

IC 1

TITLE 1. GENERAL PROVISIONS

IC 1-1

ARTICLE 1. LAWS GOVERNING THE STATE

IC 1-1-1

Chapter 1. Implemtary Provisions for the Indiana Code

IC 1-1-1-1

Citation

Sec. 1. Citation. The Indiana Code may be cited as "IC".

IC 1-1-1-2

Repeal of prior laws; provisions not repealed

Sec. 2. All acts enacted before the 1976 regular session of the Indiana general assembly are repealed, except that this repeal does not include the following:

(1) The following acts of incorporation enacted before the 36th session of the general assembly, and their amendments, whether those amendments were enacted before, during, or after the 36th session:

Acts 1807, c.75, s.1-2.

Acts 1810, c.17, s.1-9.

1824 Revised Statutes, c.64, s.5-6.

Acts 1832, c.133, s.1.

Local Acts 1835, c.96, s.1-3.

Local Acts 1836, c.7, s.1-22.

Local Acts 1836, c.9, s.1-21.

Local Acts 1836, c.23, s.1-4.

Local Acts 1837, c.4, s.1-10.

Local Acts 1838, c.5, s.1-57.

Local Acts 1838, c.9, s.1-22.

Local Acts 1838, c.11, s.1-17.

Local Acts 1838, c.198, s.1.

Local Acts 1839, c.21, s.1-3 and 5-11.

Local Acts 1839, c.42, s.1-2.

Local Acts 1840, c.33, s.1-5.

Local Acts 1841, c.37, s.1-3 and 7-22.

Local Acts 1842, c.45, s.1.

Local Acts 1842, c.51, s.1.

Local Acts 1843, c.4, s.1-5.

Local Acts 1843, c.27, s.1-2.

Local Acts 1843, c.31, s.1-2.

Local Acts 1844, c.11, s.1-4.

Local Acts 1844, c.30, s.1-4.

Local Acts 1844, c.31, s.1-4.

Local Acts 1844, c.34, s.1-3.

Local Acts 1844, c.134, s.1-5.

Local Acts 1845, c.118, s.1-4.
Local Acts 1845, c.234, s.1.
Local Acts 1845, c.250, s.1.
Local Acts 1846, c.2, s.1-3.
Local Acts 1846, c.61, s.1.
Local Acts 1846, c.168, s.1-5.
Local Acts 1846, c.329, s.1-3.
Local Acts 1847, c.22, s.1-13.
Local Acts 1847, c.71, s.1-4 and 6-9.
Local Acts 1847, c.93, s.1-4.
Local Acts 1847, c.129, s.1-4.
Local Acts 1847, c.172, s.1-2.
Local Acts 1847, c.204, s.1-3.
Local Acts 1847, c.336, s.1-5.
Local Acts 1848, c.123, s.1.
Local Acts 1848, c.252, s.1.
Local Acts 1848, c.346, s.1-15.
Local Acts 1849, c.116, s.1-9.
Local Acts 1849, c.203, s.1.
Local Acts 1849, c.220, s.1-4.
Local Acts 1849, c.221, s.1-7.
Local Acts 1849, c.269, s.1.
Local Acts 1850, c.138, s.1-5.
Local Acts 1850, c.213, s.1.
Local Acts 1850, c.265, s.1-10.
Local Acts 1850, c.269, s.1-8.
Local Acts 1850, c.331, s.1-17.
Local Acts 1850, c.338, s.1.
Local Acts 1851, c.1, s.1-19, 27-34, and 36.
Local Acts 1851, c.39, s.1.
Local Acts 1851, c.92, s.1-34.
Local Acts 1851, c.226, s.1-3.
Local Acts 1851, c.281, s.1-10.
Local Acts 1851, c.336, s.1-7.
Acts 1865(ss), c.11, s.1-6.
Acts 1873, c.88, s.1.
Acts 1873, c.101, s.1.
Acts 1873, c.103, s.1.
Acts 1885, c.42, s.1.
Acts 1895, c.59, s.1.
Acts 1901, c.153, s.1.
Acts 1905, c.7, s.1.
Acts 1909, c.7, s.1-4.
Acts 1909, c.51, s.1.
Acts 1911, c.167, s.1-2.
Acts 1913, c.253, s.1.
Acts 1925, c.165, s.1-3.
Acts 1927, c.68, s.1-5.
Acts 1935, c.58, s.1.
Acts 1937, c.227, s.1.

Acts 1939, c.51.

Acts 1959, c.165, s.1.

Acts 1963, c.107, s.1-2.

(2) The following appropriation:

Acts 1967, c.180, s.3.

(3) The following statement of legislative purpose, finding, intent, or policy:

Acts 1973, P.L.322, S.1.

As amended by P.L.1-1989, SEC.1; P.L.1-1990, SEC.1; P.L.3-1995, SEC.1.

IC 1-1-1-2.1

Repeal of statutes not compiled and enacted after the 1975 regular session and before the 1985 regular session; provisions not repealed

Sec. 2.1. (a) This section applies to all statutes and parts of statutes:

(1) enacted:

(A) after the 1975 regular session of the Indiana general assembly; and

(B) before the 1985 regular session of the Indiana general assembly; and

(2) not compiled in the Indiana Code.

(b) The statutes and parts of statutes subject to this section are repealed, except for the following:

(1) The following provisions concerning judicial proceedings:

Acts 1976, P.L.148, SECTION 26.

Acts 1977, P.L.26, SECTION 26.

Acts 1977, P.L.340, SECTIONS 149-150.

Acts 1978, P.L.145, SECTION 14.

Acts 1979, P.L.294, SECTION 2.

Acts 1980, P.L.204, SECTION 3.

Acts 1981, P.L.298, SECTIONS 8-9.

P.L.334-1983, SECTION 4.

P.L.79-1984, SECTION 3.

(2) The following provisions concerning appropriations:

Acts 1979, P.L.307, SECTIONS 1-4 and 6-7.

Acts 1981, P.L.322, SECTIONS 1-4 and 6-7.

P.L.1-1982(ss), SECTIONS 15-20.

P.L.381-1983, SECTIONS 1-4 and 6-7.

P.L.217-1984, SECTIONS 1-5.

(3) The following special provisions:

Acts 1980, P.L.8, SECTION 180.

P.L.374-1983, SECTION 1.

(4) The following transitional provisions:

Acts 1976, P.L.140, SECTION 9.

Acts 1977, P.L.239, SECTION 4.

Acts 1977, P.L.241, SECTION 4.

Acts 1979, P.L.205, SECTION 2.

Acts 1981, P.L.137, SECTION 19.

Acts 1981, P.L.220, SECTION 5.

P.L.274-1983, SECTION 2.

P.L.317-1983, SECTION 2.

P.L.51-1984, SECTION 2.

P.L.68-1984, SECTION 3.

As added by P.L.1-1989, SEC.2. Amended by P.L.3-1993, SEC.1.

IC 1-1-1-3

Procedural statutes

Sec. 3. Procedural Statutes. Notwithstanding the inclusion in the Indiana Code of provisions relating to process, practice, procedure, or appeals that have been superseded by rules of court, those provisions have only such force as they had before the enactment of the Indiana Code.

IC 1-1-1-4

Invalid statutes

Sec. 4. Invalid Statutes. Notwithstanding the inclusion in the Indiana Code of statutory provisions declared impliedly repealed, unconstitutional or otherwise invalid by a court of competent jurisdiction, those provisions have only such force as they had before the enactment of the Indiana Code.

IC 1-1-1-5

Construction of statutes

Sec. 5. (a) The operation of any law repealed and replaced by the Indiana Code is intended to be continuous. All rules and regulations in force on January 21, 1976, shall be treated as if they were adopted under the corresponding provisions of this Code.

(b) Any appropriation repealed and replaced by a provision of the Indiana Code has only such force as it did before the enactment of the Code.

(c) If a conflict existed between provisions of law that have been replaced by this Code, to resolve the conflict, the dates of enactment of the conflicting provisions may be considered along with other appropriate aids to statutory construction, but the order in which the corresponding provisions appear in this Code may not be considered.

(d) References in the text of the Indiana Code, or in other statutes, to provisions of laws replaced by provisions of the Indiana Code, are intended to refer respectively to the corresponding provisions of this Code.

(e) The numerical or alphabetical designations assigned to the several provisions of the Indiana Code, as originally enacted, or as added by amendment, are part of the law and may be altered only by specific amendment.

(f) The headings of titles, articles, and chapters as they appear in the Indiana Code, as originally enacted or added by amendment, are not part of the law and may be altered by the lawful compilers, in any official publication, to more clearly indicate content. These descriptive headings are intended for organizational purposes only

and are not intended to affect the meaning, application or construction of the statute they precede.

(g) Each parenthetical source and history line published with the Indiana Code is for historical reference purposes only and is not a part of the law.

(h) A reference by citation to any provision of the Indiana Code shall be construed to include any later amendments to that provision, unless otherwise provided.

As amended by P.L.1-1991, SEC.1.

IC 1-1-1-6

Preservation of penalties, offenses, rights, and liabilities

Sec. 6. Preservation of Penalties, Offenses, Rights, Liabilities. All felonies and misdemeanors committed under acts in force before the effectiveness of the Indiana Code may be prosecuted and remain punishable as provided in those acts.

This Code does not affect rights, privileges, or liabilities accrued, remedies provided, duties imposed, penalties incurred, or proceedings begun before the effectiveness of this Code. Punishments, penalties or forfeitures may be imposed and enforced as if this Code had not been enacted.

IC 1-1-1-7

Periods of limitation and requirements of notice

Sec. 7. Periods of Limitation and Requirements of Notice. The running of any period of limitation or any requirement of notice contained in any provisions of law repealed and replaced by provisions of the Indiana Code are not affected by the enactment of the Code. All actions, proceedings, and prosecutions, whether civil or criminal, for causes arising or acts committed before the effectiveness of this Code, may be commenced and prosecuted as if this Code had not been enacted.

IC 1-1-1-8

Severability

Sec. 8. Severability. (a) If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(b) Except in the case of a statute containing a nonseverability provision, each part and application of every statute is severable. If any provision or application of a statute is held invalid, the invalidity does not affect the remainder of the statute unless:

(1) the remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application;
or

(2) the remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid

provision or application.

This subsection applies to every statute, regardless of whether enacted before or after the passage of this subsection. The general assembly may preserve the legislative history of this subsection by adoption of a concurrent resolution and publication of the resolution in the legislative journals.

As amended by Acts 1978, P.L.1, SEC.1.

IC 1-1-1-9

Effective date

Sec. 9. Because an emergency exists, the Indiana Code takes effect January 21, 1976.

As amended by P.L.1-1991, SEC.2.

IC 1-1-2

Chapter 2. Laws Governing the State

IC 1-1-2-1

Hierarchy of law

Sec. 1. The law governing this state is declared to be:

First. The Constitution of the United States and of this state.

Second. All statutes of the general assembly of the state in force, and not inconsistent with such constitutions.

Third. All statutes of the United States in force, and relating to subjects over which congress has power to legislate for the states, and not inconsistent with the Constitution of the United States.

Fourth. The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.

(Formerly: Acts 1852, IRS, c.61, s.1.)

IC 1-1-2-2

Criminal law statutory

Sec. 2. Crimes shall be defined and punishment therefor fixed by statutes of this state and not otherwise.

(Formerly: Acts 1852, IRS, c.61, s.2.) As amended by Acts 1978, P.L.2, SEC.101.

IC 1-1-3

Chapter 3. Proclamation Date; Effective Dates of Session Laws

IC 1-1-3-1

Certificate of receipt

Sec. 1. It shall be the duty of the several clerks of circuit courts in this state, immediately on the receipt of the laws of any session as provided for by IC 2-6-1.5-5, to transmit to the governor a certificate stating the day when such laws were so received.

(Formerly: Acts 1855, c.100, s.1.) As amended by Acts 1978, P.L.3, SEC.1.

IC 1-1-3-2

Proclamation by governor

Sec. 2. So soon as certificates from all the counties have been received, the governor shall issue and publish his proclamation, announcing the date at which the latest filing took place; of the facts contained in which proclamation, all courts shall take notice.

(Formerly: Acts 1855, c.100, s.2.)

IC 1-1-3-3

Effective dates

Sec. 3. (a) As used in this section, "regular session" includes a regular technical session.

(b) Except as otherwise provided in subsection (d), each provision of each act passed at a regular session of the general assembly takes effect on July 1 next following its enactment, unless a different time is specified in the act.

(c) Except as otherwise provided in subsection (d), each provision of each act passed at a special session of the general assembly takes effect on the first day of the third calendar month after the calendar month of sine die adjournment, unless a different time is specified in the act.

(d) If an act contains a SECTION that specifies an effective date or dates for one (1) or more other provisions of the act or declares that an emergency exists for the act, then the SECTION takes effect at the same time as the earliest date that any other provision of the act takes effect.

(e) This section does not apply to acts that are vetoed by the governor.

As added by Acts 1978, P.L.3, SEC.2. Amended by P.L.1-1983, SEC.1; P.L.1-1987, SEC.1; P.L.1-1993, SEC.1; P.L.4-1995, SEC.1.

IC 1-1-3.1

Chapter 3.1. Effectiveness of Acts Passed Over Governor's Veto

IC 1-1-3.1-1

Application of chapter

Sec. 1. This chapter applies only to an act passed by the general assembly over the governor's veto under Article 5, Section 14 of the Constitution of the State of Indiana.

As added by P.L.1-1987, SEC.2.

IC 1-1-3.1-2

Definitions

Sec. 2. For purposes of this chapter, "approval of the act" occurs at the time the second house of the general assembly votes to approve a bill over the governor's veto under Article 5, Section 14 of the Constitution of the State of Indiana. "Second house of the general assembly" refers to the house of the general assembly that reconsiders a bill vetoed by the governor under Article 5, Section 14 of the Constitution of the State of Indiana after the house in which the bill originated has passed the bill over the governor's veto.

As added by P.L.1-1987, SEC.2.

IC 1-1-3.1-3

Acts containing declaration of emergency

Sec. 3. (a) This section applies only to an act that contains a declaration that an emergency exists.

(b) If the act provides that a provision of the act takes effect:

- (1) upon passage; or
- (2) retroactively to a specified date;

then the provision takes effect upon approval of the act.

(c) If:

- (1) the act provides that a provision of the act takes effect on a specified date; and
- (2) approval of the act occurs on or before the specified date;

then the provision takes effect on the specified effective date.

(d) If:

- (1) the act provides that a provision of the act takes effect on a specified date; and
- (2) approval of the act occurs after the specified date;

then the provision takes effect on July 1 next following approval of the act.

(e) If the act does not provide an effective date for a provision of the act, then the provision takes effect on July 1 next following approval of the act, subject to section 5 of this chapter.

As added by P.L.1-1987, SEC.2.

IC 1-1-3.1-4

Acts not containing declaration of emergency

Sec. 4. (a) This section applies only to an act that does not contain a declaration that an emergency exists.

(b) If:

(1) the act provides that a provision of the act takes effect on a specified date; and

(2) approval of the act occurs on or before the specified date; then the provision takes effect on the specified effective date, unless promulgation of the act must occur under subsection (c).

(c) If, in a case described in subsection (b), the specified effective date occurs before promulgation of the act, then the provision takes effect when promulgation of the act is completed. As used in this subsection, "promulgation" means the publication and circulation of an act in accordance with Article 4, Section 28 of the Constitution of the State of Indiana.

(d) If:

(1) the act provides that a provision of the act takes effect on a specified date; and

(2) approval of the act occurs after the specified date; then the provision takes effect on July 1 next following approval of the act.

(e) If the act does not provide an effective date for a provision of the act, then the provision takes effect on July 1 next following approval of the act, subject to section 5 of this chapter.

As added by P.L.1-1987, SEC.2.

IC 1-1-3.1-5

Effective date sections

Sec. 5. If an act described in either section 3 or section 4 of this chapter contains a SECTION that specifies an effective date or dates for one (1) or more other provisions of the act, then the effective date SECTION takes effect at the same time as the earliest date that any other provision of the act takes effect.

As added by P.L.1-1987, SEC.2.

IC 1-1-3.2

Chapter 3.2. Effective Dates of HEA 1001(ss)-2009

IC 1-1-3.2-1**Applicability of chapter**

Sec. 1. (a) This chapter applies only to HEA 1001(ss)-2009.

(b) IC 1-1-3.1 does not apply to HEA 1001(ss)-2009.

As added by P.L.182-2009(ss), SEC.505.

IC 1-1-3.2-2**Effective dates of HEA 1001(ss)-2009**

Sec. 2. Notwithstanding IC 1-1-3.1, the effective dates of the SECTIONS in HEA 1001(ss)-2009 are as specified in HEA 1001(ss)-2009, even if:

(1) the governor signs HEA 1001(ss)-2009 into law after June 30, 2009;

(2) the governor allows HEA 1001(ss)-2009 to become law without the governor's signature under Article 5, Section 14(a)(3) of the Constitution of the State of Indiana after June 30, 2009; or

(3) the governor vetoes HEA 1001(ss)-2009 and the general assembly subsequently overrides the veto of HEA 1001(ss)-2009.

As added by P.L.182-2009(ss), SEC.505.

IC 1-1-3.5

Chapter 3.5. Political Subdivisions Classified by Population;
Effective Date of Decennial Census

IC 1-1-3.5-1

Repealed

(Repealed by P.L.1-1988, SEC.10.)

IC 1-1-3.5-1.5

"Corrected population count"

Sec. 1.5. As used in this chapter, "corrected population count" means a certification of census population count for a political subdivision that:

- (1) is issued by the Bureau of the Census after the tabulation of population of Indiana in the federal decennial census has been reported to the governor by the United States Secretary of Commerce under 13 U.S.C. 141(c);
- (2) is issued:
 - (A) to correct an error in the enumeration of persons residing in the political subdivision on the date of the federal decennial census or federal special census; or
 - (B) to provide a population count for a municipality incorporated following the most recent federal decennial census; and
- (3) supersedes any previous tabulation of population reported for the political subdivision in the federal decennial census or federal special census.

The term does not include a statistical adjustment made in the tabulation of population by the Bureau of the Census to compensate for a predicted undercount or overcount in a federal decennial census or federal special census.

As added by P.L.1-1988, SEC.1.

IC 1-1-3.5-2

Definitions

Sec. 2. (a) As used in this chapter, "federal decennial census" means a United States decennial census of population conducted under 13 U.S.C. 141.

(b) As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13. The term does not include congressional districts, state legislative districts, local office election districts, or school board office election districts.

As added by Acts 1981, P.L.1, SEC.1. Amended by P.L.1-1988, SEC.2.

IC 1-1-3.5-2.5

Special tabulation

Sec. 2.5. As used in this chapter, "special tabulation" means a certification of the census population count for a political subdivision that:

- (1) is issued by the Bureau of the Census:
 - (A) at the request of a political subdivision; and
 - (B) after the tabulation of population of Indiana in the federal decennial census has been reported to the governor by the United States Secretary of Commerce under 13 U.S.C. 141(c); and
- (2) indicates the census count population for the political subdivision that would have been reported under subdivision (1) if individuals residing in territory:
 - (A) not located within the political subdivision according to the Boundary and Annexation Survey used as the basis for the tabulation of population reported under subdivision (1); and
 - (B) located within the political subdivision after the tabulation of population reported under subdivision (1);had been included in the tabulation of population of the political subdivision reported to the governor by the United States Secretary of Commerce.

As added by P.L.2-1990, SEC.1.

IC 1-1-3.5-3

Use of census data in Indiana statutes

Sec. 3. (a) For purposes of the statutes described in section 5(c) of this chapter, a reference to population is a reference to population as determined by the most recent of the following:

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(b) For purposes of statutes relating to drawing boundaries of county executive districts, county fiscal body districts, municipal legislative body districts, or the districts of any other political subdivision, a reference to population is a reference to population as determined by the most recent of the following:

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(c) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

(d) For purposes of statutes not described in subsection (a), (b), or (c), a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

(e) This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in a statute by reference to the county in which the political subdivision

is located, the reference is to the county that contains a majority of the population of the political subdivision.

(f) The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

(g) Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is April 1 of the following year.

As added by Acts 1981, P.L.1, SEC.1. Amended by P.L.1-1988, SEC.3; P.L.2-1990, SEC.2; P.L.170-2002, SEC.1; P.L.66-2003, SEC.1.

IC 1-1-3.5-4

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 1-1-3.5-5

Notification of effective date of tabulation of population

Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

- (1) the director of the Indiana state library;
- (2) the election division; and
- (3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

- (1) The auditor of state, for distribution of money from the following:
 - (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
 - (B) Excise tax revenue allocated under IC 7.1-4-7-8.
 - (C) The local road and street account in accordance with IC 8-14-2-4.
- (2) The board of trustees of Ivy Tech Community College for the board's division of Indiana into service regions under IC 21-22-6-1.

(3) The division of disability and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.

(4) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(5) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.

(6) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

(7) The Indiana library and historical board, for distribution of money to eligible public library districts under IC 4-23-7.1-29.

(8) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

As added by P.L.2-1990, SEC.3. Amended by P.L.2-1992, SEC.25; P.L.2-1993, SEC.30; P.L.4-1993, SEC.1; P.L.5-1993, SEC.1; P.L.5-1995, SEC.1; P.L.6-1995, SEC.1; P.L.3-1997, SEC.1; P.L.272-1999, SEC.1; P.L.204-2001, SEC.1; P.L.98-2004, SEC.24; P.L.4-2005, SEC.1; P.L.127-2005, SEC.1; P.L.141-2006, SEC.1; P.L.2-2007, SEC.1; P.L.1-2009, SEC.1.

IC 1-1-3.5-6

Repealed

(Repealed by P.L.170-2002, SEC.178.)

IC 1-1-4

Chapter 4. Construction of Statutes

IC 1-1-4-1

Rules

Sec. 1. The construction of all statutes of this state shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislature or of the context of the statute:

- (1) Words and phrases shall be taken in their plain, or ordinary and usual, sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (2) Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of the persons, unless otherwise declared in the statute giving authority.
- (3) Words importing the singular number only may be also applied to the plural of persons and things.
- (4) Words importing the masculine gender only may be extended to females also.
- (5) When a statute requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.
- (6) When a person is required to be disinterested or indifferent in acting on any question or matter affecting other parties, consanguinity or affinity within the sixth degree, inclusive, by the civil law rules, or within the degree of second cousin, inclusive, disqualifies the person from acting, except by consent of parties.

(Formerly: Acts 1852, 2 RS PART II, c.17, s.1.) As amended by Acts 1978, P.L.2, SEC.102; Acts 1982, P.L.1, SEC.1; P.L.1-1988, SEC.4; P.L.1-1990, SEC.2; P.L.1-1991, SEC.3.

IC 1-1-4-2

Repealed

(Repealed by P.L.1-1990, SEC.3.)

IC 1-1-4-3

Uniform Determination of Death Act

Sec. 3. (a) Only an individual who has sustained either:

- (1) irreversible cessation of circulatory and respiratory functions; or
- (2) irreversible cessation of all functions of the entire brain, including the brain stem;

is dead. A determination of death must be made in accordance with accepted medical standards.

(b) This section shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this section among states enacting it.

(c) This section may be cited as the Uniform Determination of

Death Act.
As added by P.L.1-1986, SEC.1.

IC 1-1-4-4

Internal Revenue Code definition; applicability

Sec. 4. Except as otherwise provided, the definition of Internal Revenue Code set forth in IC 6-3-1-11 applies to all statutes referring to the Internal Revenue Code.

As added by P.L.2-1987, SEC.1.

IC 1-1-4-5

Definitions applicable to construction of all Indiana statutes

Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

- (1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.
- (2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
- (3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
- (4) "Bond" does not necessarily imply a seal.
- (5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.
- (6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.
- (7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.
- (8) "Infant" or "minor" means a person less than eighteen (18) years of age.
- (9) "Inhabitant" may be construed to mean a resident in any place.
- (10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.
- (11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.
- (12) "Mentally incompetent" means of unsound mind.
- (13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.
- (14) "Month" means a calendar month, unless otherwise expressed.
- (15) "Noncode statute" means a statute that is not codified as

part of the Indiana Code.

(16) "Oath" includes "affirmation", and "to swear" includes to affirm.

(17) "Person" extends to bodies politic and corporate.

(18) "Personal property" includes goods, chattels, evidences of debt, and things in action.

(19) "Population" has the meaning set forth in IC 1-1-3.5-3.

(20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

(21) "Property" includes personal and real property.

(22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

(23) "State", applied to any one of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

(24) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

(25) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

(26) "Will" includes a testament and codicil.

(27) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

(28) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

(29) "Year" means a calendar year, unless otherwise expressed.

(30) The definitions in IC 35-41-1 apply to all statutes relating to penal offenses.

As added by P.L.1-1990, SEC.4. Amended by P.L.2-1990, SEC.5; P.L.4-1997, SEC.1; P.L.76-2001, SEC.1; P.L.170-2002, SEC.2.

IC 1-1-4-6

Attorney's fees as including paralegal's fees

Sec. 6. (a) As used in this section, "paralegal" means a person who is:

- (1) qualified through education, training, or work experience; and
- (2) employed by a lawyer, law office, governmental agency, or other entity;

to work under the direction of an attorney in a capacity that involves the performance of substantive legal work that usually requires a sufficient knowledge of legal concepts and would be performed by

the attorney in the absence of the paralegal.

(b) A reference in the Indiana Code to attorney's fees includes paralegal's fees.

As added by P.L.6-1993, SEC.1.

IC 1-1-4-7

State educational institution; applicability

Sec. 7. A reference in the Indiana Code to a state educational institution refers to a state educational institution (as defined in IC 21-7-13-32).

As added by P.L.2-2007, SEC.2.

IC 1-1-5

Chapter 5. Effect of Repeal or Expiration; Reservation of Legislative Authority

IC 1-1-5-1

Revival; release or extinguishment

Sec. 1. Whenever a statute is repealed which repealed a former statute, the former statute shall not thereby be revived unless it shall be so expressly provided. And the repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing statute shall so expressly provide; and such statute shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

(Formerly: Acts 1877(ss), c.36, s.1.) As amended by P.L.2-1988, SEC.1.

IC 1-1-5-2

Right of general assembly to amend or repeal law; waiver

Sec. 2. Each general law of the state is enacted subject to the right of the general assembly to amend or repeal that law at any time, unless the general assembly waives this right in that law. Except as provided in:

(1) IC 5-1-14-9; or

(2) any other law containing a covenant that the general assembly will not amend or repeal that law;

the general assembly may not be construed to have waived its right to amend or repeal any general law at any time.

As added by P.L.19-1986, SEC.40. Amended by P.L.2-1989, SEC.1.

IC 1-1-5-3

Special acts incorporating corporations

Sec. 3. The repeal or expiration of a special act incorporating a corporation has no effect on the subsequent reorganization of the corporation under a general statute.

As added by P.L.1-1989, SEC.3. Amended by P.L.16-2009, SEC.1.

IC 1-1-5-4

Legalizing or validating statutes

Sec. 4. The repeal or expiration of a legalizing or validating statute or part of a statute does not affect the legalization or validation.

As added by P.L.1-1989, SEC.4. Amended by P.L.16-2009, SEC.2.

IC 1-1-5-5

Statutes authorizing transfer, conveyance, or acceptance of property, powers, duties, and liabilities, or rules by governmental entities; cession or retrocession of jurisdiction over property between state and United States

Sec. 5. (a) This section applies to the repeal or expiration of a statute or part of a statute authorizing either of the following:

(1) The transfer, conveyance, or acceptance of:

- (A) property;
- (B) powers, duties, and liabilities; or
- (C) rules adopted under IC 4-22-2;

by a governmental entity.

(2) Cession or retrocession of jurisdiction over property between the state and the United States.

(b) The repeal or expiration does not affect the validity of the transfer, conveyance, or acceptance of:

- (1) property;
- (2) powers, duties, and liabilities; or
- (3) rules;

occurring before the effectiveness of the repeal or the date of the expiration.

(c) The repeal or expiration does not affect the validity of the cession or retrocession of jurisdiction over property between the state and the United States.

As added by P.L.1-1989, SEC.5. Amended by P.L.7-1993, SEC.1; P.L.16-2009, SEC.3.

IC 1-1-5-6

Expired statutes

Sec. 6. (a) This section applies to the repeal of a statute or part of a statute that has expired.

(b) The repeal does not affect the validity of an action taken under the statute or part of the statute before its expiration.

As added by P.L.1-1989, SEC.6.

IC 1-1-5-7

Statutes nullifying actions

Sec. 7. Whenever a statute that nullified an action:

- (1) is repealed; or
- (2) expires;

the action is not approved or ratified unless the approval or ratification is expressly provided in the statute.

As added by P.L.1-1989, SEC.7. Amended by P.L.16-2009, SEC.4.

IC 1-1-5-8

Revival of rule voided by statute subsequently repealed or expired

Sec. 8. Whenever a statute that voided a rule:

- (1) is repealed; or
- (2) expires;

the rule is not revived unless the statute expressly provides for the revival.

As added by P.L.1-1989, SEC.8. Amended by P.L.16-2009, SEC.5.

IC 1-1-5-9

Statutes setting forth effective date of a statute

Sec. 9. The repeal or expiration of a statute or part of a statute that:

(1) sets forth the effective date of a statute or part of a statute; and

(2) is repealed or expires after the statute or part of a statute has taken effect;

has no effect on the effective date of the statute.

As added by P.L.1-1989, SEC.9. Amended by P.L.16-2009, SEC.6.

IC 1-1-5-10

Expiration of statute has same effect as repeal

Sec. 10. The expiration of a statute has the same effect that the repeal of the statute, effective on the date of the expiration of the statute, would have had.

As added by P.L.16-2009, SEC.7.

IC 1-1-6

Chapter 6. Interpretation of Name Designations

IC 1-1-6-1**Incorrect names**

Sec. 1. Whenever a statute or rule designates a board, bureau, commission, division, department, officer, agency, authority, or instrumentality of state government, or a political subdivision and the name is incorrectly stated, on the effective date of the statute or rule, or following the effective date, the rights, powers, duties, or liabilities placed with the board, bureau, commission, division, department, officer, agency, authority, or instrumentality were transferred to a different board, bureau, commission, division, department, officer, agency, authority, or instrumentality, then the named board, bureau, commission, division, department, officer, agency, authority, or instrumentality, whether correctly named in the statute or rule on its effective date or not, refers to the properly or correctly named or designated board, bureau, commission, division, department, officer, agency, authority, or instrumentality, or the one to which the rights, powers, duties, and liabilities were transferred. *(Formerly: Acts 1945, c. 14, s. 1.) As amended by P.L. 1-1989, SEC. 10.*

IC 1-1-7

Chapter 7. Interpretation of Registered Mail as Certified Mail

IC 1-1-7-1

Registered or certified mail

Sec. 1. (a) If a statute enacted by the general assembly or a rule, as defined by IC 4-22-2-3, requires that notice or other matter be given or sent by registered mail or certified mail, a person may use:

(1) any service of the United States Postal Service or any service of a designated private delivery service (as defined by the United States Internal Revenue Service) that:

(A) tracks the delivery of mail; and

(B) requires a signature upon delivery; or

(2) delivery by an employee of the unit of government sending the notice;

to comply with the statute or rule.

(b) If means of giving notice is not covered by rules adopted by the supreme court and if a notice or other matter sent as described in subsection (a) is returned undelivered, the notice or other matter must be given by:

(1) delivering a copy of the notice or other matter to the person to whom the notice or other matter must be given personally;

(2) leaving a copy of the notice or other matter at the dwelling house or usual place of abode of the person to whom the notice or other matter must be given;

(3) sending by first class mail a copy of the notice or other matter to the last known address of the person to whom the notice or other matter must be given; or

(4) serving the agent of the person to whom the notice or other matter must be given as provided by rule, statute, or valid agreement.

(Formerly: Acts 1957, c.196, s.1.) As amended by P.L.2-1983, SEC.1; P.L.208-2007, SEC.1.

IC 1-1-7.5

Chapter 7.5. Interpretation of Certified Check as Bank Draft, Cashiers Check, or Money Order

IC 1-1-7.5-1

Federally insured financial institution instruments

Sec. 1. In all cases where it is required by law that a certified check be submitted in conjunction with the submission of bids on public contracts, it is lawful to submit a draft, cashiers check, or money order issued by a financial institution insured by an agency of the United States.

As added by Acts 1981, P.L.2, SEC.1.

IC 1-1-8

Repealed

(Repealed by Acts 1972, P.L.7, SEC.2.)

IC 1-1-8.1

Chapter 8.1. Standard Time

IC 1-1-8.1-1

Repealed

(Repealed by P.L.243-2005, SEC.2.)

IC 1-1-8.1-2

Repealed

(Repealed by P.L.243-2005, SEC.2.)

IC 1-1-8.1-3

State supports county effort to change time zone

Sec. 3. The state supports the county executive of any county that seeks to change the time zone in which the county is located under the procedures established by federal law.

As added by P.L.243-2005, SEC.1.

IC 1-1-9

Chapter 9. Legal Holidays

IC 1-1-9-1

List; observance

Sec. 1. (a) The following are legal holidays within the state of Indiana for all purposes:

New Year's Day, January 1.

Martin Luther King, Jr.'s Birthday, the third Monday in January.

Abraham Lincoln's Birthday, February 12.

George Washington's Birthday, the third Monday in February.

Good Friday, a movable feast day.

Memorial Day, the last Monday in May.

Independence Day, July 4.

Labor Day, the first Monday in September.

Columbus Day, the second Monday in October.

Election Day, the day of any general, municipal, or primary election.

Veterans Day, November 11.

Thanksgiving Day, the fourth Thursday in November.

Christmas Day, December 25.

Sunday, the first day of the week.

(b) When any of these holidays, other than Sunday, comes on Sunday, the following Monday shall be the legal holiday. When any of these holidays comes on Saturday, the preceding Friday shall be the legal holiday.

(c) This section does not affect any action taken by the state, the general assembly while in session, or a political subdivision (as defined in IC 36-1-2-13). Any action taken by the state, the general assembly, or a political subdivision on any such holiday shall be valid for all purposes.

(Formerly: Acts 1947, c.236, s.1; Acts 1949, c.2, s.1; Acts 1955, c.6, s.1; Acts 1969, c.59, s.1; Acts 1972, P.L.12, SEC.1.) As amended by Acts 1982, P.L.2, SEC.2; P.L.4-1989, SEC.1; P.L.4-1995, SEC.2; P.L.26-2000, SEC.1.

IC 1-1-9-2

Paid holidays for state employees; governor shifting observance; exception

Sec. 2. All legal holidays, except Sundays, shall be paid holidays for state employees. However, the governor may shift to another day the observance of a legal holiday, except that Martin Luther King, Jr.'s birthday shall be observed as a holiday on the third Monday in January.

As added by P.L.2-1986, SEC.1. Amended by P.L.4-1989, SEC.2.

IC 1-1-10

Chapter 10. Indiana Day

IC 1-1-10-1

Proclamation; observance

Sec. 1. The governor shall issue a proclamation annually designating the eleventh day of December as Indiana Day, and in pursuance thereof suitable exercises, having reference to the historical event to be commemorated thereby, may be held in the public schools of the state, and by citizens generally throughout the state, in appropriate and patriotic observance of the anniversary of the admission of the state of Indiana into the Union.

(Formerly: Acts 1925, c.11, s.1.)

IC 1-1-11

Chapter 11. Flag Day and Veterans' Day

IC 1-1-11-1

Flag Day; proclamation

Sec. 1. The governor shall issue a proclamation annually setting apart and designating the fourteenth day of June as Flag Day, and recommending therein that the day be observed by the people in the display of the flag, in conducting suitable exercises having reference to the adoption of the national flag, and in such other ways as shall be in harmony with the general character of the day.

(Formerly: Acts 1925, c.53, s.1.)

IC 1-1-11-2

Veterans' Day; proclamation

Sec. 2. (a) The governor shall issue a proclamation annually setting apart and designating November 11 as Veterans' Day. The governor in the proclamation shall:

(1) recommend that all places of business, other than school corporations and places of business necessary to the immediate health and welfare of the citizens of the state, remain closed in commemoration of Veterans' Day; and

(2) proclaim that Veterans' Day be observed generally throughout the state as a day on which to hold appropriate exercises in commemoration of the historical events associated with the day.

(b) School corporations shall observe Veterans' Day each year with appropriate exercises in commemoration of the historical events associated with the day. If classes are not conducted on November 11, the school corporation shall conduct these exercises on the first day after November 11 on which classes are conducted.

(Formerly: Acts 1925, c.53, s.2; Acts 1955, c.5, s.1; Acts 1959, c.341, s.1.) As amended by P.L.1-1985, SEC.1.

IC 1-1-12

Repealed

(Repealed by P.L.2-1986, SEC.3.)

IC 1-1-12.5

Chapter 12.5. Casimir Pulaski Day

IC 1-1-12.5-1

Proclamation; observance

Sec. 1. The governor shall issue an annual proclamation setting apart the first Monday in March for the recognition of Casimir Pulaski's birthday and designating that day as "Casimir Pulaski Day". On this commemorative day, suitable exercises may be held in the public schools of the state and by citizens generally throughout the state in appropriate and patriotic observance of Casimir Pulaski's great contributions to the cause of the American Revolution.

(Formerly: Acts 1974, P.L.3, SEC.1.)

IC 1-1-13

Chapter 13. George Rogers Clark Day

IC 1-1-13-1

Proclamation; observance

Sec. 1. The governor shall issue an annual proclamation setting apart the twenty-fifth day of February for the recognition of George Rogers Clark and designating that day as "George Rogers Clark Day." On this commemorative day, the Indiana Historical Bureau, the schools of Indiana and the citizens of Indiana are exhorted to celebrate the memory of George Rogers Clark by holding suitable exercises in fitting and patriotic observance of his great contributions to the cause of American Independence which include conquering and securing the Northwest Territory and establishing and promoting the first permanent American settlement in the Northwest Territory.
(Formerly: Acts 1975, P.L.1, SEC.1.)

IC 1-1-14

Chapter 14. Northwest Ordinance Day

IC 1-1-14-1

Proclamation

Sec. 1. The governor shall issue a proclamation each year designating July 13 as "Northwest Ordinance Day" and exhorting the Indiana Historical Bureau, the educational, historic, and patriotic organizations of Indiana, and the citizens of Indiana to celebrate the anniversary of the adoption of the Northwest Ordinance by holding suitable exercises in fitting and patriotic observance of this great document and its contributions to freedom and democracy.

As added by P.L.3-1988, SEC.1.

IC 1-2

ARTICLE 2. STATE EMBLEMS

IC 1-2-1

Repealed

(Repealed by P.L.4-1988, SEC.1.)

IC 1-2-2

Chapter 2. State Flag

IC 1-2-2-1

Design and dimensions

Sec. 1. A state flag is hereby adopted, and the same shall be of the following design and dimensions, to-wit: Its dimensions shall be three (3) feet fly by two (2) feet hoist; or five (5) feet fly by three (3) feet hoist; or any size proportionate to either of those dimensions. The field of the flag shall be blue with nineteen (19) stars and a flaming torch in gold or buff. Thirteen (13) stars shall be arranged in an outer circle, representing the original thirteen (13) states; five (5) stars shall be arranged in a half circle below the torch and inside the outer circle of stars, representing the states admitted prior to Indiana; and the nineteenth star, appreciably larger than the others and representing Indiana shall be placed above the flame of the torch. The outer circle of stars shall be so arranged that one (1) star shall appear directly in the middle at the top of the circle, and the word "Indiana" shall be placed in a half circle over and above the star representing Indiana and midway between it and the star in the center above it. Rays shall be shown radiating from the torch to the three (3) stars on each side of the star in the upper center of the circle.

Township trustees, boards of school trustees and boards of school commissioners of the various school corporations of this state, and board of county commissioners of the several counties of the state, may procure a state flag for each school and for each courthouse under their respective supervision and cause the same to be placed conspicuously in the principal room or assembly hall and any courtroom of any such building or courthouse.

(Formerly: Acts 1917, c.114, s.1; Acts 1955, c.146, s.1.) As amended by Acts 1979, P.L.1, SEC.1.

IC 1-2-2-2

Military forces; public functions

Sec. 2. The banner described in section 1 of this chapter shall be regulation, in addition to the American flag, with all of the militia forces of the state of Indiana, and in all public functions in which the state may or shall officially appear.

(Formerly: Acts 1917, c.114, s.2.) As amended by Acts 1982, P.L.2, SEC.3.

IC 1-2-3

Chapter 3. Display and Distribution of State Flag

IC 1-2-3-1

State capitol; display

Sec. 1. A new and different Indiana state flag shall be displayed at the state capitol building on each and every day whenever practicable and feasible.

(Formerly: Acts 1967, c.162, s.1.) As amended by Acts 1979, P.L.1, SEC.2.

IC 1-2-3-2

Storing flags; request for flags

Sec. 2. It shall be the duty of the commissioner of the department of administration to receive and store every flag displayed pursuant to section 1 of this chapter following such display. Upon receipt of a request of a member of the Indiana general assembly, the commissioner shall forward to the individual, group, organization, association, or other entity indicated in the legislator's request one (1) of the state flags displayed according to section 1 of this chapter. The commissioner shall forward such flags in the same order as the requests are received by him.

(Formerly: Acts 1967, c.162, s.2.) As amended by Acts 1982, P.L.2, SEC.4.

IC 1-2-3-3

Legislator's request for flags

Sec. 3. Each and every member of the Indiana general assembly shall be entitled to request and have sent, during any one (1) period of three hundred (300) days, two (2) of the state flags displayed pursuant to section 1 of this chapter. In the event that any flags are not sent at the request of a legislator before December 31, 1967, or at the end of any subsequent period of three hundred (300) days, they shall be delivered to the lieutenant governor of the state of Indiana by the commissioner of the department of administration to be disposed of at the lieutenant governor's discretion. Provided, however, that any member of the Indiana general assembly may purchase from the department of administration any other state flag which may have been manufactured in state industries at a price not to exceed the actual cost of each of said flags.

(Formerly: Acts 1967, c.162, s.3.) As amended by Acts 1982, P.L.2, SEC.5.

IC 1-2-3-4

Repealed

(Repealed by Acts 1972, P.L.13, SEC.1.)

IC 1-2-3-5

Display at state supported institutions

Sec. 5. Each and every institution supported in whole or in part by

state funds shall display the state flag in a prominent place upon its property.

(Formerly: Acts 1971, P.L.2, SEC.1.)

IC 1-2-3-6

Retiring and disposal of state flag

Sec. 6. A state flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed using the same method provided for the retiring and disposing of the flag of the United States under 4 U.S.C. 8(k).

As added by P.L.163-2003, SEC.1. Amended by P.L.2-2005, SEC.1.

IC 1-2-4

Chapter 4. State Seal

IC 1-2-4-1

Description

Sec. 1. The official seal for the state of Indiana shall be described as follows:

A perfect circle, two and five eighths ($2 \frac{5}{8}$) inches in diameter, inclosed by a plain line. Another circle within the first, two and three eighths ($2 \frac{3}{8}$) inches in diameter inclosed by a beaded line, leaving a margin of one quarter ($\frac{1}{4}$) of an inch. In the top half of this margin are the words "Seal of the State of Indiana".

At the bottom center, 1816, flanked on either side by a diamond, with two (2) dots and a leaf of the tulip tree (*liriodendron tulipifera*), at both ends of the diamond. The inner circle has two (2) trees in the left background, three (3) hills in the center background with nearly a full sun setting behind and between the first and second hill from the left.

There are fourteen (14) rays from the sun, starting with two (2) short ones on the left, the third being longer and then alternating, short and long. There are two (2) sycamore trees on the right, the larger one being nearer the center and having a notch cut nearly half way through, from the left side, a short distance above the ground. The woodsman is wearing a hat and holding his ax nearly perpendicular on his right. The ax blade is turned away from him and is even with his hat.

The buffalo is in the foreground, facing to the left of front. His tail is up, front feet on the ground with back feet in the air—as he jumps over a log.

The ground has shoots of blue grass, in the area of the buffalo and woodsman.

(Formerly: Acts 1963, c.207, s.1.)

IC 1-2-5

Chapter 5. State Poem

IC 1-2-5-1

Title and text

Sec. 1. The poem of Arthur Franklin Mapes, Kendallville, Indiana, the title and text of which are set forth in full as a part of this section, is hereby adopted as Indiana's official poem. It reads as follows:

INDIANA

God crowned her hills with beauty,
Gave her lakes and winding streams,
Then He edged them all with woodlands
As the setting for our dreams.
Lovely are her moonlit rivers,
Shadowed by the sycamores,
Where the fragrant winds of Summer
Play along the willowed shores.
I must roam those wooded hillsides,
I must heed the native call,
For a pagan voice within me
Seems to answer to it all.
I must walk where squirrels scamper
Down a rustic old rail fence,
Where a choir of birds is singing
In the woodland . . . green and dense.
I must learn more of my homeland
For it's paradise to me,
There's no haven quite as peaceful,
There's no place I'd rather be.
Indiana . . . is a garden
Where the seeds of peace have grown,
Where each tree, and vine, and flower
Has a beauty . . . all its own.
Lovely are the fields and meadows,
That reach out to hills that rise
Where the dreamy Wabash River
Wanders on . . . through paradise.

(Formerly: Acts 1963, c.220, s.1.) As amended by Acts 1982, P.L.2, SEC.6.

IC 1-2-6

Chapter 6. State Song

IC 1-2-6-1

Form

Sec. 1. The song entitled, "On the Banks of the Wabash, Far Away," words and music by Paul Dresser, be and is hereby established as the state song of Indiana. The form in which this song shall be sung as the state song of Indiana shall be as follows:

'Round my Indiana homestead wave the cornfields,
In the distance loom the woodlands clear and cool,
Oftentimes my tho'ts revert to scenes of childhood,
Where I first received my lessons - nature's school.
But one thing there is missing in the picture,
Without her face it seems so incomplete,
I long to see my mother in the doorway,
As she stood there years ago, her boy to greet.

CHORUS

Oh, the moonlight's fair tonight along the Wabash,
From the fields there comes the breath of new-mown hay,
Through the sycamores the candle lights are gleaming,
On the banks of the Wabash, far away.
Many years have passed since I strolled by the river,
Arm in arm, with sweetheart Mary by my side,
It was there I tried to tell her that I loved her,
It was there I begged of her to be my bride.
Long years have passed since I strolled thro' the churchyard.
She's sleeping there, my angel, Mary dear,
I loved her, but she thought I didn't mean it,
Still I'd give my future were she only here.

(Formerly: Acts 1913, c.254, s.1.)

IC 1-2-7

Chapter 7. State Flower and Tree

IC 1-2-7-1

Tulip tree; peony

Sec. 1. The tulip tree (*liriodendron tulipifera*) is hereby adopted and designated as the official state tree, and the flower of the peony (*Paeonie*) is hereby adopted and designated as the official state flower of the state of Indiana.

(Formerly: Acts 1931, c.48, s.1; Acts 1957, c.283, s.1.)

IC 1-2-8

Chapter 8. State Bird

IC 1-2-8-1

Cardinal

Sec. 1. The bird commonly known as the Red Bird or Cardinal (Richmondena Cardinalis Cardinalis) is hereby adopted and designated as the official state bird of the state of Indiana.

(Formerly: Acts 1933, c.223, s.1.)

IC 1-2-9

Chapter 9. State Stone

IC 1-2-9-1

Limestone

Sec. 1. The regal type rock "Limestone" which is found and quarried in south and central Indiana from the geologic formation named the Salem Limestone, is hereby adopted as the official stone of the State of Indiana.

(Formerly: Acts 1971, P.L.3, SEC.1.)

IC 1-2-10

Chapter 10. State Language

IC 1-2-10-1

Official language of state

Sec. 1. The English language is adopted as the official language of the state of Indiana.

As added by P.L.1-1984, SEC.1.

IC 1-2-10-2

Recognition of American Sign Language as independent language

Sec. 2. American Sign Language is recognized as a standard, independent language with its own grammar, syntax, vocabulary, and cultural heritage, which is widely used by individuals who hear, individuals who are deaf, and individuals who are hard of hearing in Indiana and in the United States.

As added by P.L.7-1995, SEC.1. Amended by P.L.99-2007, SEC.1.

IC 1-2-11

Chapter 11. State River

IC 1-2-11-1

Wabash River

Sec. 1. The river commonly known as the Wabash River is adopted and designated as the official river of the state of Indiana.

As added by P.L.3-1996, SEC.1.

IC 1-2-12

Chapter 12. State Poet Laureate

IC 1-2-12-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the Indiana arts commission established by IC 4-23-2-1.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-2

"Selection committee"

Sec. 2. As used in this chapter, "selection committee" refers to the committee described in section 4 of this chapter.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-3

Selection of poet laureate

Sec. 3. The poet laureate of Indiana shall be selected under this chapter.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-4

Establishment of selection committee

Sec. 4. (a) The selection committee consists of the following eight (8) members:

(1) Seven (7) members selected by the commission who represent state educational institutions and private postsecondary educational institutions.

(2) The executive director of the commission.

(b) The president of each of the institutions selected under subsection (a)(1) shall name a faculty member to serve on the selection committee. The faculty member must:

(1) be a member of the fine arts or English department of the institution; and

(2) teach writing.

(c) The executive director of the commission:

(1) is the chair of; and

(2) shall establish the meeting times and dates for;

the selection committee.

As added by P.L.164-2005, SEC.1. Amended by P.L.2-2007, SEC.3.

IC 1-2-12-5

Duties of selection committee

Sec. 5. The selection committee shall do the following:

(1) Meet on a biennial basis to select the poet laureate.

(2) Determine a method of selecting the poet laureate.

(3) Select a poet laureate not later than December 1 of each odd-numbered year.

(4) Permit a person to be selected as poet laureate even if the person has previously served as poet laureate.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-6

Poet laureate's term of service

Sec. 6. A person selected as poet laureate serves a two (2) year term that begins January 1 following the poet laureate's selection.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-7

Duties of poet laureate

Sec. 7. (a) The poet laureate shall do the following:

(1) Make a formal appearance at schools, libraries, and other educational facilities.

(2) Offer advice to the commission concerning ways to further the art of poetry in Indiana.

(3) Represent Indiana and the art of poetry to the education community and the public.

(b) The department of education shall assist the poet laureate in scheduling the poet laureate's appearances in educational facilities and at other appropriate events.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-8

Annual honorarium for poet laureate

Sec. 8. (a) The commission may pay an annual honorarium of two thousand five hundred dollars (\$2,500) to the poet laureate.

(b) The commission may pay a per diem to the poet laureate for each day that the poet laureate makes an appearance under this chapter.

(c) The commission may pay travel expenses to a member of the selection committee unless the member's institution reimburses the member for the expenses.

As added by P.L.164-2005, SEC.1.

IC 1-2-12-9

Payment of expenses from commission funds

Sec. 9. All expenses and other payments permitted under this chapter shall be paid from appropriations to or other funds of the commission.

As added by P.L.164-2005, SEC.1.

IC 1-3

ARTICLE 3. STATE BOUNDARIES

IC 1-3-1

Chapter 1. Indiana-Kentucky Boundary Compact

IC 1-3-1-1

Boundary

Sec. 1. Upon the approval and consent of the Congress of the United States to the compact hereby effected, the boundary line between the State of Indiana and the Commonwealth of Kentucky is as follows:

Commencing at a point on the line between Sections 15 and 14, Township 7 South, Range 10 West, and 67.25 chains south of the northeast corner of Section 15, the same being the beginning point in the description of the part of the boundary line as fixed by the Supreme Court of the United States in *Indiana v. Kentucky*, decided May 18, 1896, and reported in 163 U.S. Reports 520, thence south 0 degrees 53 minutes 15 seconds west to the low water mark on the right side of the Ohio River and thence upstream at low water mark on the right side of the Ohio River. Also beginning at the same beginning point to-wit: The beginning point in the description of the part of the boundary line between the State of Indiana and the Commonwealth of Kentucky as fixed by the Supreme Court in 163 U.S. 520 and following that line to the end of so much of the boundary line as was fixed by the decree; thence due west to the low water mark on the right side of the Ohio River and thence downstream with the low water mark on the right side of the river.

As added by P.L.1-1995, SEC.32.

IC 1-3-1-2

Filing of compact

Sec. 2. Upon the approval and consent of the Congress of the United States to the compact hereby effected:

- (1) evidence of the compact, together with the survey and report of the commissioners by whom the boundary line was agreed upon, shall be filed in the office of the secretary of state; and
- (2) a copy of the compact, survey, and report shall be filed in the office of the recorder of Vanderburgh County, Indiana.

As added by P.L.1-1995, SEC.32.

IC 1-3-2

Chapter 2. Indiana-Michigan Boundary Line Commission

IC 1-3-2-1

"Boundary county"

Sec. 1. As used in this chapter, "boundary county" refers to any of the following:

- (1) Elkhart County.
- (2) LaGrange County.
- (3) LaPorte County.
- (4) St. Joseph County.
- (5) Steuben County.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-2

"Commission"

Sec. 2. As used in this chapter, "commission" refers to the Indiana-Michigan boundary line commission established by section 3 of this chapter.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-3

Commission established

Sec. 3. The Indiana-Michigan boundary line commission is established.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-4

Commission members

Sec. 4. (a) The commission consists of five (5) members appointed by the governor.

(b) Each commission member must be a surveyor registered under IC 25-21.5.

(c) One (1) member of the commission must be appointed from each of the boundary counties.

(d) The commission's chair must be:

- (1) a commission member; and
- (2) elected by a majority of the commission members.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-5

Commission member compensation

Sec. 5. (a) A commission member is not entitled to compensation for service on the commission.

(b) A commission member is entitled to reimbursement for expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-6**Commission meetings**

Sec. 6. The commission shall meet at least four (4) times each year.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-7**Commission duties; professional survey services; commission review; ratification**

Sec. 7. (a) The commission shall administer and oversee a survey and remonumentation of the Indiana-Michigan border.

(b) The survey required by this section shall install relatively permanent monumentation at the mile post positions as established by the original government survey of October 1827. However, the commission may not replace lost mile post positions if the state of Michigan does not participate in the project as authorized by Michigan law.

(c) The commission may procure professional surveying services through the Indiana department of administration. A contract for surveying services must be awarded to a company incorporated in Indiana.

(d) The commission shall review the survey upon completion of each mile post.

(e) Upon completion of the survey, the commission shall submit the survey to the general assembly for ratification.

As added by P.L.106-2009, SEC.1.

IC 1-3-2-8**Expiration of chapter**

Sec. 8. This chapter expires July 1, 2015.

As added by P.L.106-2009, SEC.1.