



Reprinted
January 26, 2018

SENATE BILL No. 10

DIGEST OF SB 10 (Updated January 25, 2018 2:14 pm - DI 87)

Citations Affected: IC 3-5; IC 36-1.

Synopsis: Town employees holding elected office. Provides with regard to a town that has a population of less than 2,500, that a town employee may: (1) serve on the town board; and (2) may not participate in a vote on the town's budget and tax levies.

Effective: July 1, 2018.

Bohacek

January 3, 2018, read first time and referred to Committee on Local Government.
January 18, 2018, reported favorably — Do Pass.
January 22, 2018, read second time, ordered engrossed. Engrossed.
January 23, 2018, returned to second reading.
January 25, 2018, re-read second time, amended, ordered engrossed.

SB 10—LS 6047/DI 129



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Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 10

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

- 1 SECTION 1. IC 3-5-9-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 0.5. This chapter does not apply to a town having a**
4 **population of less than two thousand five hundred (2,500).**
5 SECTION 2. IC 36-1-23.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2018]:
8 **Chapter 23.5. Town Employee Serving on Town Fiscal Body**
9 **Sec. 1. This chapter applies only to a town that has a population**
10 **of less than two thousand five hundred (2,500).**
11 **Sec. 2. As used in this chapter, "town employee" refers to an**
12 **employee of the town. The term does not include an individual who**
13 **holds only an elected office.**
14 **Sec. 3. A member of the fiscal body of a unit may not participate**
15 **in a vote on the adoption of the town's budget and tax levies if the**
16 **member is a town employee.**
17 **Sec. 4. Notwithstanding any other law, if at least a majority of**

SB 10—LS 6047/DI 129



1 the town fiscal body is precluded from voting on the town's budget
2 and tax levies under section 3 of this chapter, the unit's most recent
3 annual appropriations are continued for the ensuing budget year.
4 However, the town may petition the county fiscal body for an
5 increase in the unit's budget and any additional appropriations
6 under sections 5 and 6 of this chapter. The county fiscal body may
7 be petitioned by:

8 (1) the town fiscal body president, if the town fiscal body
9 president is not precluded from voting under section 3 of this
10 chapter; or

11 (2) if the town fiscal body president is precluded from voting
12 under section 3 of this chapter, the town clerk-treasurer.

13 **Sec. 5.** The town fiscal body may petition the county fiscal body
14 for an increase in the unit's budget and property tax levies. The
15 county fiscal body may grant or deny the petition only after
16 conducting a public hearing on the petition.

17 **Sec. 6.** The town fiscal body may adopt any additional
18 appropriations of the town by ordinance before the department of
19 local government finance may approve the additional
20 appropriation.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 10 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 1

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 10, which is eligible for third reading, be returned to second reading for purposes of amendment.

BOHACEK

 SENATE MOTION

Madam President: I move that Senate Bill 10 be amended to read as follows:

Page 1, after line 4, begin a new paragraph and insert:

"SECTION 2. IC 36-1-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 23.5. Town Employee Serving on Town Fiscal Body

Sec. 1. This chapter applies only to a town that has a population of less than two thousand five hundred (2,500).

Sec. 2. As used in this chapter, "town employee" refers to an employee of the town. The term does not include an individual who holds only an elected office.

Sec. 3. A member of the fiscal body of a unit may not participate in a vote on the adoption of the town's budget and tax levies if the member is a town employee.

Sec. 4. Notwithstanding any other law, if at least a majority of the town fiscal body is precluded from voting on the town's budget

SB 10—LS 6047/DI 129



and tax levies under section 3 of this chapter, the unit's most recent annual appropriations are continued for the ensuing budget year. However, the town may petition the county fiscal body for an increase in the unit's budget and any additional appropriations under sections 5 and 6 of this chapter. The county fiscal body may be petitioned by:

- (1) the town fiscal body president, if the town fiscal body president is not precluded from voting under section 3 of this chapter; or
- (2) if the town fiscal body president is precluded from voting under section 3 of this chapter, the town clerk-treasurer.

Sec. 5. The town fiscal body may petition the county fiscal body for an increase in the unit's budget and property tax levies. The county fiscal body may grant or deny the petition only after conducting a public hearing on the petition.

Sec. 6. The town fiscal body may adopt any additional appropriations of the town by ordinance before the department of local government finance may approve the additional appropriation."

Renumber all SECTIONS consecutively.

(Reference is to SB 10 as printed January 19, 2018.)

BOHACEK

