

**IN THE
COURT OF APPEALS OF INDIANA**

FOUNDATIONS OF EAST CHICAGO, INC.
Successor by Merger to EAST CHICAGO
COMMUNITY DEVELOPMENT
FOUNDATION, INC. and TWIN CITY
EDUCATION FOUNDATION, INC.,

Appellant-Plaintiff,

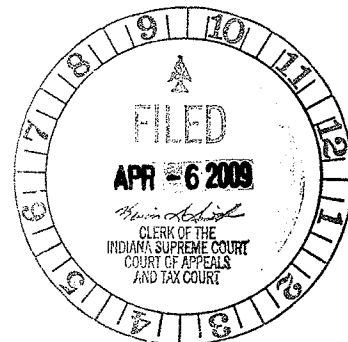
v.

CITY OF EAST CHICAGO,

Appellee-Defendant, and

STATE OF INDIANA,

Appellee-Intervenor/Defendant.



No. 49A02-0711-CV-987

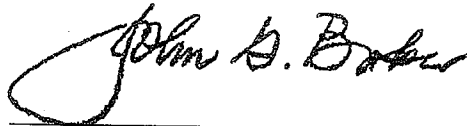
ORDER

Appellant-plaintiff Foundations of East Chicago, Inc. (Foundations), has filed a motion to supplement the record with public record of appellee-defendant City of East Chicago (East Chicago) that are allegedly related to the passage of Indiana Code section 4-33-6-7, the constitutionality of which is at issue in this appeal.

It is a fact, however, that Indiana does not record its legislative history. E.G. *State v. Pollard*, 886 N.E.2d 69, 73 (Ind. Ct. App. 2008). To determine the meaning and purpose of a statute, therefore, we focus primarily on the wording of the statute itself. It may also be helpful to examine past versions of the statute, if any, and other statutes in the Indiana Code. But we do not and may not look to the intent of individual legislators, lobbyists, or constituents who may have contacted their legislators to ask for a particular vote. What matters in this State is the language of the statute, and that is where our analysis begins and ends.

Thus, the documents at issue in this motion, which include East Chicago emails discussing why it was lobbying for the passage of Indiana Code section 4-33-6-7, are entirely irrelevant to our analysis of the substance of the appeal. The constitutionality of this statute is in no way affected by the machinations of the parties and legislators behind the scenes. Instead, we will examine the wording of the statute and render our decision based solely thereon. Therefore, we hereby deny the motion to supplement the record with these documents.

ORDERED this 6th day of April, 2009.



John G. Baker
Chief Judge
Court of Appeals of Indiana

May, J., and Brown J., concurring.