been  
 4 or is about to be acquired in contravention of the provisions of this  
 5 chapter or of any rule or order issued by the commissioner hereunder,  
 6 the domestic insurer, any corporation controlling such insurer or the  
 7 commissioner may apply to the circuit court **or superior court** of  
 8 Marion County or to the circuit court, **superior court, or probate**  
 9 **court** of the county in which the domestic insurer or corporation  
 10 controlling such insurer has its principal place of business to enjoin any  
 11 offer, request, invitation, agreement or acquisition commenced, entered  
 12 into, or consummated in contravention of this chapter or any rule or  
 13 order issued by the commissioner under this chapter, to enjoin the  
 14 voting of any security so acquired, to void any vote of such security  
 15 already cast at any meeting of shareholders, and for such other  
 16 equitable relief as the nature of the case and the interests of the  
 17 domestic insurer's policyholders or the public may require.

18 (c) In any case where a person has acquired or is proposing to  
 19 acquire securities in violation of this chapter or any rule or order issued  
 20 by the commissioner hereunder, the circuit court **or superior court** of  
 21 Marion County or the circuit court, **superior court, or probate court**  
 22 of the county in which the domestic insurer or any corporation  
 23 controlling such insurer has its principal place of business may, on  
 24 such notice as the court deems appropriate, upon the application of the  
 25 domestic insurer, any corporation controlling such insurer or the  
 26 commissioner, seize or sequester any such securities owned directly or  
 27 indirectly by such person, and issue such orders with respect thereto as  
 28 may be appropriate to effectuate the provisions of this chapter.  
 29 Notwithstanding any other provision of law, for the purposes of this  
 30 chapter the situs of the ownership of the securities of domestic insurers  
 31 and corporations controlling such insurers shall be deemed to be in this  
 32 state.

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

36 SECTION 118. IC 27-2-19-8 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A law  
 38 enforcement agency, insurer, or governmental agency who has obtained  
 39 the names and addresses of a claimant's medical providers under  
 40 section 6(b) of this chapter may obtain the claimant's medical records  
 41 and medical reports from any other law enforcement agency, insurer,  
 42 or governmental agency:



- 1 (1) with the prior authorization or release of the injured claimant;
- 2 or
- 3 (2) without the prior authorization or release of the injured
- 4 claimant if:
- 5 (A) there is a reasonable belief that the mere request for
- 6 authorization or a release will hinder a fraud investigation; and
- 7 (B) a verified application is presented to the circuit court,
- 8 **superior court, or probate court** in the county where the
- 9 application or claim is presented that sets forth:
- 10 (i) probable cause for the need to obtain the medical records
- 11 and medical reports and medical related information
- 12 contained in the medical records and medical reports
- 13 without obtaining the proper release or authorization; and
- 14 (ii) the specific medical records and medical reports and
- 15 medical related information contained in the medical
- 16 records and medical reports requested.
- 17 (b) The court, upon review of the information presented in
- 18 subsection (a), may issue an order authorizing the law enforcement
- 19 agency, insurer, or governmental agency to release the medical records
- 20 and medical reports and the medical related information contained in
- 21 the medical records and reports requested.

22 SECTION 119. IC 27-10-3-10 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. An applicant for  
 24 license as a bail agent or recovery agent whose:

- 25 (1) application has been denied; or
- 26 (2) license has been suspended, revoked, or denied renewal by the
- 27 commissioner;
- 28 may appeal to the circuit court, **superior court, or probate court** of
- 29 the county from which the bail agent or recovery agent applied for the
- 30 license. The appeal shall be heard de novo.

31 SECTION 120. IC 28-1-3.1-4, AS AMENDED BY P.L.35-2010,  
 32 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2016]: Sec. 4. (a) Immediately upon the taking possession of  
 34 the business and property of any financial institution under section 2 of  
 35 this chapter, the department shall give notice by:

- 36 (1) posting the notice at the main entrance of the principal office
- 37 of the financial institution;
- 38 (2) causing the notice to be served upon the president or other
- 39 executive officer actively in charge of the business of the financial
- 40 institution; and
- 41 (3) filing the notice in the office of the circuit court, **superior**
- 42 **court, or probate court** in the county where the principal office



- 1 of the financial institution is located.
- 2 (b) Upon the filing of the notice under subsection (a), the clerk  
3 shall:
- 4 (1) note the filing of the notice upon the records of the  
5 receivership court; and
- 6 (2) enter the cause as a civil action upon the dockets of the court  
7 under the name and style of "In the matter of the liquidation of  
8 \_\_\_\_\_" (inserting the name of the financial institution).
- 9 (c) The receivership court may hear and determine all issues and  
10 matters pertaining to or connected with the liquidation of the financial  
11 institution, including:
- 12 (1) the amount of the compensation and necessary expenses of  
13 any special representative, assistant, accountant, agent, or  
14 attorney employed by the department, or the receiver appointed  
15 by the department, as set forth in this chapter; and
- 16 (2) all papers and pleadings pertaining to the liquidation  
17 proceedings.
- 18 (d) All entries, orders, judgments, and decrees of the receivership  
19 court in connection with the liquidation proceedings shall be filed and  
20 entered of record in the cause of action.
- 21 (e) The rights and liabilities of a financial institution and of its  
22 creditors, depositors, shareholders, and all other persons interested in  
23 its estate shall, unless otherwise directed by the court, be fixed as of the  
24 date of the filing of the notice of possession with the receivership court.  
25 In the case of mutual debts or mutual credits of equal priority between  
26 the financial institution and another person, the credits and debts shall  
27 be set off and the balance only shall be allowed or paid. The right to set  
28 off shall be determined as of the date of the filing of the notice of  
29 possession of the financial institution under subsection (a).
- 30 (f) Notwithstanding this section, if the Federal Deposit Insurance  
31 Corporation is appointed receiver of a financial institution, subsections  
32 (a)(3), (b), (c), and (d) do not apply, and applicable federal law governs  
33 the receivership.
- 34 SECTION 121. IC 28-1-11-3.2, AS AMENDED BY P.L.35-2010,  
35 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) As used in this section,  
37 "rights and privileges" means the power:
- 38 (1) to:
- 39 (A) create;
- 40 (B) deliver;
- 41 (C) acquire; or
- 42 (D) sell;





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



- 1 bank's letter; and  
 2 (2) if a hearing is convened, the department must approve or deny  
 3 the requested rights and privileges not later than sixty (60) days  
 4 after the hearing is concluded.
- 5 (f) The exercise of rights and privileges by a bank in compliance  
 6 with and in the manner authorized by this section is not a violation of  
 7 any provision of the Indiana Code or rules adopted under IC 4-22-2.
- 8 (g) If a bank receives approval to exercise the requested rights and  
 9 privileges granted to national banks domiciled in Indiana, the  
 10 department shall determine by order whether all banks may exercise  
 11 the same rights and privileges. In making the determination required by  
 12 this subsection, the department must ensure that the exercise of the  
 13 rights and privileges by all banks will not:
- 14 (1) adversely affect their safety and soundness; or
  - 15 (2) unduly constrain Indiana consumer protection provisions.
- 16 (h) If the department denies the request of a bank under this section  
 17 to exercise any rights and privileges that are granted to national banks,  
 18 the bank may appeal the decision of the department to the circuit court,  
 19 **superior court, or probate court** with jurisdiction in the county in  
 20 which the principal office of the bank is located. In an appeal under this  
 21 section, the court shall determine the matter de novo.
- 22 SECTION 122. IC 28-1-20-8 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) When and if any  
 24 bank ~~and/or~~ **or** trust company organized or reorganized under the  
 25 provisions of this article, or any bank of discount and deposit or loan  
 26 and trust and safe deposit company organized under any law enacted  
 27 prior to February 24, 1933, shall be required to cease all banking  
 28 operation within twenty (20) years from the time of its organization and  
 29 promptly thereafter to close its business, such bank or trust company  
 30 shall deliver over into the custody of the department all of its business  
 31 and property for liquidation and the payment of its liabilities. Such  
 32 delivery may be made by an instrument in writing executed pursuant  
 33 to a resolution of the board of directors. Before, after, or  
 34 contemporaneously with the delivery of all of its business and property  
 35 to the department, such bank or trust company may, pursuant to a  
 36 resolution of its boards of directors, file a petition with the department  
 37 for authority to reopen its business and resume its banking operations.  
 38 Such petition shall fix:
- 39 (1) the date of the organization of such bank or trust company;
  - 40 (2) the day on which it desires to reopen its business and resume  
 41 its banking operations, which may be the next succeeding  
 42 business day after the delivery, or effective date of delivery fixed



1 in any instrument in writing, of the business and property of such  
2 bank or trust company to the department;

3 (3) such other facts as the board of directors of such bank or trust  
4 company shall deem pertinent; and

5 (4) the information required by IC 28-1-15-1 and such other  
6 information as the department may prescribe or require.

7 Thereupon, the department shall make, or cause to be made, a careful  
8 investigation and examination of such bank or trust company, the  
9 qualifications and experience of the officers thereof, and the public  
10 necessity for such bank or trust company in the community in which it  
11 is or has been doing business, and the department, after such  
12 investigation and examination, shall, upon the basis of its findings with  
13 respect to all of the matters specified in this section, approve or  
14 disapprove the right of such bank or trust company to reopen its  
15 business and resume its banking operations.

16 (b) Upon the filing of any such petition more than thirty (30) days  
17 before the day upon which such bank or trust company shall desire to  
18 reopen its business and resume its banking operations, the department  
19 shall approve or disapprove such petition, in writing, and notify such  
20 bank or trust company of its action not later than the last business day  
21 immediately preceding the day upon which such bank or trust company  
22 shall have requested the right to reopen its business and resume its  
23 banking operations. In the event that the department shall disapprove  
24 the right of such bank or trust company to reopen its business and  
25 resume its banking operations, such bank or trust company may appeal  
26 such order of the department to the circuit court, **superior court, or**  
27 **probate court** of the county in which it has its principal office, and  
28 thereupon the matter shall be determined de novo.

29 (c) In the event that any bank or trust company shall deliver its  
30 business and property to the department and fail to file a request to  
31 reopen its business and resume its banking operations within ten (10)  
32 days after such delivery, or in the event that the department or the  
33 circuit court, **superior court, or probate court** if the decision of the  
34 department be appealed, shall disapprove the petition of any bank or  
35 trust company to reopen its business and resume its banking operations,  
36 such bank or trust company shall be liquidated pursuant to the  
37 provisions for voluntary liquidation contained in IC 28-1-9.

38 SECTION 123. IC 28-5-1-6.3, AS AMENDED BY P.L.35-2010,  
39 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2016]: Sec. 6.3. (a) As used in this section,  
41 "rights and privileges" means the power:

42 (1) to:

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



1 additional time for analysis. If the sixty (60) day period is extended  
 2 under this subsection, the company may exercise the requested rights  
 3 and privileges only if the company receives prior written approval from  
 4 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 company'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 (f) The exercise of rights and privileges by a company in  
 14 compliance with and in the manner authorized by this section is not a  
 15 violation of any provision of the Indiana Code or rules adopted under  
 16 IC 4-22-2.

17 (g) If a company receives approval to exercise the requested rights  
 18 and privileges granted to national banks domiciled in Indiana, the  
 19 department shall determine by order whether all industrial loan and  
 20 investment companies 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  
 23 industrial loan and investment companies will not:

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

25 (2) unduly constrain Indiana consumer protection provisions.

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

32 SECTION 124. IC 28-6.1-3-2 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this  
 34 chapter, "court" refers to the circuit court, **superior court, or probate**  
 35 **court** of the county in which the savings bank is located.

36 SECTION 125. IC 28-6.1-6-24, AS AMENDED BY P.L.35-2010,  
 37 SECTION 146, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2016]: Sec. 24. (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 national banks domiciled in Indiana.
- 8 (b) Subject to the conditions set forth in this section, a savings bank  
 9 may exercise the rights and privileges that are or may be granted to  
 10 national banks domiciled in Indiana.
- 11 (c) A savings bank that intends to exercise any rights and privileges  
 12 that are:  
 13 (1) granted to national banks; but  
 14 (2) not authorized for a savings bank under the Indiana Code  
 15 (except for this section) or any rule adopted under the Indiana  
 16 Code;  
 17 shall submit a letter to the department describing in detail the requested  
 18 rights and privileges granted to national banks that the savings bank  
 19 intends to exercise. If available, copies of relevant federal law,  
 20 regulations, and interpretive letters must be attached to the letter  
 21 submitted by the company.
- 22 (d) The department shall promptly notify the requesting savings  
 23 bank of the department's receipt of the letter submitted under  
 24 subsection (c). Except as provided in subsection (f), the savings bank  
 25 may exercise the requested rights and privileges sixty (60) days after  
 26 the date on which the department receives the letter unless otherwise  
 27 notified by the department.
- 28 (e) The department may deny the requested rights and privileges if  
 29 the department finds that:  
 30 (1) national banks domiciled in Indiana do not possess the  
 31 requested rights and privileges;  
 32 (2) the exercise of the requested rights and privileges by the  
 33 savings bank would adversely affect the safety and soundness of  
 34 the savings bank;  
 35 (3) the exercise of the requested rights and privileges by the  
 36 savings bank would result in an unacceptable curtailment of  
 37 consumer protection; or  
 38 (4) the failure of the department to approve the requested rights  
 39 and privileges will not result in a competitive disadvantage to the  
 40 savings bank.
- 41 (f) The sixty (60) day period referred to in subsection (d) may be  
 42 extended by the department based on a determination that the savings



1 bank's letter raised issues requiring additional information or additional  
 2 time for analysis. If the sixty (60) day period is extended under this  
 3 subsection, the savings bank may exercise the requested rights and  
 4 privileges only if the savings bank receives prior written approval from  
 5 the department. However:

6 (1) the department must:

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

8 (B) convene a hearing;

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

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

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

18 (h) If a savings bank receives approval to exercise the requested  
 19 rights and privileges granted to national banks domiciled in Indiana,  
 20 the department shall determine by order whether all savings banks may  
 21 exercise the same rights and privileges. In making the determination  
 22 required by this subsection, the department must ensure that the  
 23 exercise of the rights and privileges by all savings banks 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 bank under this  
 27 section to exercise any rights and privileges that are granted to national  
 28 banks, the savings bank may appeal the decision of the department to  
 29 the circuit court, **superior court, or probate court** with jurisdiction in  
 30 the county in which the principal office of the savings bank is located.  
 31 In an appeal under this section, the court shall determine the matter de  
 32 novo.

33 SECTION 126. IC 28-6.1-15-7 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) After the  
 35 department has given approval to the resolution of conversion and has  
 36 returned the resolution of conversion to the savings bank, the savings  
 37 bank shall give notice of the proposed conversion, by mail, to each  
 38 depositor of record as of the date of the resolution of conversion.  
 39 Notice to a depositor shall be sent to the address of the depositor as  
 40 shown by the records of the savings bank. Notice shall also be given by  
 41 at least ten (10) consecutive days of publication in a newspaper of  
 42 general circulation published in the county in which the savings bank



1 is located.

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

6 (c) A depositor of the savings bank aggrieved by the proposed  
7 conversion may, not more than twenty (20) days after submission of the  
8 resolution of conversion with the court file in the court a verified  
9 statement of objection to the proposed conversion. The matter shall be  
10 docketed upon the books of the court, and entitled "In the Matter of the  
11 Conversion of \_\_\_\_\_ Savings Bank to \_\_\_\_\_" (inserting  
12 the names of the savings bank and the successor bank or trust  
13 company). The nature of an objection to the conversion is limited to the  
14 unfairness of the proposed conversion relative to the rights and  
15 interests of the objecting depositor. Without filing pleadings, the  
16 savings bank shall be considered to deny the objections.

17 (d) After the twenty (20) day period for filing objections has  
18 expired, the court shall proceed as soon as possible to hear the evidence  
19 and determine the fairness of the proposed conversion relative to the  
20 individual rights and interests of all objecting depositors. The objecting  
21 depositors have the burden of proof.

22 (e) If the court finds that the proposed conversion is fair with respect  
23 to the rights and interests of the objecting depositors, the court shall  
24 enter an order:

- 25 (1) approving the conversion, subject only to the approval by the  
26 secretary of state of the articles of incorporation of the proposed  
27 bank or trust company; and  
28 (2) assessing the costs of the proceeding against the objectors.

29 (f) If the court finds that the proposed conversion is not fair with  
30 respect to the rights and interests of the objecting depositors, the court  
31 shall enter an order:

- 32 (1) enjoining the conversion; and  
33 (2) assessing the costs of the proceeding against the savings bank.

34 SECTION 127. IC 28-7-1-9.2, AS AMENDED BY P.L.35-2010,  
35 SECTION 149, IS AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2016]: Sec. 9.2. (a) As used in this section,  
37 "rights and privileges" means the power:

- 38 (1) to:  
39 (A) create;  
40 (B) deliver;  
41 (C) acquire; or  
42 (D) sell;





1 a product, a service, or an investment that is available to or  
2 offered by; or

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

5 federal credit unions domiciled in Indiana.

6 (b) A credit union that intends to exercise any rights and privileges  
7 that are:

8 (1) granted to federal credit unions; but

9 (2) not authorized for credit unions under the Indiana Code  
10 (except for this section) or any rule adopted under the Indiana  
11 Code;

12 shall submit a letter to the department describing in detail the requested  
13 rights and privileges granted to federal credit unions that the credit  
14 union intends to exercise. If available, copies of relevant federal law,  
15 regulations, and interpretive letters must be attached to the letter  
16 submitted by the credit union.

17 (c) The department shall promptly notify the requesting credit union  
18 of the department's receipt of the letter submitted under subsection (b).  
19 Except as provided in subsection (e), the credit union may exercise the  
20 requested rights and privileges sixty (60) days after the date on which  
21 the department receives the letter unless otherwise notified by the  
22 department.

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

25 (1) federal credit unions domiciled in Indiana do not possess the  
26 requested rights and privileges;

27 (2) the exercise of the requested rights and privileges by the credit  
28 union would adversely affect the safety and soundness of the  
29 credit union;

30 (3) the exercise of the requested rights and privileges by the credit  
31 union would result in an unacceptable curtailment of consumer  
32 protection; or

33 (4) the failure of the department to approve the requested rights  
34 and privileges will not result in a competitive disadvantage to the  
35 credit union.

36 (e) The sixty (60) day period referred to in subsection (c) may be  
37 extended by the department based on a determination that the credit  
38 union's letter raised issues requiring additional information or  
39 additional time for analysis. If the sixty (60) day period is extended  
40 under this subsection, the credit union may exercise the requested  
41 rights and privileges only if the credit union receives prior written  
42 approval from the department. However:



- 1 (1) the department must:  
 2 (A) approve or deny the requested rights and privileges; or  
 3 (B) convene a hearing;  
 4 not later than sixty (60) days after the department receives the  
 5 credit union's letter; and  
 6 (2) if a hearing is convened, the department must approve or deny  
 7 the requested rights and privileges not later than sixty (60) days  
 8 after the hearing is concluded.
- 9 (f) The exercise of rights and privileges by a credit union in  
 10 compliance with and in the manner authorized by this section is not a  
 11 violation of any provision of the Indiana Code or rules adopted under  
 12 IC 4-22-2.
- 13 (g) If a credit union receives approval to exercise the requested  
 14 rights and privileges granted to federal credit unions domiciled in  
 15 Indiana, the department shall determine by order whether all credit  
 16 unions may exercise the same rights and privileges. In making the  
 17 determination required by this subsection, the department must ensure  
 18 that the exercise of the rights and privileges by all credit unions will  
 19 not:  
 20 (1) adversely affect their safety and soundness; or  
 21 (2) unduly constrain Indiana consumer protection provisions.
- 22 (h) If the department denies the request of a credit union under this  
 23 section to exercise any rights and privileges that are granted to federal  
 24 credit unions, the credit union may appeal the decision of the  
 25 department to the circuit court, **superior court, or probate court** with  
 26 jurisdiction in the county in which the principal office of the credit  
 27 union is located. In an appeal under this section, the court shall  
 28 determine the matter de novo.
- 29 SECTION 128. IC 28-11-3-6, AS AMENDED BY P.L.141-2005,  
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2016]: Sec. 6. (a) As used in this section:  
 32 (1) "federally chartered" means an entity organized or reorganized  
 33 under the law of the United States; and  
 34 (2) "state chartered" means an entity organized or reorganized  
 35 under the law of Indiana or another state.
- 36 (b) If the department determines that federal law has preempted a  
 37 provision of IC 24, IC 26, IC 28, IC 29, or IC 30, the provision of  
 38 IC 24, IC 26, IC 28, IC 29, or IC 30 applies to a state chartered entity  
 39 only to the same extent that the department determines the provision is  
 40 applicable to the:  
 41 (1) same; or  
 42 (2) functionally equivalent;



- 1 type of federally chartered entity.
- 2 (c) A state chartered entity seeking an exemption from a provision  
3 of IC 24, IC 26, IC 28, IC 29, or IC 30 based on the preemption of the  
4 provision as applied to a federally chartered entity shall submit a letter  
5 to the department:
- 6 (1) describing in detail; and  
7 (2) documenting the federal preemption of;  
8 the provisions from which it seeks exemption. If available, copies of  
9 relevant federal law, regulations, and interpretive letters must be  
10 attached to the letter submitted by the requesting entity.
- 11 (d) The department shall notify the requesting entity of the  
12 department's receipt of the request not later than ten (10) business days  
13 after the department's receipt of a letter described in subsection (c).  
14 Except as provided in subsection (e), upon receipt of the notification,  
15 the requesting entity may operate as if it is exempt from the provision  
16 of IC 24, IC 26, IC 28, IC 29, or IC 30 ninety (90) days after the date  
17 on which the department receives the letter, unless otherwise notified  
18 by the department. This period may be extended for an additional  
19 ninety (90) days if the department determines that the requesting  
20 entity's letter raises issues requiring additional information or  
21 additional time for analysis. If the department extends the period for  
22 the department's review of the request, the requesting entity may  
23 operate as if the requesting entity is exempt from a provision of IC 24,  
24 IC 26, IC 28, IC 29, or IC 30 during the extended period of review only  
25 if the requesting entity receives prior written approval from the  
26 department. However:
- 27 (1) the department must:  
28 (A) approve or deny the requested exemption; or  
29 (B) convene a hearing;  
30 not later than ninety (90) days after the department receives the  
31 requesting entity's letter, unless the department has extended the  
32 period for the department's review under this subsection; and  
33 (2) if a hearing is convened, the department must approve or deny  
34 the requested exemption not later than ninety (90) days after the  
35 hearing is concluded.
- 36 (e) The department may refuse to exempt a requesting entity from  
37 a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 if the department  
38 finds that any of the following conditions apply:
- 39 (1) The department determines that a described provision of  
40 IC 24, IC 26, IC 28, IC 29, or IC 30 is not preempted for a  
41 federally chartered entity of the:  
42 (A) same; or



- 1 (B) functionally equivalent;  
 2 type.  
 3 (2) The extension of the federal preemption in the form of an  
 4 exemption from a provision of IC 24, IC 26, IC 28, IC 29, or  
 5 IC 30 to the requesting entity would:  
 6 (A) adversely affect the safety and soundness of the requesting  
 7 entity; or  
 8 (B) result in an unacceptable curtailment of consumer  
 9 protection provisions.  
 10 (3) The failure of the department to provide for the exemption  
 11 from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 will not  
 12 result in a competitive disadvantage to the requesting entity.  
 13 (f) The operation of a financial institution in a manner consistent  
 14 with exemption from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30  
 15 under this section is not a violation of any provision of the Indiana  
 16 Code or rules adopted under IC 4-22-2.  
 17 (g) If a financial institution is exempted from the provisions of  
 18 IC 24, IC 26, IC 28, IC 29, or IC 30 in compliance with this section, the  
 19 department shall do the following:  
 20 (1) Determine whether the exemption shall apply to all financial  
 21 institutions that, in the opinion of the department, possess a  
 22 charter that is:  
 23 (A) the same as; or  
 24 (B) functionally the equivalent of;  
 25 the charter of the exempt institution.  
 26 (2) For purposes of the determination required under subdivision  
 27 (1), ensure that applying the exemption to the financial  
 28 institutions described in subdivision (1) will not:  
 29 (A) adversely affect the safety and soundness of the financial  
 30 institutions; or  
 31 (B) unduly constrain Indiana consumer protection provisions.  
 32 (3) Issue an order published in the Indiana Register that specifies  
 33 whether the exemption applies to the financial institutions  
 34 described in subdivision (1).  
 35 (h) If the department denies the request of a financial institution  
 36 under this section for exemption from Indiana Code provisions that are  
 37 preempted for federally chartered institutions, the requesting institution  
 38 may appeal the decision of the department to the circuit court, **superior**  
 39 **court, or probate court** of the county in which the principal office of  
 40 the requesting institution is located.  
 41 (i) If the department determines that federal law has preempted a  
 42 provision of IC 24, IC 26, IC 28, IC 29, or IC 30 as the provision



1 applies to an operating subsidiary of a federally chartered entity, the  
 2 provision of IC 24, IC 26, IC 28, IC 29, or IC 30 applies to a qualifying  
 3 subsidiary (as defined in IC 28-13-16-1) of a state chartered entity only  
 4 to the same extent that the department determines the provision applies  
 5 to the operating subsidiary of:

- 6 (1) the same; or
- 7 (2) the functionally equivalent;

8 type of federally chartered entity. In determining whether to extend the  
 9 exemption from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 to  
 10 a qualifying subsidiary (as defined in IC 28-13-16-1) of a state  
 11 chartered entity under this subsection, the department shall use the  
 12 procedures and undertake the considerations described in this section  
 13 for a preemption determination with respect to a state chartered entity.

14 SECTION 129. IC 28-15-2-2, AS AMENDED BY P.L.35-2010,  
 15 SECTION 206, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2016]: Sec. 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 savings associations domiciled in Indiana.

28 (b) Subject to this section, savings associations may exercise the  
 29 rights and privileges that are granted to federal savings associations.

30 (c) A savings association that intends to exercise any rights and  
 31 privileges that are:

- 32 (1) granted to federal savings associations; but
- 33 (2) not authorized for savings associations under:
  - 34 (A) the Indiana Code (except for this section); or
  - 35 (B) a rule adopted under IC 4-22-2;

36 shall submit a letter to the department, describing in detail the  
 37 requested rights and privileges granted to federal savings associations  
 38 that the savings association intends to exercise. If available, copies of  
 39 relevant federal law, regulations, and interpretive letters must be  
 40 attached to the letter.

41 (d) The department shall promptly notify the requesting savings  
 42 association of its receipt of the letter submitted under subsection (c).



1 Except as provided in subsection (f), the savings association may  
2 exercise the requested rights and privileges sixty (60) days after the  
3 date on which the department receives the letter unless otherwise  
4 notified by the department.

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

7 (1) federal savings associations in Indiana do not possess the  
8 requested rights and privileges;

9 (2) the exercise of the requested rights and privileges by the  
10 savings association would adversely affect the safety and  
11 soundness of the savings association;

12 (3) the exercise of the requested rights and privileges by the  
13 savings association would result in an unacceptable curtailment  
14 of consumer protection; or

15 (4) the failure of the department to approve the requested rights  
16 and privileges will not result in a competitive disadvantage to the  
17 savings association.

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

25 (1) the department must:

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

27 (B) convene a hearing;

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

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

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

37 (h) If a savings association receives approval to exercise the  
38 requested rights and privileges granted to national savings associations  
39 domiciled in Indiana, the department shall determine by order whether  
40 all savings associations may exercise the same rights and privileges. In  
41 making the determination required by this subsection, the department  
42 must ensure that the exercise of the rights and privileges by all savings



1 associations will not:

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

4 (i) If the department denies the request of a savings association  
 5 under this section to exercise any rights and privileges that are granted  
 6 to national savings associations, the company may appeal the decision  
 7 of the department to the circuit court, **superior court, or probate**  
 8 **court** with jurisdiction in the county in which the principal office of the  
 9 savings association is located.

10 SECTION 130. IC 28-15-2-3 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If the department  
 12 denies the request of a savings association under section 2 of this  
 13 chapter to exercise any rights and privileges that are granted to federal  
 14 savings associations, the savings association may appeal the decision  
 15 of the department to the circuit court, **superior court, or probate**  
 16 **court** with jurisdiction in the county in which the principal office of the  
 17 savings association is located. In an appeal under this section, the court  
 18 shall determine the matter de novo.

19 SECTION 131. IC 29-2-19-19, AS ADDED BY P.L.143-2009,  
 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2016]: Sec. 19. An action to contest the validity of any  
 22 declaration made under this chapter must be:

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

34 SECTION 132. IC 31-12-1-2 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. In judicial circuits  
 36 having at least three (3) judges of the superior court, **probate court,**  
 37 **and circuit court,** the judges of the superior, **probate,** and circuit  
 38 courts may annually, in January, designate one (1) or more of the  
 39 judges to hear all cases under this chapter. The designated judges shall  
 40 hold as many sessions of court each week as are necessary for the  
 41 prompt disposition of the court's business.

42 SECTION 133. IC 31-30-1-10, AS AMENDED BY P.L.206-2015,



1 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2016]: Sec. 10. A circuit court ~~has~~ **and superior court have**  
3 concurrent original jurisdiction with the juvenile court, including the  
4 probate court described in IC 33-31-1-9(b), for the purpose of  
5 establishing the paternity of a child in a proceeding under:

- 6 (1) IC 31-18.5;
- 7 (2) IC 31-1.5 (before its repeal); or
- 8 (3) IC 31-2-1 (before its repeal);

9 to enforce a duty of support.

10 SECTION 134. IC 32-17-4-2, AS AMENDED BY P.L.41-2012,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2016]: Sec. 2. (a) A person described in section 1(a) of this  
13 chapter may file a petition to compel partition in the circuit court, ~~or~~  
14 **superior court, or probate court** having probate jurisdiction of the  
15 county in which the land or any part of the land is located.

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

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

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

23 SECTION 135. IC 32-17-5-2 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. On application of a  
25 party in interest described in section 1 of this chapter, the circuit court,  
26 **superior court, or probate court** may, if all the parties are:

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

29 decree a sale, exchange, or lease of the real estate, or sale or exchange  
30 of the personal property, if the court considers a sale, exchange, or  
31 lease to be advantageous to the parties concerned.

32 SECTION 136. IC 32-17-5-5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The circuit court,  
34 **superior court, or probate court:**

- 35 (1) of the county in which a will, deed, or instrument:
  - 36 (A) is probated or recorded; and
  - 37 (B) under or from which a party claims or derives the party's
  - 38 interest in the real or personal property that is the subject of
  - 39 the will, deed, or instrument; or
- 40 (2) that has jurisdiction of a trust from which the property is
- 41 derived;

42 has jurisdiction to hear and determine the rights of the parties under





1 this chapter. Proceedings under this chapter are commenced by  
2 complaint as in other civil actions.

3 (b) For an infant defendant who is a member of the class for whom  
4 property that is the subject of a proceeding under this chapter is held:

- 5 (1) in reversion;
- 6 (2) in remainder; or
- 7 (3) upon condition;

8 the court shall appoint a special guardian ad litem who is not related to  
9 any of the parties interested in the property. The living members stand  
10 for and represent the whole class, and the parties stand for and  
11 represent the full title and whole interest in the property.

12 SECTION 137. IC 32-18-1-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the trustee fails to  
14 comply with the provisions of sections 1 through 4 of this chapter,  
15 the judge of the circuit court, **superior court, or probate court**, or the  
16 clerk of the circuit court may, at the instance of the assignor or a  
17 creditor, by petition:

- 18 (1) remove the trustee; and
- 19 (2) appoint another suitable person as trustee.

20 (b) A replacement trustee shall:

- 21 (1) comply with the requirements specified in this chapter;
- 22 (2) immediately take possession and control of the property  
23 assigned; and
- 24 (3) enter upon the execution of the trust, as provided in this  
25 chapter.

26 SECTION 138. IC 32-18-1-11 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The trustee shall,  
28 within six (6) months after beginning the duties of the trust, report to  
29 the judge of the circuit court, **superior court, or probate court**, under  
30 oath:

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

35 The trustee shall also, in the report, list all claims of creditors that have  
36 been presented to the trustee against the assignor. The trustee shall  
37 denote the claims that the trustee concludes should be allowed and  
38 those that the trustee determines not to allow.

39 SECTION 139. IC 32-18-1-13 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A part of the  
41 property assigned on which there are liens or encumbrances may be  
42 sold by the trustee subject to the liens or encumbrances.



1 (b) However, if the trustee is satisfied that the general fund would  
 2 be materially increased by the payment of the liens or encumbrances,  
 3 the trustee shall make application, by petition, to the judge of the  
 4 circuit court, **superior court, or probate court** for an order to pay the  
 5 liens and encumbrances before selling the property. Before the holder  
 6 of any lien or encumbrance is entitled to receive any part of the holder's  
 7 debt from the general fund, the holder shall proceed to enforce the  
 8 payment of the debt by sale, or otherwise, of the property on which the  
 9 lien or encumbrance exists. For the residue of the claim, the holder of  
 10 the lien or encumbrance shall share pro rata with the other creditors, if  
 11 entitled to do so under Indiana law.

12 SECTION 140. IC 32-18-1-19 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) The judge of the  
 14 circuit court, **superior court, or probate court** may, upon the petition  
 15 of a creditor or the assignor, remove a trustee under this chapter for  
 16 good cause shown and appoint a successor.

17 (b) If a vacancy occurs by death, resignation, or removal of a trustee  
 18 from Indiana, the judge may fill the vacancy and shall order a trustee  
 19 who is removed to surrender all property in the trustee's hands  
 20 belonging to the trust to the successor. The court may require a trustee  
 21 removed under this section to pay to the clerk of the court all money in  
 22 the trustee's hands, and on or before the next term, the trustee shall  
 23 make and file a full and final report showing the condition of the trust  
 24 and the trustee's management of the trust while under the trustee's  
 25 control. If the court is satisfied with the report and the trustee has fully  
 26 complied with this chapter and paid all money in the trustee's hands to  
 27 the clerk of the court, the court may discharge the trustee.

28 SECTION 141. IC 32-23-8-4 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The owner of a lease  
 30 that is canceled by a county recorder under this chapter may, not more  
 31 than six (6) months after the date of cancellation of the lease, appeal  
 32 the order and record of cancellation in the circuit court, **superior**  
 33 **court, or probate court** of the county in which the land is located.

34 SECTION 142. IC 32-23-12-8, AS ADDED BY P.L.94-2009,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2016]: Sec. 8. (a) The person seeking to create a trust for an  
 37 interest in coal land for the purpose of leasing and developing the coal  
 38 interest shall join as a defendant each person who has a legal interest  
 39 in the coal land, except for any plaintiffs or persons having a legal  
 40 interest in the coal land who at the time of the action are parties to a  
 41 valid and existing lease granting to the plaintiff the mining rights  
 42 sought by the plaintiff. A person who might have a contingent or future



1 interest in the coal land is bound by the judgment entered in the  
2 proceedings.

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

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

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

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

10 (4) The apparent interest of each defendant in the coal within the  
11 coal land.

12 (5) A statement that the plaintiff is willing to purchase a mineral  
13 lease covering the interest of each defendant and that the  
14 existence of these unleased mineral interests is detrimental to and  
15 impairs the enjoyment of the interest of the plaintiff.

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

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

20 (e) If it appears to the court that a person who is not in being, but  
21 upon coming into being, is or may be entitled to any interest in the  
22 property sought to be leased, the court shall appoint a guardian ad litem  
23 to appear for and represent the interest in the proceeding and to defend  
24 the proceeding on behalf of the person not in being. A judgment or  
25 order entered by the circuit court in the proceeding is effective against  
26 the person not in being.

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

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

29 (2) the prevailing terms of similar coal leases obtained in the  
30 vicinity of the coal land in the petition, including the length of the  
31 lease term, bonus money, delay rentals, royalty rates, and other  
32 forms of lease payments.

33 If, upon taking evidence and hearing testimony, the court determines  
34 that the material allegations of the petition are true and that there has  
35 been compliance with the required notice provisions, the court shall  
36 enter an order determining the interest of each defendant in the coal  
37 land sought to be leased. The court shall also appoint a trustee for the  
38 purpose of executing in favor of the plaintiff a coal lease covering the  
39 interest of each defendant. The court's judgment appointing the trustee  
40 and authorizing the execution of the lease must specify the minimum  
41 terms that may be accepted by the trustee. Those terms must be  
42 substantially consistent with the terms of other similar coal leases



1 obtained in the vicinity as determined by the court. The terms of the  
 2 coal lease also must be substantially consistent with the terms of other  
 3 existing leases, if any, covering the remaining coal interests in the land  
 4 described in the petition.

5 (g) The coal land to be covered by a coal lease must be contiguous.  
 6 To the extent that any of the coal land described in the petition is not  
 7 contiguous to other coal land in the petition, that coal land must be  
 8 subject to separate coal leases.

9 (h) The court shall determine a reasonable fee to be paid to the  
 10 trustee and the trustee's reasonable attorney's fees and costs of the  
 11 proceeding, which shall be paid by the plaintiff.

12 (i) Each plaintiff shall promptly furnish to the court a report of  
 13 proceedings of the evidence received and testimony taken at the  
 14 hearing on the petition. The report of proceedings shall be filed and  
 15 made a part of the case record.

16 (j) In proceedings under this chapter, the circuit **court**, superior  
 17 court, **or probate court** may:

- 18 (1) investigate and determine questions of conflicting or
- 19 controverted titles;
- 20 (2) remove invalid and inapplicable encumbrances from the title
- 21 to the coal land; and
- 22 (3) establish and confirm the title to the coal or the right to mine
- 23 and remove coal from any of the coal land.

24 SECTION 143. IC 32-24-1-3, AS AMENDED BY P.L.110-2007,  
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2016]: Sec. 3. (a) Any person that may exercise the power of  
 27 eminent domain for any public use under any statute may exercise the  
 28 power only in the manner provided in this article, except as otherwise  
 29 provided by law.

30 (b) Except as provided in subsection (g), before proceeding to  
 31 condemn, the person:

- 32 (1) may enter upon any land to examine and survey the property
- 33 sought to be acquired; and
- 34 (2) must make an effort to purchase for the use intended the land,
- 35 right-of-way, easement, or other interest, in the property.

36 (c) The effort to purchase under subsection (b)(2) must include the  
 37 following:

- 38 (1) Establishing a proposed purchase price for the property.
- 39 (2) Providing the owner of the property with an appraisal or other
- 40 evidence used to establish the proposed purchase price.
- 41 (3) Conducting good faith negotiations with the owner of the
- 42 property.



1 (d) If the land or interest in the land, or property or right is owned  
 2 by a person who is an incapacitated person (as defined in  
 3 IC 29-3-1-7.5) or less than eighteen (18) years of age, the person  
 4 seeking to acquire the property may purchase the property from the  
 5 guardian of the incapacitated person or person less than eighteen (18)  
 6 years of age. If the purchase is approved by the court appointing the  
 7 guardian and the approval is written upon the face of the deed, the  
 8 conveyance of the property purchased and the deed made and approved  
 9 by the court are valid and binding upon the incapacitated person or  
 10 persons less than eighteen (18) years of age.

11 (e) The deed given, when executed instead of condemnation,  
 12 conveys only the interest stated in the deed.

13 (f) If property is taken by proceedings under this article, the entire  
 14 fee simple title may be taken and acquired.

15 (g) This subsection applies to a public utility (as defined in  
 16 IC 32-24-1-5.9(a)) or a pipeline company (as defined in IC 8-1-22.6-7).  
 17 If a public utility or a pipeline company seeks to acquire land or an  
 18 interest in land under this article, the public utility or pipeline company  
 19 may not enter upon the land to examine or survey the property sought  
 20 to be acquired unless either of the following occur:

21 (1) The public utility or the pipeline company sends notice by  
 22 certified mail to the affected landowner (as defined in  
 23 IC 8-1-22.6-2) of the public utility's or the pipeline company's  
 24 intention to enter upon the landowner's property for survey  
 25 purposes. The notice required by this subdivision must be mailed  
 26 not later than fourteen (14) days before the date of the public  
 27 utility's or the pipeline company's proposed examination or  
 28 survey.

29 (2) The public utility or the pipeline company receives the  
 30 landowner's signed consent to enter the property to perform the  
 31 proposed examination or survey.

32 An affected landowner may bring an action to enforce this subsection  
 33 in the circuit court, **superior court, or probate court** of the county in  
 34 which the landowner's property is located. A prevailing landowner is  
 35 entitled to the landowner's actual damages as a result of the public  
 36 utility's or the pipeline company's violation. In addition, the court may  
 37 award a prevailing landowner reasonable costs of the action and  
 38 attorney's fees.

39 SECTION 144. IC 32-30-10-3, AS AMENDED BY P.L.105-2009,  
 40 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2016]: Sec. 3. (a) Subject to IC 32-30-10.5 with respect to  
 42 mortgage transactions described in IC 32-30-10.5-5, if a mortgagor



1 defaults in the performance of any condition contained in a mortgage,  
 2 the mortgagee or the mortgagee's assigns may proceed in the circuit  
 3 court, **superior court, or probate court** of the county where the real  
 4 estate is located to foreclose the equity of redemption contained in the  
 5 mortgage.

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

10 SECTION 145. IC 32-33-4-4, AS AMENDED BY P.L.173-2013,  
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2016]: Sec. 4. (a) To perfect the lien provided for in section  
 13 3 of this chapter, the hospital must file for record in the office of the  
 14 recorder of the county in which the hospital is located, within ninety  
 15 (90) days after the person is discharged or not later than the date of the  
 16 final settlement, compromise, or resolution of the cause of action, suit,  
 17 or claim accruing to the patient, whichever occurs first, a verified  
 18 statement in writing stating:

- 19 (1) the name and address of the patient as it appears on the  
 20 records of the hospital;  
 21 (2) the name and address of the operator of the hospital;  
 22 (3) the dates of the patient's admission to and discharge from the  
 23 hospital;  
 24 (4) the amount claimed to be due for the hospital care; and  
 25 (5) to the best of the hospital's knowledge, the names and  
 26 addresses of anyone claimed by the patient or the patient's legal  
 27 representative to be liable for damages arising from the patient's  
 28 illness or injury.

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

- 31 (1) to each person claimed to be liable because of the illness or  
 32 injury at the address given in the statement;  
 33 (2) to the attorney representing the patient if the name of the  
 34 attorney is known or with reasonable diligence could be  
 35 discovered by the hospital; and  
 36 (3) to the department of insurance as notice to insurance  
 37 companies doing business in Indiana.

38 (c) The filing of a claim under subsections (a) and (b) is notice to  
 39 any person, firm, limited liability company, or corporation that may be  
 40 liable because of the illness or injury if the person, firm, limited  
 41 liability company, or corporation:

- 42 (1) receives notice under subsection (b);



1 (2) resides or has offices in a county where the lien was perfected  
 2 or in a county where the lien was filed in the recorder's office as  
 3 notice under this subsection; or

4 (3) is an insurance company authorized to do business in Indiana  
 5 under IC 27-1-3-20.

6 (d) A lien:

7 (1) is effective under this chapter on the date a hospital complies  
 8 with subsections (a) and (b); and

9 (2) may not be made retroactive to any prior date.

10 (e) A person desiring to contest a lien or the reasonableness of the  
 11 charges claimed by the hospital may do so by filing a motion to quash  
 12 or reduce the claim in the circuit court, **superior court, or probate**  
 13 **court** in which the lien was perfected, making all other parties of  
 14 interest respondents.

15 SECTION 146. IC 33-37-3-5 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The prepayment of  
 17 fees under this chapter is not required in an appeal of a civil matter to  
 18 a circuit court, **superior court, or probate court** from a court of  
 19 inferior jurisdiction.

20 SECTION 147. IC 33-37-5-11 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section  
 22 applies to an action in a ~~circuit~~ court in a county that has established a  
 23 program under IC 9-30-9.

24 (b) The probation department shall collect an alcohol abuse  
 25 deterrent program fee and a medical fee set by the court under  
 26 IC 9-30-9-8 and deposit the fee into the supplemental adult probation  
 27 services fund.

28 SECTION 148. IC 33-38-13-32 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. If a witness in a  
 30 commission proceeding:

31 (1) fails or refuses to attend upon subpoena; or

32 (2) refuses to testify or produce documentary evidence demanded  
 33 by subpoena;

34 a circuit court, **superior court, or probate court** may enforce the  
 35 subpoena.

36 SECTION 149. IC 33-38-13-34 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. (a) In all formal  
 38 proceedings, discovery is available to the commission and the judge or  
 39 justice under the Indiana Rules of Civil Procedure. A motion requesting  
 40 a discovery order must be made to the circuit court, **superior court, or**  
 41 **probate court** judge in the county in which the commission hearing is  
 42 held.



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

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

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

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

9 (B) are relevant to the hearing; and

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

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

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

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

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

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

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

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

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

30 The counsel shall comply with a request under this subsection not more  
 31 than ten (10) days after receiving the request and not more than ten  
 32 (10) days after the counsel becomes aware of the information or  
 33 evidence.

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

37 (1) institute formal proceedings against the justice or judge; or

38 (2) enter a formal finding that there is not probable cause to  
 39 believe that the justice or judge is guilty of any misconduct.

40 The commission shall comply with a request under this subsection not  
 41 more than sixty (60) days after receiving the request. A copy of the  
 42 request shall be filed with the supreme court. If the commission finds





1 that there is not probable cause, the commission shall file the finding  
 2 with the supreme court. A document filed with the supreme court under  
 3 this subsection is a matter of public record.

4 SECTION 150. IC 33-38-14-34 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. If a witness in a  
 6 commission proceeding:

- 7 (1) fails or refuses to attend upon subpoena; or  
 8 (2) refuses to testify or produce documentary evidence demanded  
 9 by subpoena;

10 a circuit court, **superior court, or probate court** may enforce the  
 11 subpoena.

12 SECTION 151. IC 33-38-14-36 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. (a) In all formal  
 14 proceedings, discovery is available to the commission and the judge  
 15 under the Indiana Rules of Civil Procedure. A motion requesting a  
 16 discovery order must be made to the circuit court, **superior court, or**  
 17 **probate court** in the county in which the commission hearing is held.

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

- 20 (1) The names and addresses of all witnesses whose testimony the  
 21 counsel expects to offer at the hearing.  
 22 (2) Copies of all written statements and transcripts of testimony  
 23 of witnesses described in subdivision (1) that:  
 24 (A) are in the possession of the counsel or the commission;  
 25 (B) are relevant to the hearing; and  
 26 (C) have not been provided to the judge.  
 27 (3) Copies of all documentary evidence that the counsel expects  
 28 to introduce at the hearing.

29 (c) On objection by a judge, the testimony of a witness whose name  
 30 and address have not been furnished to the judge and documentary  
 31 evidence that has not been furnished to the judge, are not admissible at  
 32 a hearing.

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

- 39 (1) are in the commission counsel's possession at any time;  
 40 (2) are relevant to a charge against or defense of the judge; and  
 41 (3) have not been furnished to the judge.

42 The counsel shall comply with the request not more than ten (10) days



1 after receiving the request or not more than ten (10) days after any  
2 information or evidence becomes known to the counsel.

3 (e) During an investigation by the commission, a judge whose  
4 conduct is being investigated may demand in writing that the  
5 commission institute formal proceedings against the judge or enter a  
6 formal finding that there is not probable cause to believe the judge is  
7 guilty of misconduct. Not more than sixty (60) days after receiving a  
8 written demand, the commission shall comply with the demand. A copy  
9 of the demand shall be filed in the supreme court and is a matter of  
10 public record. If the commission finds there is not probable cause, the  
11 finding shall be filed in the supreme court and is a matter of public  
12 record.

13 SECTION 152. IC 33-39-1-4 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) When a  
15 prosecuting attorney receives information of the commission of a  
16 felony or misdemeanor, the prosecuting attorney shall cause process to  
17 issue from a court (~~except the circuit court~~) having jurisdiction to issue  
18 the process to the proper officer, directing the officer to subpoena the  
19 persons named in the process who are likely to have information  
20 concerning the commission of the felony or misdemeanor. The  
21 prosecuting attorney shall examine a person subpoenaed before the  
22 court that issued the process concerning the offense.

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

- 26 (1) cause the testimony that amounts to a charge of a felony or  
27 misdemeanor to be reduced to writing and subscribed and sworn  
28 to by the witness; and
- 29 (2) issue process for the apprehension of the accused, as in other  
30 cases.

31 SECTION 153. IC 33-40-5-5 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The ~~division of state~~  
33 ~~court administration of the supreme court~~ **commission** shall ~~provide~~  
34 ~~general hire~~ staff ~~to~~ support ~~to~~ the commission. The ~~division of state~~  
35 ~~court administration~~ **commission** may enter into contracts for any  
36 additional staff support that the ~~division~~ **commission** determines is  
37 necessary to implement this section.

38 SECTION 154. IC 34-17-2-1, AS AMENDED BY P.L.146-2008,  
39 SECTION 678, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An information described in  
41 IC 34-17-1-1 may be filed:

- 42 (1) by the prosecuting attorney in the circuit court, **superior**



1 **court, or probate court** of the proper county, upon the  
 2 prosecuting attorney's own relation, whenever the prosecuting  
 3 attorney:

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

6 (B) is directed by the court or other competent authority; or  
 7 (2) by any other person on the person's own relation, whenever  
 8 the person claims an interest in the office, franchise, or  
 9 corporation that is the subject of the information.

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

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

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

17 SECTION 155. IC 34-17-2-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Following  
 19 forfeiture or escheat of property as described in IC 34-17-1-3, an  
 20 information may be filed by the prosecuting attorney in the circuit  
 21 court, **superior court, or probate court** for the recovery of the  
 22 property, alleging the ground on which the recovery is claimed.

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

25 SECTION 156. IC 34-25.5-2-3 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The ~~criminal circuit~~  
 27 **judges of any courts with criminal jurisdiction** in Indiana may:

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

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

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

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

35 SECTION 157. IC 34-25.5-5-1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as  
 37 provided in subsection (b), the court or judge shall not inquire into the  
 38 legality of any judgment or process by which the party is in custody, or  
 39 discharge the party when the term of commitment has not expired in  
 40 any of the following cases:

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



- 1 (2) Upon any process issued on a final judgment of a court of
- 2 competent jurisdiction.
- 3 (3) For any contempt of any court, officer, or body with authority
- 4 to commit.
- 5 (4) Upon a warrant issued from the circuit court, **superior court,**
- 6 **or probate court** upon an indictment or information.
- 7 (b) Subsection (a)(1), (a)(2), and (a)(3) do not include an order of
- 8 commitment, as for contempt, upon proceedings to enforce the remedy
- 9 of a party.
- 10 SECTION 158. IC 34-26-1-3 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Restraining
- 12 orders and injunctions may be granted by the circuit courts, **superior**
- 13 **courts, or probate courts,** or the judges of the circuit courts, **superior**
- 14 **courts, or probate courts,** in their respective counties.
- 15 (b) If the circuit court, **superior court, or probate court** judges are:
- 16 (1) absent from their circuits; or
- 17 (2) by reason of sickness or other cause unable or incompetent to
- 18 hear and determine the granting of a temporary injunction or
- 19 restraining order;
- 20 any circuit court, **superior court, or probate court** judge of an
- 21 adjoining circuit may hear and determine the granting of a temporary
- 22 injunction or restraining order.
- 23 SECTION 159. IC 34-26-1-4 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The regular
- 25 presiding judge in the county where the petition was filed shall hear
- 26 and determine whether an injunction or restraining order issued under
- 27 section 3(b) of this chapter (or IC 34-1-10-1 before its repeal) shall be
- 28 made permanent.
- 29 (b) The circuit courts, **superior courts, or probate courts,** or the
- 30 circuit court, **superior court, or probate court** judges may, in any
- 31 county of the circuit, issue restraining orders or injunctions to operate
- 32 in any other county in the circuit.
- 33 (c) All petitions for restraining orders and injunctions shall be filed
- 34 in the clerk's office in the county in which the order or injunction is
- 35 requested.
- 36 SECTION 160. IC 34-28-2-2, AS AMENDED BY P.L.61-2010,
- 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2016]: Sec. 2. (a) The petition described in section 1 of this
- 39 chapter must:
- 40 (1) if applicable, include the information required by section 2.5
- 41 of this chapter;
- 42 (2) in the case of a petition filed by a person described in section



1 2.5 of this chapter, be subscribed and sworn to (or affirmed):

2 (A) under the penalties of perjury; and

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

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

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

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

16 SECTION 161. IC 34-49-5-1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Appeal bonds for  
18 appeals taken to circuit courts, **superior courts, or probate courts** are  
19 governed by IC 34-56-2.

20 SECTION 162. IC 34-52-1-9 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. In all cases where  
22 lands are attached and judgment rendered in favor of the plaintiff in the  
23 circuit court, **superior court, or probate court**, in which the sum  
24 claimed, or the judgment rendered is less than fifty dollars (\$50), the  
25 plaintiff shall recover costs if the attachment against the land is  
26 sustained by the court.

27 SECTION 163. IC 34-56-2-1 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies  
29 to all cases in which:

30 (1) an appeal is taken from:

31 (A) a board of county commissioners, viewers, or  
32 commissioners to assess damages; or

33 (B) any other person or tribunal;

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

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

36 (A) in substance or form; or

37 (B) for want of proper approval.

38 SECTION 164. IC 34-56-2-2 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The circuit court,  
40 **superior court, or probate court** shall not dismiss a case on account  
41 of the defect or informality of the appeal bond if the appellant, when  
42 required by the court to which the appeal is taken, files in the court a



1 sufficient bond, with surety to the acceptance of the court, in the sum  
2 required by the court.

3 SECTION 165. IC 36-2-2-7 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the executive  
5 finds that two (2) or more of its members are disqualified from acting  
6 in a quasi-judicial proceeding, the disqualified members shall cease to  
7 act in that proceeding. Within ten (10) days after the finding, the  
8 county auditor shall send a certified copy of the record of the  
9 proceeding to the judge of the circuit court, **superior court, or**  
10 **probate court** for the county. If the judge affirms the disqualification  
11 of the members of the executive, ~~he~~ **the judge** shall appoint  
12 disinterested and competent persons to serve as special members of the  
13 executive in the proceeding.

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

20 SECTION 166. IC 36-2-2-27 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) A party to a  
22 proceeding before the executive who is aggrieved by a decision of the  
23 executive may appeal that decision to the circuit court, **superior court,**  
24 **or probate court** for the county.

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

28 (1) specifically setting forth ~~his~~ **the person's** interest in the matter  
29 decided; and

30 (2) alleging that ~~he~~ **the person** is aggrieved by the decision of the  
31 executive.

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

35 SECTION 167. IC 36-2-2-29 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) An appeal under  
37 section 27 of this chapter shall be docketed among the other causes  
38 pending in the circuit court, **superior court, or probate court,** and  
39 shall be tried as an original cause.

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

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



1           (2) remanding the cause to the executive with directions as to how  
 2           to proceed;  
 3           and may require the executive to comply with this decision.  
 4           SECTION 168. IC 36-2-2.5-12, AS ADDED BY P.L.77-2014,  
 5           SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2016]: Sec. 12. (a) If the single county executive is  
 7           disqualified from acting in a quasi-judicial proceeding, the single  
 8           county executive shall cease to act in that proceeding. Not later than  
 9           ten (10) days after the finding that the single county executive is  
 10          disqualified to act in a proceeding, the county auditor shall send a  
 11          certified copy of the record of the proceeding to the judge of the circuit  
 12          court, **superior court, or probate court** for the county. If the judge  
 13          affirms the disqualification of the single county executive, the judge  
 14          shall appoint a disinterested and competent person to serve as a special  
 15          executive in the proceeding.  
 16          (b) A person who consents to serve as a special executive must have  
 17          the same qualifications as an elected single county executive. The  
 18          person's appointment and oath shall be filed with the county auditor  
 19          and entered on the records of the single county executive. A person  
 20          appointed as a special executive may conduct the proceeding until a  
 21          final determination is reached.  
 22          SECTION 169. IC 36-2-2.5-17, AS ADDED BY P.L.77-2014,  
 23          SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24          JULY 1, 2016]: Sec. 17. (a) An appeal under section 16 of this chapter  
 25          shall be docketed among the other causes pending in the circuit court,  
 26          **superior court, or probate court**, and shall be tried as an original  
 27          cause.  
 28          (b) A court may decide an appeal under section 16 of this chapter  
 29          by:  
 30                  (1) affirming the decision of the single county executive; or  
 31                  (2) remanding the cause to the single county executive with  
 32                  directions as to how to proceed;  
 33          and may require the single county executive to comply with this  
 34          decision.  
 35          SECTION 170. IC 36-2-12-14 IS AMENDED TO READ AS  
 36          FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) The owner of  
 37          property surveyed under this chapter may appeal that survey to the  
 38          circuit court, **superior court, or probate court** for the county:  
 39                  (1) within ninety (90) days if ~~he~~ **the owner** is a resident of the  
 40                  county and was served with notice of the survey; or  
 41                  (2) within one (1) year if ~~he~~ **the owner** is not a resident of the  
 42                  county and notice was by publication.



- 1 (b) When an appeal is taken under this section, the surveyor shall
- 2 immediately transmit copies of the relevant field notes and other papers
- 3 to the court, without requiring an appeal bond.
- 4 (c) The court may receive evidence of any other surveys of the same
- 5 premises. If the court decides against the original survey, it may order
- 6 a new survey to be made by a competent person other than the person
- 7 who did the original survey, and it shall:
- 8 (1) determine the true boundary lines and corners of the lands
- 9 included in the survey; and
- 10 (2) order the county surveyor to:
- 11 (A) locate and perpetuate the boundary lines and corners
- 12 according to the court's findings by depositing durable markers
- 13 in the proper places, below the freezing point;
- 14 (B) mark the boundary lines and corners; and
- 15 (C) enter the boundary lines and corners in ~~his~~ **the county**
- 16 **surveyor's** field notes.
- 17 (d) A new survey made under this section may be appealed under
- 18 this section.
- 19 SECTION 171. IC 36-4-3-18 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) An order under
- 21 section 17 of this chapter may be appealed to the circuit court,
- 22 **superior court, or probate court** for the county in which any part of
- 23 the affected territory is located. If an appeal is brought, the matters
- 24 determined at the original hearing shall be tried de novo, and the circuit
- 25 court's, **superior court's, or probate court's** order may be appealed
- 26 in the same manner as other civil actions are tried and appealed. The
- 27 municipality involved in the disannexation may, by its attorney, appear
- 28 and defend its interests in the proceeding.
- 29 (b) The appellant or appellants in the circuit court, **superior court,**
- 30 **or probate court** shall give to the clerk of the municipality a bond:
- 31 (1) with a solvent, freehold surety who is a resident of the county
- 32 in which the territory is located;
- 33 (2) conditioned on the due prosecution of the appeal and the
- 34 payment of all costs accrued by or to accrue against the appellant
- 35 or appellants; and
- 36 (3) in a sum considered adequate by the clerk.
- 37 If ~~he~~ **the clerk** approves the bond, the clerk shall immediately make a
- 38 transcript of all proceedings in the cause and certify it, together with all
- 39 papers in the cause, to the clerk of the court in which the appeal is
- 40 filed.
- 41 (c) On an appeal under this section, a court may make orders
- 42 concerning streets and alleys, including their vacation, and award





1 damages.

2 SECTION 172. IC 36-4-4-5, AS AMENDED BY P.L.141-2007,  
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2016]: Sec. 5. (a) If uncertainty exists or a dispute arises  
5 concerning the executive or legislative nature of a power or duty  
6 exercised or proposed to be exercised by a branch, officer, department,  
7 or agency of the government of a municipality, a petition may be filed  
8 in the circuit court **or superior court** of the county in which the  
9 municipality is located by the municipal executive, another municipal  
10 elected official, the president of the municipal legislative body, or any  
11 person who alleges and establishes to the satisfaction of the court that  
12 the person is or would be adversely affected by the exercise of the  
13 power; however, in a county that does not contain a consolidated city  
14 and that has a superior court with three (3) or more judges, the petition  
15 shall be filed in the superior court and shall be heard and determined  
16 by the court sitting en banc.

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

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

34 (d) The court shall determine the matters set forth in the petition and  
35 shall affix the responsibility for the exercise of the power or the  
36 performance of the duty, unless it determines that the power or duty  
37 does not exist. Costs of the proceeding shall be paid by the  
38 municipality, except that if an appeal is taken from the decision of the  
39 court by any party to the proceeding other than the municipal  
40 executive, another municipal elected official, or the president of the  
41 municipal legislative body, the costs of the appeal shall be paid by the  
42 unsuccessful party on appeal or in the manner directed by the court



1 deciding the appeal.

2 SECTION 173. IC 36-4-5-8 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Whenever the  
4 executive is absent or going to be absent from the city, ill, or injured,  
5 ~~he~~ **the executive** may designate:

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

8 (2) a member of the city legislative body;  
9 as acting executive, with all the powers of the office. The executive  
10 may exercise this power for a maximum of fifteen (15) days in any  
11 sixty (60) day period.

12 (b) A designation under subsection (a) shall be certified to the  
13 president or president pro tempore and clerk of the city legislative  
14 body. In addition, when the executive resumes ~~his~~ **the executive's**  
15 duties, ~~he~~ **the executive** shall certify to those officers the expiration of  
16 the designation.

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

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

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

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

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

42 SECTION 174. IC 36-4-6-21 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The legislative  
2 body may investigate:

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

8 (b) When conducting an investigation under this section, the  
9 legislative body:

- 10 (1) is entitled to access to all records pertaining to the  
11 investigation; and  
12 (2) may compel the attendance of witnesses and the production of  
13 evidence by subpoena and attachment served and executed in the  
14 county in which the city is located.

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

24 SECTION 175. IC 36-5-1.2-7 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A person aggrieved  
26 by a decision made by the town legislative body under section 6 of this  
27 chapter may appeal the decision to the circuit court, **superior court, or**  
28 **probate court** with jurisdiction in the county in which the town is  
29 located.

30 SECTION 176. IC 36-5-1.2-11 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The circuit  
32 court, **superior court, or probate court** shall hear an appeal under this  
33 chapter without a jury.

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

36 SECTION 177. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,  
37 SECTION 148, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) When twenty-five (25) or  
39 more resident freeholders of a township file a petition with the circuit  
40 court, **superior court, or probate court** of the county, alleging that the  
41 township executive is incapable of performing **his the executive's**  
42 duties due to mental or physical incapacity, the clerk of the court shall



1 issue a summons to be served on the executive. The summons is  
2 returnable not less than ten (10) days from its date of issue.

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

7 (c) If the court finds the executive incapable of performing the  
8 duties of office, the clerk of the court shall certify a copy of the  
9 judgment to the county executive, which shall, within five (5) days,  
10 appoint a resident of the township as acting executive of the township  
11 during the incapacity of the executive.

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

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

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

23 (g) If the court finds the executive capable of resuming duties, the  
24 clerk of the court shall certify a copy of the judgment to the county  
25 executive, which shall, within five (5) days, revoke the appointment of  
26 the acting executive.

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

29 SECTION 178. IC 36-7-3-12 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Persons who:

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

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

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

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

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

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



- 1 (1) state the circumstances of the case;  
 2 (2) specifically describe the property proposed to be vacated; and  
 3 (3) give the names and addresses of all owners of land that abuts  
 4 the property proposed to be vacated.
- 5 (c) The legislative body shall hold a hearing on the petition within  
 6 thirty (30) days after it is received. The clerk of the legislative body  
 7 shall give notice of the petition and of the time and place of the  
 8 hearing:
- 9 (1) in the manner prescribed in IC 5-3-1; and  
 10 (2) by certified mail to each owner of land that abuts the property  
 11 proposed to be vacated.
- 12 The petitioner shall pay the expense of providing this notice.
- 13 (d) The hearing on the petition is subject to IC 5-14-1.5. At the  
 14 hearing, any person aggrieved by the proposed vacation may object to  
 15 it as provided by section 13 of this chapter.
- 16 (e) After the hearing on the petition, the legislative body may, by  
 17 ordinance, vacate the public way or public place. The clerk of the  
 18 legislative body shall furnish a copy of each vacation ordinance to the  
 19 county recorder for recording and to the county auditor.
- 20 (f) Within thirty (30) days after the adoption of a vacation  
 21 ordinance, any aggrieved person may appeal the ordinance to the  
 22 circuit court, **superior court, or probate court** of the county. The  
 23 court shall try the matter de novo and may award damages.
- 24 SECTION 179. IC 36-7-5.1-11, AS AMENDED BY P.L.119-2012,  
 25 SECTION 197, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Each member of the  
 27 commission must have:
- 28 (1) knowledge and experience regarding affairs in the joint  
 29 district;  
 30 (2) awareness of the social, economic, agricultural, and industrial  
 31 conditions of the joint district; and  
 32 (3) an interest in the development of the joint district.
- 33 (b) A challenge to the appointment of a member based on the  
 34 qualifications described in subsection (a) must be filed within thirty  
 35 (30) days after the appointment. The challenge may be filed in the  
 36 circuit court, **superior court, or probate court** of any county that  
 37 contains the entire joint district or any part of the joint district.
- 38 (c) Except as provided in subsection (d), a member must be a  
 39 resident of a county where a part of the joint district is located or reside  
 40 within ten (10) miles of the borders of the district.
- 41 (d) In a joint district that contains all or part of a county having a  
 42 population of more than seventy-five thousand (75,000) but less than



1 seventy-seven thousand (77,000), two (2) of the members appointed by  
 2 the legislative body of that county under section 9(1) of this chapter  
 3 must, in addition to the requirements of subsections (a) and (b), be  
 4 residents of any township that is entirely or partially located within the  
 5 joint district.

6 SECTION 180. IC 36-8-3.5-17 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) The commission  
 8 may take the following disciplinary actions against a regular member  
 9 of the department:

- 10 (1) Suspension with or without pay.  
 11 (2) Demotion.  
 12 (3) Dismissal.

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

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

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

36 (c) If the chief of the department, after an investigation within the  
 37 department, prefers charges against a member of the department for an  
 38 alleged breach of discipline under subsection (b), including any civilian  
 39 complaint of an alleged breach of discipline under subsection (b)(2)(F),  
 40 (b)(2)(G), or (b)(2)(H), a hearing shall be conducted upon the request  
 41 of the member. If a hearing is requested within five (5) days of the  
 42 chief preferring charges, the parties may by agreement designate a



1 hearing officer who is qualified by education, training, or experience.  
 2 If the parties do not agree within this five (5) day period, the  
 3 commission may hold the hearing or designate a person or board to  
 4 conduct the hearing, as provided in the commission's rules. The  
 5 designated person or board must be qualified by education, training, or  
 6 experience to conduct such a hearing and may not hold an upper level  
 7 policy making position. The hearing conducted under this subsection  
 8 shall be held within thirty (30) days after it is requested by the member.

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

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

24 (e) The commission may:

- 25 (1) compel the attendance of witnesses by issuing subpoenas;
- 26 (2) examine witnesses under oath; and
- 27 (3) order the production of books, papers, and other evidence by  
 28 issuing subpoenas.

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

39 (g) Disobedience of a summons constitutes contempt of the circuit  
 40 court, **superior court, or probate court** from which the summons has  
 41 been issued. Expenses related to the filing of an affidavit and the  
 42 issuance and service of a summons shall be charged to the witness



1 against whom the summons has been issued, unless the circuit court,  
 2 **superior court, or probate court** finds that the action of the witness  
 3 was taken in good faith and with reasonable cause. In that case, and in  
 4 any case in which an affidavit has been filed without the issuance of a  
 5 summons, the expenses shall be charged to the commission.

6 (h) A decision to discipline a member may be made only if the  
 7 preponderance of the evidence presented at the hearing indicates such  
 8 a course of action.

9 (i) A member who is aggrieved by the decision of a person or board  
 10 designated to conduct a disciplinary hearing under subsection (c) may  
 11 appeal to the commission within ten (10) days of the decision. The  
 12 commission shall on appeal review the record and either affirm,  
 13 modify, or reverse the decision on the basis of the record and such oral  
 14 or written testimony that the commission determines, including  
 15 additional or newly discovered evidence.

16 (j) The commission, or the designated person or board, shall keep  
 17 a record of the proceedings in cases of suspension, demotion, or  
 18 dismissal. The commission shall give a free copy of the transcript to the  
 19 member upon request if an appeal is filed.

20 SECTION 181. IC 36-8-5-8 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A police officer  
 22 or firefighter desiring to return to service in the police or fire  
 23 department shall report to the person responsible for regulating and  
 24 employing members of the department. This action must be taken  
 25 within sixty (60) days after honorable discharge from military service  
 26 or government war work.

27 (b) Within fifteen (15) days after the police officer or firefighter  
 28 reports to the department, the police officer or firefighter shall be  
 29 placed on duty at the rank held at the time of entering military service  
 30 or government war work.

31 (c) If a member of the police or fire department is refused a proper  
 32 assignment under subsection (b), ~~he~~ **the member of the police or fire**  
 33 **department** may file an action in the circuit court, **superior court, or**  
 34 **probate court** of the county in the manner prescribed by IC 36-8-3-4.

35 SECTION 182. IC 36-8-10-3, AS AMENDED BY P.L.184-2015,  
 36 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2016]: Sec. 3. (a) The fiscal body of each county shall, by  
 38 ordinance, establish a sheriff's merit board to be known as the  
 39 \_\_\_\_\_ county sheriff's merit board (inserting  
 40 the name of the county).

41 (b) The board consists of five (5) members. Three (3) members shall  
 42 be appointed by the sheriff, and two (2) members shall be elected by a





1 majority vote of the members of the county police force under  
2 procedures established by the sheriff's merit board. However:

- 3 (1) an active county police officer;  
4 (2) a relative (as defined in IC 36-1-20.2-8) of an active county  
5 police officer; or  
6 (3) a relative (as defined in IC 36-1-20.2-8) of the sheriff;

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

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

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

28 SECTION 183. IC 36-8-10-11, AS AMENDED BY P.L.135-2012,  
29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2016]: Sec. 11. (a) The sheriff may dismiss, demote, or  
31 temporarily suspend a county police officer for cause after preferring  
32 charges in writing and after a fair public hearing before the board,  
33 which is reviewable in the circuit court, **superior court, or probate**  
34 **court**. Written notice of the charges and hearing must be delivered by  
35 certified mail to the officer to be disciplined at least fourteen (14) days  
36 before the date set for the hearing. The officer may be represented by  
37 counsel. The board shall make specific findings of fact in writing to  
38 support its decision.

39 (b) The sheriff may temporarily suspend an officer with or without  
40 pay for a period not exceeding fifteen (15) days, without a hearing  
41 before the board, after preferring charges of misconduct in writing  
42 delivered to the officer.



1 (c) A county police officer may not be dismissed, demoted, or  
2 temporarily suspended because of political affiliation nor after the  
3 officer's probationary period, except as provided in this section. Subject  
4 to IC 3-5-9, an officer may:

5 (1) be a candidate for elective office and serve in that office if  
6 elected;

7 (2) be appointed to an office and serve in that office if appointed;  
8 and

9 (3) except when in uniform or on duty, solicit votes or campaign  
10 funds for the officer or others.

11 (d) The board has subpoena powers enforceable by the circuit court,  
12 **superior court, or probate court** for hearings under this section. An  
13 officer on probation may be dismissed by the sheriff without a right to  
14 a hearing.

15 (e) An appeal under subsection (a) must be taken by filing in court,  
16 within thirty (30) days after the date the decision is rendered, a verified  
17 complaint stating in a concise manner the general nature of the charges  
18 against the officer, the decision of the board, and a demand for the  
19 relief asserted by the officer. A bond must also be filed that guarantees  
20 the appeal will be prosecuted to a final determination and that the  
21 plaintiff will pay all costs only if the court finds that the board's  
22 decision should be affirmed. The bond must be approved as bonds for  
23 costs are approved in other cases. The county must be named as the  
24 sole defendant and the plaintiff shall have a summons issued as in other  
25 cases against the county. Neither the board nor the members of it may  
26 be made parties defendant to the complaint, but all are bound by  
27 service upon the county and the judgment rendered by the court.

28 (f) All appeals shall be tried by the court. The appeal shall be heard  
29 de novo only upon any new issues related to the charges upon which  
30 the decision of the board was made. Within ten (10) days after the  
31 service of summons, the board shall file in court a complete written  
32 transcript of all papers, entries, and other parts of the record relating to  
33 the particular case. Inspection of these documents by the person  
34 affected, or by the person's agent, must be permitted by the board  
35 before the appeal is filed, if requested. The court shall review the  
36 record and decision of the board on appeal.

37 (g) The court shall make specific findings and state the conclusions  
38 of law upon which its decision is made. If the court finds that the  
39 decision of the board appealed from should in all things be affirmed,  
40 its judgment should so state. If the court finds that the decision of the  
41 board appealed from should not be affirmed in all things, then the court  
42 shall make a general finding, setting out sufficient facts to show the



1 nature of the proceeding and the court's decision on it. The court shall  
2 either:

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

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

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

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

20 SECTION 184. IC 36-9-2-2, AS AMENDED BY P.L.153-2014,  
21 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2016]: Sec. 2. (a) A unit may establish, aid, maintain, and  
23 operate transportation systems.

24 (b) This subsection applies to an eligible county (as defined by  
25 IC 8-25-1-4) that establishes a public transportation system through a  
26 public transportation project authorized and funded under IC 8-25. The  
27 unit must establish fares and charges that cover at least twenty-five  
28 percent (25%) of the operating expenses of the public transportation  
29 system. For purposes of this subsection, operating expenses include  
30 only those expenses incurred in the operation of fixed route services  
31 that are established or expanded as a result of a public transportation  
32 project authorized and funded under IC 8-25. The unit annually shall  
33 report on the unit's compliance with this subsection not later than sixty  
34 (60) days after the close of the unit's fiscal year. The report must  
35 include information on any fare increases necessary to achieve  
36 compliance. The unit shall submit the report to the department of local  
37 government finance and make the report available electronically  
38 through the Indiana transparency Internet web site established under  
39 IC 5-14-3.8.

40 (c) If a unit fails to prepare and disclose the annual report in the  
41 manner required by subsection (b), any person subject to a tax  
42 described in IC 8-25 may initiate a cause of action in the circuit court,



1 **superior court, or probate court** of the eligible county to compel the  
 2 appropriate officials of the unit to prepare and disclose the annual  
 3 report not later than thirty (30) days after a court order mandating the  
 4 unit to comply with subsection (b) is issued by the ~~circuit~~ court.

5 SECTION 185. IC 36-9-4-58, AS AMENDED BY P.L.153-2014,  
 6 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2016]: Sec. 58. (a) An urban mass transportation system  
 8 operating under this chapter is considered a common carrier not  
 9 operating under a franchise or contract granted by a municipality and  
 10 not regulated by ordinance, and is subject to the authority of the  
 11 department of state revenue under IC 8-2.1 to the same extent as any  
 12 other common carrier. However, in determining the reasonableness of  
 13 the fares and charges of such a system, the department of state revenue  
 14 shall consider, among other factors, the policy of this chapter to foster  
 15 and assure the development and maintenance of urban mass  
 16 transportation systems, and it is not necessary that the operating  
 17 revenues of the system be sufficient to cover the cost to the system of  
 18 providing adequate service.

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

37 (c) If a public transportation corporation fails to prepare and  
 38 disclose the annual report in the manner required by subsection (b), any  
 39 person subject to a tax described in IC 8-25 may initiate a cause of  
 40 action in the circuit court **or superior court** of the eligible county to  
 41 compel the appropriate officials of the public transportation corporation  
 42 to prepare and disclose the annual report not later than thirty (30) days



1 after a court order mandating the public transportation corporation to  
 2 comply with subsection (b) is issued by the circuit court **or superior**  
 3 **court.**  
 4 SECTION 186. IC 36-9-13-22 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) Except as  
 6 provided in subsection (b), the board of directors of a building  
 7 authority, acting in the name of the authority, may:  
 8 (1) finance, improve, construct, reconstruct, renovate, purchase,  
 9 lease, acquire, equip, operate, maintain, and manage land,  
 10 government buildings, or systems for the joint or separate use of  
 11 one (1) or more eligible entities;  
 12 (2) lease all or part of land, government buildings, or systems to  
 13 eligible entities;  
 14 (3) govern, manage, regulate, operate, improve, reconstruct,  
 15 renovate, repair, and maintain any land, government building, or  
 16 system acquired or financed under this chapter;  
 17 (4) sue, be sued, plead, and be impleaded, but all actions against  
 18 the authority must be brought in the circuit court, **superior court,**  
 19 **or probate court** for the county in which the authority is located;  
 20 (5) condemn, appropriate, lease, rent, purchase, and hold any real  
 21 or personal property needed or considered useful in connection  
 22 with government buildings or systems regardless of whether that  
 23 property is then held for a governmental or public use;  
 24 (6) acquire real or personal property by gift, devise, or bequest  
 25 and hold, use, or dispose of that property for the purposes  
 26 authorized by this chapter;  
 27 (7) enter upon any lots or lands for the purpose of surveying or  
 28 examining them to determine the location of a government  
 29 building;  
 30 (8) design, order, contract for, and construct, reconstruct,  
 31 renovate, and maintain land, government buildings, or systems  
 32 and perform any work that is necessary or desirable to improve  
 33 the grounds, premises, and systems under its control;  
 34 (9) determine, allocate, and adjust space in government buildings  
 35 to be used by any eligible entity;  
 36 (10) construct, reconstruct, renovate, maintain, and operate  
 37 auditoriums, public meeting places, and parking facilities in  
 38 conjunction with or as a part of government buildings;  
 39 (11) collect all money that is due on account of the operation,  
 40 maintenance, or management of, or otherwise related to, land,  
 41 government buildings, or systems, and expend that money for  
 42 proper purposes;



- 1 (12) let concessions for the operation of restaurants, cafeterias,
- 2 public telephones, news and cigar stands, and vending machines;
- 3 (13) employ the managers, superintendents, architects, engineers,
- 4 consultants, attorneys, auditors, clerks, foremen, custodians, and
- 5 other employees or independent contractors necessary for the
- 6 proper operation of land, government buildings, or systems and
- 7 fix the compensation of those employees or independent
- 8 contractors, but a contract of employment may not be made for a
- 9 period of more than four (4) years although it may be extended or
- 10 renewed from time to time;
- 11 (14) make and enter into all contracts and agreements necessary
- 12 or incidental to the performance of its duties and the execution of
- 13 its powers under this chapter;
- 14 (15) provide coverage for its employees under IC 22-3 and
- 15 IC 22-4; and
- 16 (16) accept grants and contributions for any purpose specified in
- 17 this subsection.

18 (b) The building authority in a county having a consolidated city  
 19 may not purchase, construct, acquire, finance, or lease any land,  
 20 government building, or system for use by an eligible entity other than  
 21 the consolidated city or county, unless that action is first approved by:  
 22 (1) the city-county legislative body; and  
 23 (2) the governing body of the eligible entity involved.

24 SECTION 187. IC 36-9-28-3 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) In making an  
 26 order for a project under this chapter, the municipal works board shall  
 27 consider whether the project will beneficially or injuriously affect any  
 28 property outside the corporate boundaries of the municipality.

29 (b) If the works board finds that the proposed project will  
 30 injuriously or beneficially affect property outside the corporate  
 31 boundaries of the municipality, it shall file with the circuit court,  
 32 **superior court, or probate court** for the county a record of all the  
 33 proceedings concerning the project, including:

- 34 (1) a list of all persons whose property will be affected, as
- 35 determined from the records of the county at the time the works
- 36 board passes the order for the project; and
- 37 (2) a description of the boundaries of the affected area.

38 The proceedings shall be docketed in the circuit court, **superior court,**  
 39 **or probate court** in the same manner as other civil actions, and the  
 40 court shall fix a time when the proceedings shall be heard.

41 (c) If the works board finds that the proposed project will not affect  
 42 property outside the corporate boundaries of the municipality, it may



1 not proceed with the project under this chapter.

2 SECTION 188. IC 36-9-28-6 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) After the letting  
4 of a contract or contracts under section 5 of this chapter, the ~~circuit~~  
5 court shall appoint three (3) competent, disinterested residents of the  
6 county to serve as the board of assessors for the project. The assessors  
7 shall take an oath to honestly and faithfully perform their duties as  
8 assessors.

9 (b) The board of assessors shall:

- 10 (1) inspect the line of the proposed project and the property  
11 within the area affected by the project;  
12 (2) estimate and assess the benefits against each piece of property  
13 to be benefited by the project;  
14 (3) award damages to each piece of property to be injuriously  
15 affected by the project; and  
16 (4) prepare and file with the clerk of the circuit court an  
17 assessment roll of the assessment against each property owner.

18 The clerk shall then give written notice of the assessment and the right  
19 to appeal by certified mail or personal service upon each of the  
20 property owners being assessed as his name and address appears on the  
21 tax records of the county. The clerk shall make and file in his records  
22 an affidavit of the giving of the notice.

23 (c) Appeals from the assessments may be made to the circuit court  
24 within fifteen (15) days after the time of the filing of the clerk's  
25 affidavit of service. The appeals shall be conducted in the manner  
26 directed by the ~~circuit~~ court.

27 (d) In hearing appeals of assessments, the board of assessors shall:

- 28 (1) sit at the times and places directed by the court;  
29 (2) administer oaths;  
30 (3) send for persons and papers; and  
31 (4) hear testimony concerning the question of benefits and  
32 damages to be assessed.

33 The hearing may be continued from day to day.

34 (e) After hearing any appeals, the board of assessors shall finalize  
35 the roll of property owners whose property will be benefited or injured  
36 by the project, including:

- 37 (1) a description of the property affected; and  
38 (2) the amount of the benefits or damages to the property, listed  
39 opposite each description;

40 and shall file it with the ~~circuit~~ court.

41 (f) The board of assessors may correct a mistake or supply an  
42 omission in the roll at any time. Proceedings under this chapter are not



1 defective or void because of an omission or defect in the roll, and a  
 2 property owner may not object to the proceedings on the ground of any  
 3 mistake in or omission of:  
 4 (1) the name of any person; or  
 5 (2) the description of any property.  
 6 The circuit court may call the board together to make any necessary  
 7 additions or corrections to the roll.  
 8 (g) An action to contest the assessments and the acts of the board of  
 9 assessors must be commenced within:  
 10 (1) thirty (30) days after the affidavit of service by the clerk of the  
 11 circuit court; or  
 12 (2) if an appeal is taken, within thirty (30) days after the filing of  
 13 the final report with the court.  
 14 (h) The circuit court shall make reasonable allowances to the board  
 15 of assessors and for attorney's fees, and shall tax these allowances with  
 16 the other costs of the proceedings. The allowances are payable out of  
 17 money available from bond proceeds, assessments, or the municipal  
 18 treasury.  
 19 SECTION 189. IC 36-9-28-9 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) If the financing  
 21 for a project under this chapter is to be provided by the federal  
 22 government, one (1) or more bonds may be issued at any time after the  
 23 filing of the assessment roll with the circuit court under section 6 of  
 24 this chapter.  
 25 (b) Bonds issued under this section are payable solely from:  
 26 (1) the assessments made or to be made against the property  
 27 benefited; or  
 28 (2) the money appropriated for that purpose by the municipality;  
 29 and are not a general obligation of the municipality.  
 30 (c) Notwithstanding any other law, a financing agreement with the  
 31 federal government may provide that a municipal ordinance may  
 32 determine:  
 33 (1) the interest rate or rates on the bonds and the assessments;  
 34 (2) the time or times of maturities or of principal and assessment  
 35 payments;  
 36 (3) the terms, if any, for redemption of the bonds;  
 37 (4) the medium and the place or places for payment of the bonds,  
 38 including payment by mail to an owner of any fully registered  
 39 bond; and  
 40 (5) any other necessary terms and conditions.  
 41 (d) Bonds issued under this section need not be advertised for public  
 42 sale.





1 SECTION 190. IC 36-9-28-10 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) When the  
 3 municipal works board finally accepts a project under this chapter, it  
 4 shall certify the completion and acceptance of the project to the circuit  
 5 court. The court shall then direct the clerk of the court to make out two  
 6 (2) copies of a list showing:

- 7 (1) the owners of the property affected by the project;
- 8 (2) a description of each parcel of property affected by the  
 9 project; and
- 10 (3) the benefits and damages assessed upon or in favor of each  
 11 parcel.

12 The clerk shall certify the copies under the seal of the court, and shall  
 13 deliver one (1) copy to the municipal fiscal officer and one (1) copy to  
 14 the county treasurer.

15 (b) If the works board finds that the project is necessary for the  
 16 public welfare of the municipality and that the benefits assessed will  
 17 fall below the amount required to pay the damages awarded and to pay  
 18 for the project, the board shall order that any balance required for this  
 19 purpose shall be paid by the municipality out of the general fund or out  
 20 of any other available money. If the works board finds that the benefits  
 21 assessed exceed the amount of financing needed, each assessment shall  
 22 be reduced on a pro rata basis.

23 SECTION 191. IC 36-9-28-11 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) After a project  
 25 is completed and approved under this chapter, the care, management,  
 26 control, repair, and maintenance of the project may be placed under the  
 27 jurisdiction of a board of directors appointed under this section.

28 (b) A petition requesting the appointment of a board of directors for  
 29 the project may be filed with the clerk of the circuit court. The petition  
 30 may be signed by:

- 31 (1) the municipal works board, if all or part of the municipality is  
 32 located in the area affected by the project;
- 33 (2) the executive and legislative body of a township, if all or part  
 34 of the township is located in the area affected by the project;
- 35 (3) any twenty-five (25) landowners who reside in a municipality  
 36 and whose lands are located in the area affected by the  
 37 improvement; or
- 38 (4) any twenty-five (25) landowners who do not reside in a  
 39 municipality and whose lands are located in the area affected by  
 40 the project.

41 The petition shall be docketed as a pending action, and the court shall  
 42 fix a time when the petition shall be heard.



1 (c) After the petition is filed and docketed, the clerk of the circuit  
 2 court shall give notice of the hearing by publication in accordance with  
 3 IC 5-3-1. The notice shall be addressed to all persons who were  
 4 originally assessed for the construction of the project.

5 (d) Any person owning land located in the area affected by the  
 6 project may appear at the hearing and be heard, either in person or by  
 7 his attorney.

8 (e) If the circuit court determines that a board of directors should be  
 9 appointed and assessments should be imposed for the care,  
 10 management, control, repair, and maintenance of the project, the court  
 11 shall enter a judgment accordingly. If the court enters such a judgment,  
 12 two (2) members of the board of directors shall be appointed by the  
 13 county executive and one (1) member of the board of directors shall be  
 14 appointed by the municipal executive. The three (3) appointed persons  
 15 must be qualified under section 12 of this chapter.

16 (f) If the court determines that a board of directors should not be  
 17 appointed, it shall dismiss the petition.

18 SECTION 192. IC 36-9-29-5 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The circuit court,  
 20 **superior court, or probate court** shall hear a petition filed under  
 21 section 4 of this chapter without a jury. The hearing may be continued  
 22 and adjourned from time to time as the court may direct. There may be  
 23 a change of judge as in civil cases, but no change of venue from the  
 24 county.

25 (b) All persons affected by the establishment of the proposed flood  
 26 control district or the construction of the proposed flood control district  
 27 or the construction of the proposed flood control works may file  
 28 objections showing any reason why:

- 29 (1) the district should not be established;  
 30 (2) the works should not be constructed; or  
 31 (3) their property should or should not be included in the  
 32 proposed district.

33 The court shall hear evidence and determine the facts upon these  
 34 issues. All objections shall be filed at least two (2) days before the date  
 35 fixed for the hearing.

36 (c) If the court finds that a necessity exists for the establishment of  
 37 a flood control district and the construction and installation of flood  
 38 control works as requested by the petition, the court shall render  
 39 judgment accordingly and shall enter a decree establishing the district,  
 40 describing it in such a manner that the property included in it may be  
 41 sufficiently identified and segregated to permit the levy and collection  
 42 of the special taxes provided for by this chapter. There is no appeal



1 from such a judgment, and, after the entry of such a decree, the  
 2 establishment of the district may not be questioned in any action or  
 3 proceeding, except as otherwise provided by this chapter.

4 (d) If the court finds that no necessity exists for the establishment of  
 5 the flood control district, the proceedings shall be dismissed at the cost  
 6 of the petitioning city.

7 (e) If it appears to the court that the boundaries of the flood control  
 8 district as described in the declaratory resolution should be changed,  
 9 or that changes in the flood control works as described in the  
 10 declaratory resolution should be made, and that such changes will  
 11 beneficially or injuriously affect property that would not have been so  
 12 affected by the district and works proposed in the declaratory  
 13 resolution, then the court may enter an interlocutory order to that effect  
 14 and fix a time for further hearing on the petition.

15 (f) The date for a hearing under subsection (e) may not be less than  
 16 ten (10) nor more than fifteen (15) days after the order. The court shall  
 17 direct the clerk of the court to publish a notice of the hearing that sets  
 18 out a brief summary of the order, including a brief description of the  
 19 changes the court proposes to make in respect to the boundaries or  
 20 works. The notice shall be published in accordance with IC 5-3-1. The  
 21 notice must state the time and place for the continuation of the hearing  
 22 on the petition, and advise all parties affected by the proposed changes  
 23 that they may appear and be heard. Objections may be filed in the  
 24 manner prescribed by subsection (a), but must be filed at least two (2)  
 25 days before the time fixed for the continuation of the hearing and must  
 26 be based solely on the changes proposed to be made. If, at the  
 27 conclusion of the continued hearing, the court finds that all or part of  
 28 the proposed changes should be made, or that the district should be  
 29 established and the works constructed as provided for in the declaratory  
 30 resolution, the court shall render judgment accordingly and enter a  
 31 decree as provided under subsection (c).

32 SECTION 193. IC 36-9-29-35 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. After the docketing  
 34 of the petition for the establishment of the flood control district, and  
 35 until the flood control works have been completed and accepted, the  
 36 cause remains on the docket of the circuit court, **superior court, or**  
 37 **probate court** as a pending action for the filing of the further petitions  
 38 and the making of the further orders that are authorized by this chapter  
 39 or found necessary to facilitate the completion of the works.

40 SECTION 194. IC 36-9-29-36 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. All court  
 42 proceedings relating to the establishment or maintenance of the flood



1 control district, or the performance of any act under this chapter, must  
 2 be brought and determined only in and by the circuit court, **superior**  
 3 **court, or probate court** establishing the district. The jurisdiction of  
 4 the court in all such matters is conclusive and its judgment is final,  
 5 except as otherwise provided in this chapter. All proceedings had under  
 6 this chapter shall be heard by the court without the intervention of a  
 7 jury, except as otherwise provided in this chapter. Laws with respect to  
 8 change of venue from the county do not apply to proceedings under this  
 9 chapter, but changes of venue from the judge may be had as in other  
 10 civil cases.

11 SECTION 195. IC 36-9-29-37 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. (a) If any defects or  
 13 irregularities occur in any of the proceedings had under this chapter,  
 14 the defects or irregularities may be cured by supplementary  
 15 proceedings of the same general nature as those provided for by this  
 16 chapter. Only those parties whose interests or property are directly and  
 17 adversely affected by the defects or irregularities may object to them.

18 (b) It is not necessary to delay the general course of the proceedings  
 19 while defects or irregularities are being corrected or supplied.

20 (c) If an objection is filed with the circuit court, **superior court, or**  
 21 **probate court** and the objection is overruled or decided adversely to  
 22 the objecting party, the court costs incurred in the filing, hearing, and  
 23 determination of the objection shall be taxed to the objecting party. If  
 24 the objection is sustained or determined in favor of the objecting party,  
 25 then the costs shall be taxed to the flood control district.

26 SECTION 196. IC 36-10-4-23 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The board may,  
 28 in a proceeding separate from the acquisition of land by purchase or  
 29 appropriation, order the improvement of a parkway, pleasure driveway,  
 30 or boulevard, or part of any of these, under the control of the board by  
 31 surface grading, paving, curbing, or constructing sidewalks in the same  
 32 manner as the works board of the city may improve a public way or  
 33 sidewalk within the city. The powers, rights, and duties of the board in  
 34 carrying out this work are the same as the powers, rights, and duties of  
 35 the works board in the performance of similar work under general  
 36 procedures. In addition, the board may determine the kind of pavement  
 37 to be used. The powers, rights, and duties of the persons to be assessed  
 38 are the same as those provided under general procedures for doing  
 39 similar work by the works board, with the cost of improvements  
 40 assessed to the same extent as property is assessed.

41 (b) When costs are assessed, they become a lien upon the property  
 42 to the same extent, are enforceable in the same manner, and have the



1 same rights to payment by installments and appeal as are provided for  
2 street and sidewalk improvements ordered by the works board.

3 (c) If a majority of the resident freeholders affected by the proposed  
4 improvement remonstrate in writing against the improvement, the  
5 board may, after giving ten (10) days' notice to the remonstrators,  
6 petition the circuit court, **superior court, or probate court** to  
7 specifically order the improvement. If at the hearing on the petition the  
8 board establishes the public necessity of the proposed improvement  
9 and demonstrates that the benefits will equal the assessments against  
10 the separate lots or parcels of land, the order shall be made.

11 (d) If land along one (1) side of a parkway, pleasure driveway, or  
12 boulevard is owned by the city or used by it for park purposes, one-half  
13 (1/2) of the cost of the improvements under this section, as well as any  
14 part of the other one-half (1/2) of the cost of the improvements that  
15 cannot be met by special assessments against abutting property, is  
16 considered to be benefits accruing to all of the property, real and  
17 personal, not exempt from taxation under this chapter and located  
18 within the boundaries of the district. The cost shall be paid out of the  
19 proceeds of the bonds of the taxing district that are issued and sold for  
20 those purposes. Payment shall be made as provided in sections 35 and  
21 37 of this chapter.

22 (e) The board may provide for the rough grading of a parkway,  
23 pleasure driveway, or boulevard at the same time as the acquisition of  
24 the property or after the property, or a necessary part of it, has already  
25 been secured under section 21 of this chapter.

26 (f) The board may change and fix the grade of a boulevard, park  
27 boulevard, public driveway, or public ground under its control to the  
28 same extent as the works board of the city may change and fix the  
29 grade of a public way or public place within the city.

30 SECTION 197. IC 36-10-10-5 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A director may be  
32 removed from office for good cause by an order of the circuit court,  
33 **superior court, or probate court** of the county in which the authority  
34 is located, subject to the procedure of this section. A complaint stating  
35 the preferred charges may be filed by any person against a director. The  
36 cause shall be placed on the advanced calendar and be tried as other  
37 civil causes are tried by the court without the intervention of a jury. If  
38 the charges are sustained, the court shall declare the office vacant. A  
39 change of venue from the judge shall be granted upon motion, but a  
40 change of venue from the county may not be taken.

41 SECTION 198. IC 36-10-10-26 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. An authority may



1 be liquidated after redemption of all of its securities, payment of all of  
2 its debts, and termination of all of its leases if the board files a report  
3 with the judge of the circuit court, **superior court, or probate court**  
4 showing those facts and stating that liquidation would be in the best  
5 public interest. If the court finds those facts to be true, it shall make an  
6 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.)

WASHBURN

Committee Vote: Yeas 12, Nays 0

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1322 be amended to read as follows:

Page 46, between lines 31 and 32, begin a new paragraph and insert:  
 "SECTION 68. IC 14-11-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A member of the commission, a division director, or a hearing officer appointed by the commission may do the following:

- (1) Administer oaths and certify to official acts.
- (2) Require information from any person for purposes of this title.
- (3) Issue subpoenas.
- (4) Require the attendance of witnesses.
- (5) Examine witnesses under oath.

(b) If a person fails to comply with an order issued under this chapter or under IC 14-3-1 (before its repeal), the circuit court, **superior court, or probate court** having jurisdiction over the person shall, on request, require compliance with the order.

SECTION 69. IC 14-27-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Before making financial commitments described in this chapter with a federal agency, the board of directors must file a petition for approval of the proposed action in the circuit court, **superior court, or probate court** of the county in which the most land affected by the construction or improvements lies. The petition must state the following for the proposed loan:

- (1) The purpose.
- (2) The amount.
- (3) The terms.

SECTION 2. IC 14-27-8-16 IS AMENDED TO READ AS

EH 1322—LS 6783/DI 69



FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) Upon the death or removal from the county of a drainage commissioner, the board of commissioners of the county shall appoint a successor.

(b) A drainage commissioner is subject to removal for cause upon written charges filed against the drainage commissioner in the circuit court, **superior court, or probate court.**

SECTION 3. IC 14-27-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board shall hear an objection offered by an affected landowner to the assessment for repairs within ten (10) days of the posting under section 1 of this chapter.

(b) An affected landowner may appeal the assessment to the circuit court, **superior court, or probate court** of the county within ten (10) days after the hearing.

SECTION 4. IC 14-28-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) The commission may institute the following:

(1) A suit for injunction in the circuit court, **superior court, or probate court** with jurisdiction in the county to restrain an individual or a governmental entity from violating this chapter or an ordinance adopted under this chapter or under IC 13-2-22.6 (before its repeal).

(2) A suit for a mandatory injunction directing an individual or a governmental entity to remove a structure erected in violation of:

(A) this chapter or IC 13-2-22.6 (before its repeal); or

(B) an ordinance adopted under this chapter or under IC 13-2-22.6 (before its repeal).

(b) If the commission is successful in the commission's suit, the respondent shall pay the costs of the action. A change of venue from the county may not be granted.

SECTION 5. IC 14-33-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The circuit court, **superior court, or probate court** with jurisdiction in the county having the most land in the proposed district has exclusive jurisdiction over the establishment of the district. If the district is established, this court also has exclusive jurisdiction over all further hearings in connection with the district.

SECTION 6. IC 14-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) At each annual meeting of the district, directors shall be elected to fill vacancies on the board due to expiration of terms, resignation, or otherwise. The election shall be conducted by written ballots. Except as provided in subsection





(c), to be elected an individual must receive a majority of the votes of the freeholders of the district who are:

- (1) present and voting in person; or
- (2) absent but have mailed or delivered a written ballot vote.

(b) A written ballot vote must be signed and mailed or delivered to the district office. A ballot is valid if delivered or received before the scheduled date of the annual meeting.

(c) Upon receipt of a petition from the board of directors of a conservancy district, the ~~circuit~~ court may modify the order establishing the district under IC 14-33-2-27 to provide that each director representing an area established under IC 14-33-2-27 shall be elected by a majority of the votes of the freeholders of the respective areas.

SECTION 7. IC 14-33-5.4-3.5, AS ADDED BY P.L.16-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) If in the opinion of the secretary of the district a freehold has been divided into multiple freeholds for the sole purpose of increasing the number of freeholders eligible to cast a vote in an election under this chapter, the secretary of the district may determine to exclude the freeholders of those multiple freeholds from the list of freeholders referred to in section 3(f) of this chapter.

(b) The determination of the secretary of the district under subsection (a) may be challenged by petitioning the circuit court, **superior court, or probate court** that created the district.

SECTION 8. IC 14-33-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to a district if construction of works of improvement has not begun within six (6) years after the district plan is approved by the ~~circuit~~ court.

(b) Even if the construction of works of improvement has not begun within six (6) years after the district plan of a district was approved, this chapter does not apply to the district if the ~~circuit~~ court having jurisdiction over the district under IC 14-33-2-9 determines that the board of directors of the district has, since the approval of the district plan, worked diligently and in good faith to resolve the matters that must be resolved before construction can begin.

SECTION 9. IC 14-33-16.5-10, AS ADDED BY P.L.189-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) After an election is held under this chapter, the assistant secretary of the smaller district shall do the following:

- (1) Keep the ballots safe and secure until the end of the voting period.



- (2) At the end of the voting period, present all ballots cast to the three (3) clerks.
- (3) Record the election results in the records of the smaller district.
- (4) Certify the results of the election to the county auditor and the ~~circuit~~ court having supervisory jurisdiction over the smaller district as promptly as possible.
- (b) The clerks of the smaller district shall do the following:
  - (1) Count the ballots.
  - (2) Report the results of the election to the secretary in writing over the signature of each clerk.

SECTION 10. IC 14-33-16.5-13, AS ADDED BY P.L.189-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) In an election held under this chapter, if a majority of the freeholders of the smaller district votes to dissolve the smaller district, not later than sixty (60) days after the election, as the final action of the board of directors of the smaller district, the board shall:

- (1) make a full and final accounting to the ~~circuit~~ court having supervisory jurisdiction over the smaller district; and
- (2) file all records of the smaller district with the court.
- (b) If the smaller district's board of directors fails to timely comply with subsection (a), the ~~circuit~~ court having supervisory jurisdiction over the smaller district shall order the board to comply or suffer a finding of contempt of court.
- (c) The larger district shall take custody and control of the smaller district's operations, obligations, and assets on the earlier of:
  - (1) the date the smaller district's board of directors complies with subsection (a)(1); or
  - (2) the sixtieth day after the election.
- (d) The larger district is directly responsible for payment of the smaller district's bonds or notes outstanding upon the larger district taking custody and control of the smaller district's operations, obligations, and assets.
- (e) When the smaller district's board of directors complies with subsection (a), the ~~circuit~~ court shall issue an order:
  - (1) dissolving the smaller district; and
  - (2) discharging the board of directors of the smaller district.

SECTION 11. IC 14-33-17-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. The circuit court, **superior court, or probate court** of the county in the merged district having the most land has exclusive jurisdiction over the merger and



over all further hearings in connection with the district.

SECTION 12. IC 14-33-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A petition filed under section 3 of this chapter must be filed as follows:

- (1) For a levee district, in the court establishing the levee district.
- (2) For an incorporated levee association formed under Acts 1913, c.165, in the circuit court, **superior court, or probate court** of the county in which the principal offices of the incorporated levee association are located.

SECTION 13. IC 14-33-20-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. If:

(1) the:

- (A) board defaults in the payment of the principal or interest on any of the bonds, notes, or other evidences of indebtedness payable from revenues after the bonds, notes, or other evidences of indebtedness have become due, whether at maturity or upon call for redemption; and
- (B) default continues for a period of thirty (30) days; or

(2) the board or the board's officers, agents, or employees:

- (A) fail or refuse to comply with this chapter; or
- (B) default in an agreement made with the holders of the bonds, notes, or other evidences of indebtedness;

any holder or a trustee of a holder may apply to the circuit court, **superior court, or probate court** with jurisdiction in the county in which the district is primarily situated for the appointment of a receiver of the water facilities, whether or not the holder or trustee is seeking or has sought to enforce any other right or remedy in connection with the bonds, notes, or other evidences of indebtedness.

SECTION 14. IC 14-33-20-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. Upon an application the circuit court, **superior court, or probate court**:

- (1) may appoint; and
- (2) shall appoint, if the application is made by the holders or a trustee of the holders of twenty-five percent (25%) in principal amount of the bonds, notes, or other evidences of indebtedness then outstanding;

a receiver of the water facilities."

Page 81, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 125. IC 31-30-1-10, AS AMENDED BY P.L.206-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A circuit court ~~has~~ **and superior court have** concurrent original jurisdiction with the juvenile court, including the



probate court described in IC 33-31-1-9(b), for the purpose of establishing the paternity of a child in a proceeding under:

- (1) IC 31-18.5;
- (2) IC 31-1.5 (before its repeal); or
- (3) IC 31-2-1 (before its repeal);

to enforce a duty of support."

Page 111, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 185. IC 36-9-28-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) In making an order for a project under this chapter, the municipal works board shall consider whether the project will beneficially or injuriously affect any property outside the corporate boundaries of the municipality.

(b) If the works board finds that the proposed project will injuriously or beneficially affect property outside the corporate boundaries of the municipality, it shall file with the circuit court, **superior court, or probate court** for the county a record of all the proceedings concerning the project, including:

- (1) a list of all persons whose property will be affected, as determined from the records of the county at the time the works board passes the order for the project; and
- (2) a description of the boundaries of the affected area.

The proceedings shall be docketed in the circuit court, **superior court, or probate court** in the same manner as other civil actions, and the court shall fix a time when the proceedings shall be heard.

(c) If the works board finds that the proposed project will not affect property outside the corporate boundaries of the municipality, it may not proceed with the project under this chapter.

SECTION 2. IC 36-9-28-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) After the letting of a contract or contracts under section 5 of this chapter, the ~~circuit~~ court shall appoint three (3) competent, disinterested residents of the county to serve as the board of assessors for the project. The assessors shall take an oath to honestly and faithfully perform their duties as assessors.

(b) The board of assessors shall:

- (1) inspect the line of the proposed project and the property within the area affected by the project;
- (2) estimate and assess the benefits against each piece of property to be benefited by the project;
- (3) award damages to each piece of property to be injuriously affected by the project; and



(4) prepare and file with the clerk of the circuit court an assessment roll of the assessment against each property owner. The clerk shall then give written notice of the assessment and the right to appeal by certified mail or personal service upon each of the property owners being assessed as his name and address appears on the tax records of the county. The clerk shall make and file in his records an affidavit of the giving of the notice.

(c) Appeals from the assessments may be made to the circuit court within fifteen (15) days after the time of the filing of the clerk's affidavit of service. The appeals shall be conducted in the manner directed by the ~~circuit~~ court.

- (d) In hearing appeals of assessments, the board of assessors shall:
- (1) sit at the times and places directed by the court;
  - (2) administer oaths;
  - (3) send for persons and papers; and
  - (4) hear testimony concerning the question of benefits and damages to be assessed.

The hearing may be continued from day to day.

(e) After hearing any appeals, the board of assessors shall finalize the roll of property owners whose property will be benefited or injured by the project, including:

- (1) a description of the property affected; and
- (2) the amount of the benefits or damages to the property, listed opposite each description;

and shall file it with the ~~circuit~~ court.

(f) The board of assessors may correct a mistake or supply an omission in the roll at any time. Proceedings under this chapter are not defective or void because of an omission or defect in the roll, and a property owner may not object to the proceedings on the ground of any mistake in or omission of:

- (1) the name of any person; or
- (2) the description of any property.

The ~~circuit~~ court may call the board together to make any necessary additions or corrections to the roll.

(g) An action to contest the assessments and the acts of the board of assessors must be commenced within:

- (1) thirty (30) days after the affidavit of service by the clerk of the circuit court; or
- (2) if an appeal is taken, within thirty (30) days after the filing of the final report with the court.

(h) The ~~circuit~~ court shall make reasonable allowances to the board of assessors and for attorney's fees, and shall tax these allowances with



the other costs of the proceedings. The allowances are payable out of money available from bond proceeds, assessments, or the municipal treasury.

SECTION 3. IC 36-9-28-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) If the financing for a project under this chapter is to be provided by the federal government, one (1) or more bonds may be issued at any time after the filing of the assessment roll with the circuit court under section 6 of this chapter.

(b) Bonds issued under this section are payable solely from:

(1) the assessments made or to be made against the property benefited; or

(2) the money appropriated for that purpose by the municipality; and are not a general obligation of the municipality.

(c) Notwithstanding any other law, a financing agreement with the federal government may provide that a municipal ordinance may determine:

(1) the interest rate or rates on the bonds and the assessments;

(2) the time or times of maturities or of principal and assessment payments;

(3) the terms, if any, for redemption of the bonds;

(4) the medium and the place or places for payment of the bonds, including payment by mail to an owner of any fully registered bond; and

(5) any other necessary terms and conditions.

(d) Bonds issued under this section need not be advertised for public sale.

SECTION 4. IC 36-9-28-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) When the municipal works board finally accepts a project under this chapter, it shall certify the completion and acceptance of the project to the circuit court. The court shall then direct the clerk of the court to make out two

(2) copies of a list showing:

(1) the owners of the property affected by the project;

(2) a description of each parcel of property affected by the project; and

(3) the benefits and damages assessed upon or in favor of each parcel.

The clerk shall certify the copies under the seal of the court, and shall deliver one (1) copy to the municipal fiscal officer and one (1) copy to the county treasurer.

(b) If the works board finds that the project is necessary for the



public welfare of the municipality and that the benefits assessed will fall below the amount required to pay the damages awarded and to pay for the project, the board shall order that any balance required for this purpose shall be paid by the municipality out of the general fund or out of any other available money. If the works board finds that the benefits assessed exceed the amount of financing needed, each assessment shall be reduced on a pro rata basis.

SECTION 5. IC 36-9-28-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) After a project is completed and approved under this chapter, the care, management, control, repair, and maintenance of the project may be placed under the jurisdiction of a board of directors appointed under this section.

(b) A petition requesting the appointment of a board of directors for the project may be filed with the clerk of the circuit court. The petition may be signed by:

- (1) the municipal works board, if all or part of the municipality is located in the area affected by the project;
- (2) the executive and legislative body of a township, if all or part of the township is located in the area affected by the project;
- (3) any twenty-five (25) landowners who reside in a municipality and whose lands are located in the area affected by the improvement; or
- (4) any twenty-five (25) landowners who do not reside in a municipality and whose lands are located in the area affected by the project.

The petition shall be docketed as a pending action, and the court shall fix a time when the petition shall be heard.

(c) After the petition is filed and docketed, the clerk of the circuit court shall give notice of the hearing by publication in accordance with IC 5-3-1. The notice shall be addressed to all persons who were originally assessed for the construction of the project.

(d) Any person owning land located in the area affected by the project may appear at the hearing and be heard, either in person or by his attorney.

(e) If the circuit court determines that a board of directors should be appointed and assessments should be imposed for the care, management, control, repair, and maintenance of the project, the court shall enter a judgment accordingly. If the court enters such a judgment, two (2) members of the board of directors shall be appointed by the county executive and one (1) member of the board of directors shall be appointed by the municipal executive. The three (3) appointed persons must be qualified under section 12 of this chapter.



(f) If the court determines that a board of directors should not be appointed, it shall dismiss the petition."

Renumber all SECTIONS consecutively.

(Reference is to HB 1322 as printed January 22, 2016.)

KOCH

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1322, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 96, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 153. IC 33-40-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The ~~division of state court administration of the supreme court~~ **commission** shall ~~provide general hire~~ **staff to** support to the commission. The ~~division of state court administration~~ **commission** may enter into contracts for any additional staff support that the ~~division~~ **commission** determines is necessary to implement this section."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1322 as reprinted January 26, 2016.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

