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2016 ACTS

Second Regular Session of the 119th Indiana General Assembly

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ACTS 2016

Laws enacted by the

119th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION (2016)

VOLUME I

(P.L.1-2016 through P.L.83-2016)

By the authority of
INDIANA LEGISLATIVE COUNCIL
(IC 2-6-1.5)

Office of Code Revision
Legislative Services Agency

PREFACE TO 2016 ACTS

ARRANGEMENT

This edition of the Acts of Indiana includes all laws from the Second Regular Session of the 119th General Assembly. The laws are arranged into two categories: first, laws of a permanent nature that amend the Indiana Code or laws that are temporary or special in nature and that do not amend the Code; and second, joint resolutions (if any).

The text of all the laws enacted during the Second Regular Session is arranged, insofar as possible, in the order of the date on which the governor signed the bills into law, the order of the date on which laws not signed and not vetoed by the governor took effect, or the order of the date the governor's veto of a law was overridden by the vote of the General Assembly.

PRINTING CODE

A special printing code has been used in publishing the session laws in order that the reader may determine at a glance the specific changes made by any amendment. The following statement appeared at the top of each bill:

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

Upon the recommendation of the Code Revision Commission, the Legislative Council authorized a change in the style in which bills are printed to highlight the manner in which "blind amendments" are resolved in the technical correction bill prepared by the Code Revision Commission. A "blind amendment" occurs when two or more enrolled acts amend the same section of law but fail to indicate how they are to be read together. P.L.149-2016 (HEA 1036-2016), the technical correction bill prepared for the 2016 Regular Session of the General Assembly, uses an *italic typeface* to indicate that one or more words contained in a law enacted in 2015 were absent from other versions of the law enacted in the same session. P.L.149-2016 (HEA 1036-2016) in 2016 resolves the differences by striking superfluous words and inserting additional words as needed to harmonize the various versions of the law.

This system is intended to make the session laws more usable to the researcher by eliminating the need to compare each amendment against the text of the prior law in order to determine exactly what changes the General Assembly made.

Of course, these typefaces are intended only as a tool to indicate to the reader the text of the prior law that was deleted by amendment

and to highlight any new text that was added by amendment. They are not a permanent part of the law itself. In reproducing or quoting the law, it is unnecessary to retain these typefaces; instead, all stricken text may be deleted and all boldface and italic may be reproduced in regular type.

PUBLIC LAW CITATION FORM

The public law citation form incorporates the year the public law was enacted as a part of the public law number. For example, Public Law 1 enacted by the 119th Second Regular Session is cited as P.L.1-2016.

CERTIFICATION

IC 2-6-1.5 requires the Indiana Legislative Council to supervise the preparation, indexing, and distribution of the session laws. Under IC 2-6-1.5, the Speaker of the House of Representatives and President Pro Tempore of the Senate must certify that the printed session laws have been compared with the enrolled acts and joint resolutions and have been found correct. The certificate can be seen by clicking on "Certificate" on the Table of Contents page.

CASH STATEMENT

Article 10, Section 4 of the Constitution of the State of Indiana requires that an "accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly". The cash statement can be seen by clicking on "2015 Cash Statement" on the Table of Contents page.

TABLES

The Table of Citations Affected sets out each section of the Code that has been affected by legislation enacted at the Second Regular Session of the 119th General Assembly. The Table of Citations Affected can be seen by clicking on "Table of Citations Affected" on the Table of Contents page.

The Bill Numbers to Public Law Numbers table provides cross-references from House and Senate bill numbers to public law numbers for the Second Regular Session of the 119th General Assembly. This table can be seen by clicking on "Bill Numbers to Public Law Numbers" on the Table of Contents page.

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A subject index for the legislation enacted at the Second Regular Session of the 119th General Assembly can be seen by clicking on "Index" on the Table of Contents page.

LAWS OF INDIANA

passed at the
SECOND REGULAR SESSION
119TH GENERAL ASSEMBLY

P.L.1-2016
[S.200. Approved January 21, 2016.]

AN ACT concerning education.

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

SECTION 1. [EFFECTIVE JULY 1, 2015 (RETROACTIVE)] **(a) The definitions in IC 20 apply throughout this SECTION.**

(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-6, and subject to the requirements necessary to receive a flexibility waiver under 20 U.S.C. 7861, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2014-2015 school year shall be calculated in the manner provided in 511 IAC 6.2-6 with the exception that a school's or school corporation's category or designation of school or school corporation performance may not be lower than the school's or school corporation's category or

designation of school or school corporation performance for the 2013-2014 school year.

(c) For purposes of determining whether a school has become newly eligible for consequences under IC 20-51-4-9(a)(1) through IC 20-51-4-9(a)(3) based on the category or designation of school performance assigned by the state board under IC 20-31-8-4 for the 2014-2015 school year, the department may not apply the consequences unless the school was placed in the lowest category or designation for the 2014-2015 school year.

(d) This SECTION expires January 1, 2017.

SECTION 2. An emergency is declared for this act.

P.L.2-2016

[H.1003. Approved January 21, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-43-10-3, AS AMENDED BY P.L.213-2015, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 3. (a) As used in this section, "achievement test" means a:

- (1) test required by the ISTEP program; or
- (2) Core 40 end of course assessment for the following:
 - (A) Algebra I.
 - (B) English 10.
 - (C) Biology I.

(b) As used in this section, "graduation rate" means the percentage graduation rate for a high school in a school corporation as determined under IC 20-26-13-10 but adjusted to reflect the pupils who meet the requirements of graduation under subsection (c).

(c) As used in this section, "test" means either:

- (1) a test required by the ISTEP program; or
- (2) a Core 40 end of course assessment.

~~in the school year ending in the immediately preceding state fiscal year or, for purposes of a school year to school year comparison, in the school year immediately preceding that school year.~~

(d) A pupil meets the requirements of graduation for purposes of this section if the pupil successfully completed:

- (1) a sufficient number of academic credits, or the equivalent of academic credits; and
- (2) the graduation examination required under IC 20-32-3 through IC 20-32-5;

that resulted in the awarding of a high school diploma or an academic honors diploma to the pupil for the school year ending in the immediately preceding state fiscal year.

(e) Determinations for a school for a state fiscal year must be made using:

- (1) the count of tests passed compared to the count of tests taken throughout the school;
- (2) the graduation rate in the high school; and
- (3) the count of pupils graduating in the high school.

(f) In determining grants under this section, a school corporation may qualify for the following two (2) grants each year:

- (1) One (1) grant under subsection (h), (i), or (j).
- (2) One (1) grant under subsection (k), (l), or (m).

(g) The sum of the two (2) grant amounts described in subsection (f), as determined for a school corporation under this section, constitutes an annual performance grant that is in addition to state tuition support. The annual performance grant for a state fiscal year shall be distributed to the school corporation before December 5 of that state fiscal year. If the:

- (1) total amount to be distributed as performance grants for a particular state fiscal year exceeds the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations shall be proportionately reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total

amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the performance grant that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed as performance grants to all school corporations if a reduction were not made under this section; and

(2) total amount to be distributed as performance grants for a particular state fiscal year is less than the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations for that particular state fiscal year shall be proportionately increased so that the total amount to be distributed equals the amount of the appropriation for that particular state fiscal year.

The performance grant received by a school corporation shall be allocated among and used only to pay cash stipends to all teachers who are rated as effective or as highly effective and employed by the school corporation as of December 1. The lead school corporation or interlocal cooperative administering a cooperative or other special education program or administering a career and technical education program, including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award performance stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program. The amount of the distribution from an annual performance grant to an individual teacher is determined at the discretion of the governing body of the school corporation. The governing body shall differentiate between the amount of the stipend awarded to a teacher rated as a highly effective teacher and a teacher rated as an effective teacher and may differentiate between school buildings. A stipend to an individual teacher in a particular year is not subject to collective bargaining and is in addition to the minimum salary or increases in salary set under IC 20-28-9-1.5. In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a stipend to an individual teacher in a particular state fiscal year beginning after June 30, 2015, becomes a permanent part of and increases the base salary of

the teacher receiving the stipend for school years beginning after the state fiscal year in which the stipend is received. The addition to base salary under this section is not subject to collective bargaining, is payable from funds other than the performance grant, and is in addition to the minimum salary and increases in salary set under IC 20-28-9-1.5. The school corporation shall complete the appropriation process for all stipends from a performance grant to individual teachers before December 31 of the state fiscal year in which the performance grant is distributed to the school corporation and distribute all stipends from a performance grant to individual teachers before the immediately following January 31. Any part of the performance grant not distributed as stipends to teachers before February must be returned to the department on the earlier of the date set by the department or June 30 of that state fiscal year.

(h) **Except as provided in subsection (n)**, a school qualifies for a grant under this subsection if the school has more than seventy-five percent (75%) but less than ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) twenty-three dollars and fifty cents (\$23.50).

(i) **Except as provided in subsection (n)**, a school qualifies for a grant under this subsection if the school has at least ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) forty-seven dollars (\$47).

(j) This subsection does not apply to a school corporation in its first year of operation or to a school corporation that is entitled to a distribution under subsection (h) or (i). **Except as provided in subsection (n)**, a school qualifies for a grant under this subsection if the school's school year over school year percentage growth rate of

achievement tests receiving passing scores was at least one percent (1%), comparing the school year ending in the immediately preceding state fiscal year to the school year immediately preceding that school year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who had a passing score on their achievement test in the school year ending in the immediately preceding state fiscal year; multiplied by

(2) one hundred sixty dollars (\$160).

(k) A school qualifies for a grant under this subsection if the school had a graduation rate of ninety percent (90%) or more for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by

(2) one hundred seventy-six dollars (\$176).

(l) A school qualifies for a grant under this subsection if the school had a graduation rate greater than seventy-five percent (75%) but less than ninety percent (90%) for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by

(2) eighty-eight dollars (\$88).

(m) This subsection does not apply to a school in its first year of operation or to a school corporation that is entitled to a distribution under subsection (k) or (l). A school qualifies for a grant under this subsection if the school's school year over school year percentage growth in its graduation rate is at least one percent (1%), comparing the graduation rate for the school year ending in the immediately preceding state fiscal year to the graduation rate for the school year immediately preceding that school year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who met the requirements for graduation in the school year ending in the immediately preceding state fiscal year; multiplied by

(2) one thousand dollars (\$1,000).

(n) This subsection applies to the state fiscal year beginning July 1, 2015, and ending June 30, 2016. Notwithstanding subsection (h), (i), or (j), the amount of the grant described in subsection (h), (i), or (j) shall be calculated using the higher of:

(1) the percentage of passing scores on ISTEP program tests for the school for the 2013-2014 school year; or

(2) the percentage of passing scores on ISTEP program tests for the school for the 2014-2015 school year.

If a grant amount for a school is calculated using the percentage described in subdivision (1), the ISTEP data from the 2013-2014 school year shall be used in the calculation of the grant amount, and the grant amount may not exceed the grant amount that the school received for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, or in the case of a currently eligible school that was ineligible for a grant in the state fiscal year beginning July 1, 2014, and ending June 30, 2015, because the school had not completed the required teacher evaluations, the grant amount that the school would have been entitled to receive for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, if the school had been eligible. Notwithstanding subsection (g), the school corporation shall distribute all stipends from a performance grant to individual teachers within twenty (20) business days of the date the department distributes the performance grant to the school corporation.

~~(m)~~ **(o)** This section expires June 30, 2017.

SECTION 2. [EFFECTIVE JULY 1, 2015 (RETROACTIVE)] **(a)**

The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-28-11.5-4 or 511 IAC 10-6-4, ISTEP program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2014-2015 school year, based on the ISTEP program test taken in the spring of 2015, may not be used by a school corporation as part of an annual performance evaluation of a particular certificated employee under a performance plan developed under IC 20-28-11.5-4 unless the use of the ISTEP program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2014-2015 school year would improve the particular certificated employee's annual performance rating. If ISTEP program test scores or a school's category or designation of school improvement

is not used in a particular certificated employee's annual performance evaluation, the weight of all other measures used in the certificated employee's annual performance evaluation must be proportionately increased to replace measures based on the ISTEP program test or the school's category or designation of school improvement.

(c) This SECTION expires July 1, 2016.

SECTION 3. An emergency is declared for this act.

P.L.3-2016

[S.91. Approved March 4, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-9-2-23.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 23.8. "Contact preference form" means the form prescribed by the state registrar under IC 31-19-25-4.6.**

SECTION 2. IC 31-9-2-89, AS AMENDED BY P.L.206-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 89. (a) "Person", for purposes of IC 31-19-19, ~~IC 31-19-22~~, IC 31-19-25, and the juvenile law, means:

- (1) a human being;
- (2) a corporation;
- (3) a limited liability company;
- (4) a partnership;
- (5) an unincorporated association; or
- (6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an

adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

(e) "Person", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

SECTION 3. IC 31-9-2-97.4, AS ADDED BY P.L.191-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 97.4. "Professional health care provider", for purposes of ~~IC 31-19-22~~ and IC 31-19-25, has the meaning set forth in IC 34-6-2-117.

SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.104-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18 ~~IC 31-19-22~~, and IC 31-19-25, means:

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

(b) "Relative", for purposes of IC 31-34-3, means:

- (1) a maternal or paternal grandparent;
- (2) an adult aunt or uncle;
- (3) a parent of a child's sibling if the parent has legal custody of the sibling; or
- (4) any other adult relative suggested by either parent of a child.

(c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4, IC 31-34-19, and IC 31-37, means any of the following in relation to a child:

- (1) A parent.
- (2) A grandparent.
- (3) A brother.
- (4) A sister.
- (5) A stepparent.
- (6) A stepgrandparent.
- (7) A stepbrother.
- (8) A stepsister.

- (9) A first cousin.
- (10) An uncle.
- (11) An aunt.
- (12) Any other individual with whom a child has an established and significant relationship.

SECTION 5. IC 31-19-9-6, AS AMENDED BY P.L.191-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The individual who or agency that arranges for the signing of a consent to adoption shall provide each birth parent whose consent to adoption is obtained under this chapter with the following:

- (1) An explanation concerning the following:
 - (A) The availability of adoption history information under IC 31-19-17 through IC 31-19-25.5.
 - (B) The birth parent's option to file a **nonrelease contact preference** form with the state registrar if the birth parent seeks to restrict the release of identifying information.
 - (C) That identifying information may be released unless the birth parent files the **nonrelease contact preference** form with the state registrar **indicating the birth parent's lack of consent to the release of identifying information.**
- (2) A **nonrelease contact preference** form prescribed by the state registrar under ~~IC 31-19-25-4.~~ **IC 31-19-25-4.6.**

SECTION 6. IC 31-19-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. Upon request, the state registrar shall provide an individual or agency with a **nonrelease contact preference** form required by section 6(2) of this chapter.

SECTION 7. IC 31-19-20-4, AS AMENDED BY P.L.191-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~ **IC 31-19-23** through IC 31-19-25.5 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

SECTION 8. IC 31-19-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) ~~A person who has transmitted identifying or nonidentifying information under IC 31-19-18-2 An:~~

- (1) adoptee who is at least twenty-one (21) years of age; or**
- (2) adoptive parent of an adoptee who is less than twenty-one (21) years of age;**

may consent to the release of identifying information concerning the **person adoptee** in a signed writing.

(b) The consent described in subsection (a) must identify the persons to whom the information may be released.

SECTION 9. IC 31-19-21-3, AS AMENDED BY P.L.191-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. A holder of information that receives a consent made under this chapter (or IC 31-3-4-27 before its repeal) may release identifying and nonidentifying information only in conformity with:

- (1) the last version of the consent filed with the holder; and
- (2) ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5.

SECTION 10. IC 31-19-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The state registrar may contact ~~a person~~ **an adoptee or adoptive parent** who submits a written consent under this chapter that is:

- (1) incompletely; or
- (2) inaccurately;

executed to inform the ~~person~~ **adoptee or adoptive parent** regarding the error in the execution of the consent form.

SECTION 11. IC 31-19-21-6, AS AMENDED BY P.L.191-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5:

- (1) The state registrar.
- (2) The department.
- (3) County offices of family and children.
- (4) Licensed child placing agencies.
- (5) Professional health care providers (as defined in IC 34-6-2-117).
- (6) Courts.

SECTION 12. IC 31-19-22 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Release of Identifying Information).

SECTION 13. IC 31-19-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **Before July 1, 2018,**

this chapter applies to **all** adoptions that are filed after December 31, 1993. **Beginning July 1, 2018, this chapter applies to all adoptions, regardless of the date the adoption was filed.**

SECTION 14. IC 31-19-25-3, AS AMENDED BY P.L.128-2012, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A birth parent may restrict access to identifying information concerning the birth parent by filing a ~~written nonrelease~~ **contact preference** form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this chapter.

(b) A person who arranges for the signing of a consent to adoption shall provide the birth parent with a ~~nonrelease~~ **contact preference** form and the explanation described in IC 31-19-9-6.

(c) Except as provided in sections 15 and 17 of this chapter, the following persons may not release any identifying information concerning a birth parent to an individual requesting the release of identifying information under section 2 of this chapter if a ~~nonrelease~~ **contact preference** form **that evidences the birth parent's lack of consent to the release of identifying information** is in effect at the time of the request for identifying information:

- (1) The state registrar.
- (2) The department.
- (3) A local office.
- (4) A licensed child placing agency.
- (5) A professional health care provider.
- (6) The attorney who arranged the adoption.
- (7) A court.

(d) Except as provided in subsection (f), the ~~nonrelease~~ **contact preference** form filed under this section

- (1) remains in effect ~~during the period indicated by the individual submitting the form;~~
- (2) ~~is renewable; and~~
- (3) ~~may be withdrawn at any time by the individual who submitted the form.~~

until the birth parent who filed the contact preference form files a new contact preference form.

(e) The ~~nonrelease~~ **contact preference** form is no longer in effect if the birth parent consents in writing to the release of identifying

information and has not withdrawn that consent.

(f) A **nonrelease contact preference** form is no longer in effect if the birth parent who filed the **nonrelease contact preference** form is deceased unless the **nonrelease contact preference** form specifically states that the **nonrelease contact preference** form remains in effect after the birth parent's death.

SECTION 15. IC 31-19-25-3.5, AS AMENDED BY P.L.128-2012, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. The following persons shall send a copy of a **written nonrelease contact preference** form received by the person from a birth parent to the state registrar:

- (1) The department.
- (2) A local office.
- (3) A licensed child placing agency.
- (4) A professional health care provider.
- (5) An attorney.
- (6) A court.

SECTION 16. IC 31-19-25-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 4. The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

- (1) contain a space in which the birth parent may check "yes" or "no" concerning whether the individual submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and
- (2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

SECTION 17. IC 31-19-25-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.4. (a) **Notwithstanding any other law, a nonrelease form that:**

- (1) **indicates the birth parent's lack of consent to the release of identifying information; and**

(2) was submitted by a birth parent before July 1, 2018; remains in effect for the time indicated by the birth parent on the nonrelease form.

(b) Unless a birth parent has indicated on the nonrelease form that the birth parent does not desire the state registrar to send notice to the birth parent at the time that the birth parent's nonrelease form lapses, the state registrar shall mail a notice to a birth parent who submitted a nonrelease form as described in subsection (a) at least ninety (90) days before the birth parent's nonrelease form lapses indicating that:

- (1) the nonrelease form will lapse; and**
- (2) if the birth parent prefers not to be contacted by a person requesting identifying information, the birth parent must file a contact preference form indicating that the birth parent does not want to be contacted.**

(c) A nonrelease form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

(d) A nonrelease form is no longer in effect if the birth parent who filed the nonrelease form is deceased unless the nonrelease form specifically states that the nonrelease form remains in effect after the birth parent's death.

SECTION 18. IC 31-19-25-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.6. (a) The state registrar shall prescribe a contact preference form for birth parents. The form must include the following:**

- (1) A component in which a birth parent is to indicate one (1) of the following with regard to a person that requests identifying information:**
 - (A) That the birth parent welcomes the person to contact the birth parent directly and authorizes the release of identifying information.**
 - (B) That the birth parent prefers that the birth parent be contacted through an intermediary and does not authorize the release of identifying information directly to the person.**
 - (C) That the birth parent prefers that the person not contact the birth parent directly or through an**

intermediary and does not authorize the release of identifying information.

(D) That the birth parent:

(i) prefers that the person not contact the birth parent as provided under clause (C); but

(ii) welcomes the state registrar to contact the birth parent to request that the birth parent update the birth parent's medical information.

(2) A component in which a birth parent who prefers to be contacted through an intermediary as provided under subdivision (1)(B) may designate a third party to act as the intermediary for the birth parent.

(3) Provisions necessary for the state registrar to be able to identify the adoption file of the adoptee to whom the form pertains.

(4) A notice that the birth parent may change the birth parent's indicated preference regarding contact by filing a new contact preference form with the state registrar.

(5) A notice that an adoptee who does not know which court entered the adoption decree regarding the adoptee may seek assistance from the state registrar.

(b) The state registrar may accept a completed contact preference form from a birth parent only if the birth parent provides to the state registrar one (1) item of identification of the birth parent.

(c) Except as provided in subsection (f), a contact preference form submitted by a birth parent to the state registrar does not lapse.

(d) If a birth parent has previously completed and submitted a contact preference form, the state registrar shall replace the birth parent's previous contact preference form with the birth parent's new contact preference form.

(e) A birth parent may file a completed contact preference form with the state registrar to change the birth parent's indicated preference regarding contact as many times as the birth parent wishes.

(f) A contact preference form is no longer in effect if the birth parent who filed the contact preference form is deceased, unless the contact preference form specifically states that the contact

preference form remains in effect after the birth parent's death.

SECTION 19. IC 31-19-25-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.8. (a) If a birth parent indicates that the birth parent prefers to be contacted through an intermediary as described in section 4.6(a)(1)(B) of this chapter, the state registrar shall:**

(1) attempt to make personal contact with the third party designated by the birth parent under section 4.6(a)(2) of this chapter; or

(2) attempt to make personal contact with the birth parent if the birth parent did not designate a third party as the birth parent's intermediary under section 4.6(a)(2) of this chapter.

(b) At the time that the state registrar makes contact with a:

(1) birth parent; or

(2) third party designated by the birth parent;

the state registrar shall request that the birth parent update the birth parent's medical information with the state registrar.

(c) If the birth parent indicates that the birth parent welcomes the state registrar to contact the birth parent for the purpose of updating medical information as provided in section 4.6(a)(1)(D) of this chapter, the state registrar shall attempt to make personal contact with the birth parent to request that the birth parent update the birth parent's medical information.

(d) All communications by the state registrar under this section are confidential.

(e) The state registrar discharging in good faith the responsibilities under this section is immune from all civil and criminal liability that otherwise might result.

SECTION 20. IC 31-19-25-5 IS REPEALED [EFFECTIVE JULY 1, 2018]. **Sec. 5: Except as provided under section 4 of this chapter, the state registrar shall mail a notice to a birth parent who submits a nonrelease form under section 3 of this chapter within ninety (90) days before the birth parent's nonrelease form lapses. The notice:**

(1) shall be mailed to the most recent address of the birth parent that has been supplied to the state registrar; and

(2) must indicate:

(A) the date upon which the form is to lapse; and

~~(B) that the nonrelease form is renewable.~~

SECTION 21. IC 31-19-25-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. The state registrar shall provide for the storage and indexing of requests and **nonrelease contact preference** forms under this chapter.

SECTION 22. IC 31-19-25-12, AS AMENDED BY P.L.191-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. The state registrar may contact an individual who submits a request form or **nonrelease contact preference** form that is incorrectly or incompletely executed to inform the individual regarding the error in the execution of the form.

SECTION 23. IC 31-19-25-13, AS AMENDED BY P.L.128-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The department.
- (4) A local office.
- (5) A professional health care provider.
- (6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a **nonrelease contact preference** form under this chapter.

SECTION 24. IC 31-19-25-16, AS ADDED BY P.L.191-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. If an individual submits a request for the release of identifying information under section 2 of this chapter, the state registrar shall search the death certificates in the state registrar's possession regarding:

- (1) a related adoptee:
 - (A) who has not submitted a consent for the release of information under IC 31-19-21; and
 - (B) whose consent is necessary before identifying information may be released to the individual who has submitted the request; or
- (2) a birth parent who has filed a written nonrelease form ~~under~~

section 3 of this chapter. **(before July 1, 2018) or a contact preference form (after June 30, 2018).**

SECTION 25. IC 31-19-25-17, AS ADDED BY P.L.191-2011, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) If, upon searching the death certificates under section 16 of this chapter, the state registrar finds that an adoptee or a birth parent is deceased, the state registrar shall:

- (1) inform the individual requesting the release of the identifying information under section 2 of this chapter of the death; and
- (2) release the identifying information if additional consent is not required by this chapter.

(b) The state registrar may not release identifying information under subsection (a) concerning:

- (1) a birth parent or adoptee if additional consent is required by this chapter; or
- (2) a birth parent if a **nonrelease contact preference** form submitted by the birth parent **that evidences the birth parent's lack of consent to the release of identifying information** specifically states that the **nonrelease contact preference** form remains in effect after the birth parent's death.

SECTION 26. IC 31-19-25.5-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 4. (a) This section applies to adoptions that are filed before January 1, 1994.

(b) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:

- (1) The pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter.
- (2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.

(c) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:

- (1) The adoptee has submitted a written request under section 2 of this chapter.

(2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.

(d) The consent of a birth parent is not required for the release of information under this section if a person who submits a request under section 2 of this chapter provides:

- (1) a death certificate;
- (2) an obituary; or
- (3) any other form of evidence approved by the state department of health;

indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.

(e) The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact. If the state registrar determines that a birth parent is deceased, the consent of the birth parent who is deceased is not required for the release of the information under this section.

(f) If the state registrar is prohibited under this section from releasing the name and address of a pre-adoptive sibling or an adoptee, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling requesting the release of the information.

SECTION 27. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies to adoptions that are filed after December 31, 1993.

(b) (a) Except as provided under subsections (d) and (f), (c) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if:

- (1) the pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter; and
- (2) a birth parent has not filed a:
 - (A) written nonrelease form (before July 1, 2018); or
 - (B) contact preference form (after June 30, 2018) with the state registrar under IC 31-19-25 that evidences the birth parent's lack of consent to the release of identifying

information.

~~(e)~~ **(b)** Except as provided under subsections ~~(d)~~ and ~~(f)~~; **(c) and (e)**, the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if:

(1) the adoptee has submitted a written request under section 2 of this chapter; and

(2) a birth parent has not filed a:

(A) written nonrelease form (before July 1, 2018); or

(B) contact preference form (after June 30, 2018) with the state registrar under IC 31-19-25 that evidences the birth parent's lack of consent to the release of identifying information.

~~(d)~~ **(c)** Except as provided under subsection ~~(g)~~; **(f)**, the state registrar shall release information under this section if:

(1) both the adoptee and pre-adoptive sibling of the adoptee have submitted requests under section 2 of this chapter; and

(2) the adoptee or pre-adoptive sibling who requested information under section 2 of this chapter submits:

(A) a death certificate;

(B) an obituary; or

(C) any other form of evidence approved by the state department of health;

indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.

~~(e)~~ **(d)** The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if:

(1) an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact; and

(2) a birth parent has filed a ~~nonrelease~~ **contact preference** form under IC 31-19-25 **that evidences the birth parent's lack of consent to the release of identifying information.**

~~(f)~~ **(e)** Except as provided under subsection ~~(g)~~; **(f)**, if, upon searching the death certificates under subsection ~~(e)~~; **(d)**, the state registrar finds that a birth parent is deceased, the state registrar shall:

(1) inform the adoptee and pre-adoptive sibling of the death; and

(2) release the information if additional consent is not required by

this chapter.

~~(g)~~ (f) The state registrar may not release information under this section to an adoptee or pre-adoptive sibling if:

(1) additional consent is required under this chapter; or

(2) a:

(A) nonrelease form (**before July 1, 2018**); or

(B) **contact preference form (after June 30, 2018) that evidences the birth parent's lack of consent to the release of identifying information;**

submitted by a birth parent specifically states that the nonrelease **form or contact preference** form shall remain in effect after the birth parent's death.

~~(h)~~ (g) If the state registrar is prohibited from releasing the name and address of the pre-adoptive sibling under this section, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling.

SECTION 28. IC 34-30-2-133.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2018]: **Sec. 133.7. IC 31-19-25-4.8 (Concerning the state registrar regarding contacting a birth parent or intermediary).**

P.L.4-2016
[S.80. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-26-13-4, AS AMENDED BY P.L. 182-2009(ss), SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: Sec. 4. (a) The board may:

- (1) ~~promulgate~~ **adopt** rules ~~and regulations~~ under IC 4-22-2 for implementing and enforcing this chapter;
- (2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;
- (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;
- (4) regulate the sale of drugs and devices in the state of Indiana;
- (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;
- (6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

- (7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;
 - (8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and
 - (9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.
- (b) The board shall adopt rules under IC 4-22-2 for the following:
- (1) Establishing standards for the competent practice of pharmacy.
 - (2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.
 - (3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:
 - (A) has entered into a contract that accepts the return of expired drugs with; or
 - (B) is subject to a policy that accepts the return of expired drugs of;
 - a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.
- (c) The board may grant or deny a temporary variance to a rule it has adopted if:
- (1) the board has adopted rules which set forth the procedures and

standards governing the grant or denial of a temporary variance;
and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

(1) Privacy protection for the practitioner and the practitioner's patient.

(2) Security of the electronic transmission.

(3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.

(4) Use of a practitioner's United States Drug Enforcement Agency registration number.

(5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

(1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and

(2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

(1) A counterfeit protection bar code with human readable representation of the data in the bar code.

(2) A thermochromic mark on the front and the back of the prescription that:

(A) is at least one-fourth (1/4) of one (1) inch in height and width; and

(B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

(1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous

years; and

(2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract; in order to be considered to implement and manage the program.

(h) The board shall adopt rules under IC 4-22-2, or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016, concerning:

(1) professional determinations made under IC 35-48-4-14.7(d); and

(2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board shall:

(1) review professional determinations made by a pharmacist; and

(2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made;

under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.

SECTION 2. IC 34-30-2-152.3, AS AMENDED BY P.L.193-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 152.3. **(a) ~~IC 35-48-4-14.7~~ IC 35-48-4-14.7(d) and IC 35-48-4-14.7(k)** (Concerning a pharmacy or NPLeX retailer ~~who~~ **that** discloses information concerning the sale of a product containing ephedrine or pseudoephedrine).

(b) IC 35-48-4-14.7(d)(3) (Concerning a pharmacist's professional judgment not to sell ephedrine or pseudoephedrine to an individual).

SECTION 3. IC 35-48-4-14.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: Sec. 14.3. **(a) The board may adopt:**

(1) a rule under IC 4-22-2; or

(2) an emergency rule in the manner provided under IC 4-22-2-37.1;

to declare that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.

(b) The board, in consultation with the state police, shall find that a product is an extraction resistant or a conversion resistant

form of ephedrine or pseudoephedrine if the board determines that the product does not pose a significant risk of being used in the manufacture of methamphetamine.

SECTION 4. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.7. (a) This section does not apply to the following:

(1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription. **Nothing in this section prohibits a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine from obtaining pseudoephedrine or ephedrine pursuant to a prescription.**

(2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (g).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (g).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams

of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pharmacy or NPLeX retailer" means:

(A) a pharmacy, as defined in IC 25-26-13-2;

(B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

(C) a retailer that electronically submits the required information to the National Precursor Log Exchange (NPLeX) administered by the National Association of Drug Diversion Investigators (NADDI).

(5) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(6) "Retailer" means a grocery store, general merchandise store, or other similar establishment. The term does not include a pharmacy or NPLeX retailer.

(7) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(8) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or NPLeX retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or NPLeX retailer. ~~Except as provided in subsection (f), a retailer may not sell a drug containing ephedrine or pseudoephedrine.~~

(d) A pharmacy or NPLeX retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or NPLeX retailer complies with the following conditions:

(1) The pharmacy or NPLEEx retailer does not sell the drug to a person less than eighteen (18) years of age.

(2) The pharmacy or NPLEEx retailer does not sell drugs containing more than:

(A) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day;

(B) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period; or

(C) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a three hundred sixty-five (365) day period.

(3) Except as provided in subsection (f), before the sale occurs the pharmacist or the pharmacy technician (as defined by IC 25-26-19-2) has determined that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the board under IC 25-26-13-4. If it has been determined that the purchaser does not have a relationship on record with the pharmacy, the pharmacist shall make a professional determination as to whether there is a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine before selling ephedrine or pseudoephedrine to an individual. The pharmacist's professional determination must comply with the rules adopted under IC 25-26-13-4 and may include the following:

(A) Prior medication filling history of the individual.

(B) Consulting with the individual.

(C) Other tools that provide professional reassurance to the pharmacist that a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine exists.

A pharmacist who in good faith does not sell ephedrine or pseudoephedrine to an individual under this subdivision is immune from civil liability unless the refusal to sell constitutes gross negligence or intentional, wanton, or willful misconduct.

(4) The pharmacy or NPLEEx retailer requires:

(A) the purchaser to produce a valid government issued photo

- identification card showing the date of birth of the person;
- (B) the purchaser to sign a written or electronic log attesting to the validity of the information; and
- (C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or NPLeX retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or NPLeX retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

~~(4)~~ (5) The pharmacy or NPLeX retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

- (A) the name and address of each purchaser;
- (B) the type of identification presented;
- (C) the governmental entity that issued the identification;
- (D) the identification number; and
- (E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.

~~(5) Beginning January 1, 2012;~~ (6) A pharmacy or NPLeX retailer shall, except as provided in subdivision ~~(6)~~; (7), before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLeX) administered by the National Association of Drug Diversion Investigators (NADDI), if the NPLeX system is available to pharmacies or NPLeX retailers in the state without a charge for accessing the system. The pharmacy or NPLeX retailer may not

complete the sale if the system generates a stop sale alert.

~~(6)~~ (7) If a pharmacy or NPLEEx retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLEEx retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the pharmacy or NPLEEx retailer is able to comply with the electronic sales tracking requirement.

~~(7)~~ (8) The pharmacy or NPLEEx retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.

(e) A person may not purchase drugs containing more than:

- (1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;
- (2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or
- (3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

~~(f) This subsection only applies to convenience packages. A retailer may sell convenience packages under this section without complying with the conditions listed in subsection (d):~~

- ~~(1) after June 30, 2013; and~~
- ~~(2) before January 1, 2014.~~

~~A retailer may not sell drugs containing more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction. A retailer who sells convenience packages must secure the convenience packages behind the counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee. A retailer may not sell a drug containing ephedrine or pseudoephedrine after December 31, 2013.~~

(f) If a purchaser does not have a relationship on record with

the pharmacy, as determined by rules adopted by the board under IC 25-26-13-4, or the pharmacist has made a professional determination that there is not a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine under subsection (d), the purchaser may, at the pharmacist's discretion, purchase only the following:

- (1) A product that has been determined under section 14.3 of this chapter to be an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.
- (2) A product that contains not more than:
 - (A) a total of seven hundred twenty (720) milligrams of ephedrine or pseudoephedrine per package; and
 - (B) thirty (30) milligrams of ephedrine or pseudoephedrine per tablet.

The pharmacist may not sell more than one (1) package of ephedrine or pseudoephedrine to a purchaser under this subdivision per day.

However, if the pharmacist believes that the ephedrine or pseudoephedrine purchase will be used to manufacture methamphetamine, the pharmacist may refuse to sell ephedrine or pseudoephedrine to the purchaser.

(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular pharmacy or NPLeX retailer behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(j) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this

section.

(k) A pharmacy or NPLeX retailer that uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to negligence, recklessness, or deliberate or wanton misconduct. A pharmacy or NPLeX retailer is immune from liability to a third party unless the pharmacy or NPLeX retailer has violated a provision of this section and the third party brings an action based on the pharmacy's or NPLeX retailer's violation of this section.

(l) The following requirements apply to the NPLeX:

- (1) Information contained in the NPLeX may be shared only with law enforcement officials.
- (2) A law enforcement official may access Indiana transaction information maintained in the NPLeX for investigative purposes.
- (3) NADDI may not modify sales transaction data that is shared with law enforcement officials.
- (4) At least one (1) time per week, NADDI shall forward Indiana data contained in the NPLeX, including data concerning a transaction that could not be completed due to the issuance of a stop sale alert, to the state police department.

SECTION 5. IC 35-48-7-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.7. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9 and includes pure or adulterated ephedrine or pseudoephedrine.**

SECTION 6. **An emergency is declared for this act.**

P.L.5-2016

[S.161. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 25-26-13-4, AS AMENDED BY SEA 80-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: Sec. 4. (a) The board may:

- (1) adopt rules under IC 4-22-2 for implementing and enforcing this chapter;
- (2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;
- (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;
- (4) regulate the sale of drugs and devices in the state of Indiana;
- (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;
- (6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

- (7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;
 - (8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and
 - (9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.
- (b) The board shall adopt rules under IC 4-22-2 for the following:
- (1) Establishing standards for the competent practice of pharmacy.
 - (2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.
 - (3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:
 - (A) has entered into a contract that accepts the return of expired drugs with; or
 - (B) is subject to a policy that accepts the return of expired drugs of;
 - a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.
- (c) The board may grant or deny a temporary variance to a rule it has adopted if:
- (1) the board has adopted rules which set forth the procedures and

standards governing the grant or denial of a temporary variance;
and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

(1) Privacy protection for the practitioner and the practitioner's patient.

(2) Security of the electronic transmission.

(3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.

(4) Use of a practitioner's United States Drug Enforcement Agency registration number.

(5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

(1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and

(2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

(1) A counterfeit protection bar code with human readable representation of the data in the bar code.

(2) A thermochromic mark on the front and the back of the prescription that:

(A) is at least one-fourth (1/4) of one (1) inch in height and width; and

(B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

(1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous

years; and

(2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract; in order to be considered to implement and manage the program.

(h) The board shall adopt rules under IC 4-22-2, or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016, concerning:

(1) professional determinations made under IC 35-48-4-14.7(d); and

(2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board ~~shall~~ **may**:

(1) review professional determinations made by a pharmacist; and

(2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made;

under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.

SECTION 2. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.7. "NPLEx" refers to the National Precursor Log Exchange.**

SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.284-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the

information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the judicial technology and automation project fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
 - (B) at the option of the county prosecuting attorney, for:
 - (i) a prosecuting attorney's case management system;
 - (ii) a county court case management system; and
 - (iii) a county court case management system developed and operated by the division of state court administration;to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
 - (C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving felony conviction information for each felony described in IC 35-48-4-14.5(h)(1) from courts. The division shall notify NPLeX of each felony described in IC 35-48-4-14.5(h)(1) entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony.

Upon receipt of the information from the division, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

~~(9)~~ **(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.**

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

SECTION 4. IC 34-30-2-152.3, AS AMENDED BY P.L.193-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 152.3. ~~(a) IC 35-48-4-14.7~~ **IC 35-48-4-14.7(d) and IC 35-48-4-14.7(k)** (Concerning a pharmacy or NPLeX retailer ~~who~~ **that** discloses information concerning the sale of a product containing ephedrine or pseudoephedrine).

(b) IC 35-48-4-14.7(d)(3) (Concerning a pharmacist's professional judgment not to sell ephedrine or pseudoephedrine to an individual).

SECTION 5. IC 35-48-4-14.3, AS ADDED BY SEA 80-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: Sec. 14.3. (a) The board ~~may~~ **shall** adopt:

- (1) a rule under IC 4-22-2; or
- (2) an emergency rule in the manner provided under IC 4-22-2-37.1;

to declare that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.

(b) The board, in consultation with the state police, shall find that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine if the board determines that the product does not pose a significant risk of being used in the manufacture of methamphetamine. **In making its determination under this subsection, the board may receive information from the federal Drug Enforcement Administration (DEA) as to whether a product is extraction resistant or conversion resistant.**

SECTION 6. IC 35-48-4-14.7, AS AMENDED BY SEA 80-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription. Nothing in this section prohibits a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine from obtaining pseudoephedrine or ephedrine pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department

in accordance with subsection (g).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (g).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pharmacy or NPLeX retailer" means:

(A) a pharmacy, as defined in IC 25-26-13-2;

(B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

(C) a retailer that electronically submits the required information to the National Precursor Log Exchange (NPLeX), administered by the National Association of Drug Diversion Investigators (NADDI);

(5) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(6) "Retailer" means a grocery store, general merchandise store, or other similar establishment. The term does not include a pharmacy or NPLeX retailer.

(7) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler,

or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(8) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or NPLeX retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or NPLeX retailer.

(d) A pharmacy or NPLeX retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or NPLeX retailer complies with the following conditions:

(1) The pharmacy or NPLeX retailer does not sell the drug to a person less than eighteen (18) years of age.

(2) The pharmacy or NPLeX retailer does not sell drugs containing more than:

(A) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day;

(B) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period; or

(C) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a three hundred sixty-five (365) day period.

(3) Except as provided in subsection (f), before the sale occurs the pharmacist or the pharmacy technician (as defined by IC 25-26-19-2) has determined that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the board under IC 25-26-13-4. If it has been determined that the purchaser does not have a relationship on record with the pharmacy, the pharmacist shall make a professional determination as to whether there is a legitimate

medical or pharmaceutical need for ephedrine or pseudoephedrine before selling ephedrine or pseudoephedrine to an individual. The pharmacist's professional determination must comply with the rules adopted under IC 25-26-13-4 and may include the following:

- (A) Prior medication filling history of the individual.
- (B) Consulting with the individual.
- (C) Other tools that provide professional reassurance to the pharmacist that a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine exists.

A pharmacist who in good faith does not sell ephedrine or pseudoephedrine to an individual under this subdivision is immune from civil liability unless the refusal to sell constitutes gross negligence or intentional, wanton, or willful misconduct.

(4) The pharmacy or NPEEx retailer requires:

- (A) the purchaser to produce a valid government issued photo identification card showing the date of birth of the person;
- (B) the purchaser to sign a written or electronic log attesting to the validity of the information; and
- (C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or NPEEx retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or NPEEx retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

(5) The pharmacy or NPEEx retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

- (A) the name and address of each purchaser;
 - (B) the type of identification presented;
 - (C) the governmental entity that issued the identification;
 - (D) the identification number; and
 - (E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.
- (6) A pharmacy or NPLEx retailer shall, except as provided in subdivision (7), before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLEx), ~~administered by the National Association of Drug Diversion Investigators (NADDI)~~, if the NPLEx system is available to pharmacies or NPLEx retailers in the state without a charge for accessing the system. The pharmacy or NPLEx retailer may not complete the sale if the system generates a stop sale alert, **including a stop sale alert for a person convicted of a felony reported under IC 33-24-6-3.**
- (7) If a pharmacy or NPLEx retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLEx retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the pharmacy or NPLEx retailer is able to comply with the electronic sales tracking requirement.
- (8) The pharmacy or NPLEx retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.
- (e) A person may not purchase drugs containing more than:
- (1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;
 - (2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or
 - (3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

(f) If a purchaser does not have a relationship on record with the pharmacy, as determined by rules adopted by the board under IC 25-26-13-4, or the pharmacist has made a professional determination that there is not a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine under subsection (d), the purchaser may, at the pharmacist's discretion, purchase only the following:

- (1) A product that has been determined under section 14.3 of this chapter to be an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.
- (2) A product that contains not more than:
 - (A) a total of seven hundred twenty (720) milligrams of ephedrine or pseudoephedrine per package; and
 - (B) thirty (30) milligrams of ephedrine or pseudoephedrine per tablet.

The pharmacist may not sell more than one (1) package of ephedrine or pseudoephedrine to a purchaser under this subdivision per day.

However, if the pharmacist believes that the ephedrine or pseudoephedrine purchase will be used to manufacture methamphetamine, the pharmacist may refuse to sell ephedrine or pseudoephedrine to the purchaser.

(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular pharmacy or NPLeX retailer behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance

after February 1, 2005, that is more stringent than this section.

(j) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(k) A pharmacy or NPLeX retailer that uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to ~~negligence~~, recklessness or deliberate or wanton misconduct. A pharmacy or NPLeX retailer is immune from liability to a third party unless the pharmacy or NPLeX retailer has violated a provision of this section and the third party brings an action based on the pharmacy's or NPLeX retailer's violation of this section.

(l) The following requirements apply to the NPLeX:

(1) Information contained in the NPLeX may be shared only with law enforcement officials.

(2) A law enforcement official may access Indiana transaction information maintained in the NPLeX for investigative purposes.

(3) NADDI may not modify sales transaction data that is shared with law enforcement officials.

(4) At least one (1) time per ~~week~~, ~~NADDI shall forward~~ **day**, Indiana data contained in the NPLeX ~~including data concerning a transaction that could not be completed due to the issuance of a stop sale alert; for the previous calendar day shall be forwarded~~ to the state police department.

(m) A person or corporate entity may not mandate a protocol or procedure that interferes with the pharmacist's ability to exercise the pharmacist's independent professional judgment under this section, including whether to deny the sale of ephedrine or pseudoephedrine under subsection (f).

SECTION 7. IC 35-48-7-2.7, AS ADDED BY SEA 80-2016, SECTION 5, IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~See: 2-7. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9 and includes pure or adulterated ephedrine or pseudoephedrine.~~

SECTION 8. IC 35-48-7-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY

1, 2016]: **Sec. 3.5. As used in this chapter, "ephedrine" includes only ephedrine that is dispensed pursuant to a prescription or drug order.**

SECTION 9. IC 35-48-7-5.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.9. As used in this chapter, "pseudoephedrine" includes only pseudoephedrine that is dispensed pursuant to a prescription or drug order.**

SECTION 10. IC 35-48-7-8.1, AS AMENDED BY P.L.89-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.1. (a) The board shall provide for a an ephedrine, pseudoephedrine, and controlled substance prescription monitoring program that includes the following components:**

(1) Each time **ephedrine, pseudoephedrine, or** a controlled substance designated by the board under IC 35-48-2-5 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the following information:

(A) The **ephedrine, pseudoephedrine, or** controlled substance recipient's name.

(B) The **ephedrine, pseudoephedrine, or** controlled substance recipient's or the recipient representative's identification number or the identification number or phrase designated by the INSPECT program.

(C) The **ephedrine, pseudoephedrine, or** controlled substance recipient's date of birth.

(D) The national drug code number of the **ephedrine, pseudoephedrine, or** controlled substance dispensed.

(E) The date the **ephedrine, pseudoephedrine, or** controlled substance is dispensed.

(F) The quantity of the **ephedrine, pseudoephedrine, or** controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) The dispenser's United States Drug Enforcement Agency registration number.

(I) The prescriber's United States Drug Enforcement Agency registration number.

(J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.

- (K) Other data required by the board.
- (2) The information required to be transmitted under this section must be transmitted as follows:
 - (A) Before July 1, 2015, not more than seven (7) days after the date on which **ephedrine, pseudoephedrine, or** a controlled substance is dispensed.
 - (B) Beginning July 1, 2015, and until December 31, 2015, not more than three (3) days after the date on which **ephedrine, pseudoephedrine, or** a controlled substance is dispensed.
 - (C) Beginning January 1, 2016, and thereafter, not more than twenty-four (24) hours after the date on which **ephedrine, pseudoephedrine, or** a controlled substance is dispensed. However, if the dispenser's pharmacy is closed the day following the dispensing, the information must be transmitted by the end of the next business day.
- (3) A dispenser shall transmit the information required under this section by:
 - (A) uploading to the INSPECT web site;
 - (B) a computer diskette; or
 - (C) a CD-ROM disk;that meets specifications prescribed by the board.
- (4) The board may require that prescriptions for **ephedrine, pseudoephedrine, or** controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy with a Category II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.
- (5) The costs of the program.
 - (b) The board shall consider the recommendations of the committee concerning the INSPECT program.
 - (c) This subsection applies only to a retail pharmacy. A pharmacist,

pharmacy technician, or person authorized by a pharmacist to dispense **ephedrine, pseudoephedrine, or** a controlled substance may not dispense **ephedrine, pseudoephedrine, or** a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the **ephedrine, pseudoephedrine, or** controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense **ephedrine, pseudoephedrine, or** a controlled substance.

SECTION 11. IC 35-48-7-10.1, AS AMENDED BY P.L.89-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.1. (a) The INSPECT program must do the following:

(1) Create a data base for information required to be transmitted under section 8.1 of this chapter in the form required under rules adopted by the board, including search capability for the following:

(A) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's name.

(B) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's or recipient representative's identification number.

(C) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's date of birth.

(D) The national drug code number of **ephedrine, pseudoephedrine, or** a controlled substance dispensed.

(E) The dates **ephedrine, pseudoephedrine, or** a controlled substance ~~is~~ **are** dispensed.

(F) The quantities of **ephedrine, pseudoephedrine, or** a controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) A dispenser's United States Drug Enforcement Agency registration number.

(I) A prescriber's United States Drug Enforcement Agency registration number.

(J) Whether a prescription was transmitted to the pharmacist orally or in writing.

- (K) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's method of payment for the **ephedrine, pseudoephedrine, or** controlled substance dispensed.
- (2) Provide the board with continuing twenty-four (24) hour a day online access to the data base.
- (3) Secure the information collected and the data base maintained against access by unauthorized persons.
- (b) The board may not execute a contract with a vendor designated by the board to perform any function associated with the administration of the INSPECT program, unless the contract has been approved by the committee.
- (c) The INSPECT program may gather prescription data from the Medicaid retrospective drug utilization review (DUR) program established under IC 12-15-35.
- (d) The board may accept and designate grants, public and private financial assistance, and licensure fees to provide funding for the INSPECT program.

SECTION 12. IC 35-48-7-11.1, AS AMENDED BY P.L.201-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

(b) The board shall carry out a program to protect the confidentiality of the information described in subsection (a). The board may disclose the information to another person only under subsection (c), (d), or (g).

(c) The board may disclose confidential information described in subsection (a) to any person who is authorized to engage in receiving, processing, or storing the information.

(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

- (1) A member of the board or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves **ephedrine, pseudoephedrine, or** a controlled substance.
- (2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the

office of the attorney general, who is engaged in:

- (A) an investigation;
- (B) an adjudication; or
- (C) a prosecution;

of a violation under any state or federal law that involves **ephedrine, pseudoephedrine, or** a controlled substance.

(3) A law enforcement officer who is an employee of:

- (A) a local, state, or federal law enforcement agency; or
- (B) an entity that regulates **ephedrine, pseudoephedrine, or** controlled substances or enforces **ephedrine, pseudoephedrine, or** controlled substances rules or laws in another state;

that is certified to receive **ephedrine, pseudoephedrine, or** controlled substance prescription drug information from the INSPECT program.

(4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.

(5) **An ephedrine, pseudoephedrine, or** a controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.

(6) The state toxicologist.

(7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.

(8) A substance abuse assistance program for a licensed health care provider who:

- (A) has prescriptive authority under IC 25; and
- (B) is participating in the assistance program.

(9) An individual who holds a valid temporary medical permit issued under IC 25-22.5-5-4 or **a temporary fellowship permit under IC 25-22.5-5-4.6.**

(e) Information provided to an individual under:

(1) subsection (d)(3) is limited to information:

- (A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and
- (B) that will assist in an investigation or proceeding; and

(2) subsection (d)(4) may be released only for the purpose of:

- (A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or pharmaceutical treatment to a patient.

(f) Before the board releases confidential information under subsection (d), the applicant must be approved by the INSPECT program in a manner prescribed by the board.

(g) The board may release to:

(1) a member of the board or another governing body that licenses practitioners;

(2) an investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive **ephedrine, pseudoephedrine, or** controlled substance prescription drug information; and

(B) approved by the board to receive the type of information released;

confidential information generated from computer records that identifies practitioners who are prescribing or dispensing large quantities of a controlled substance.

(h) The information described in subsection (g) may not be released until it has been reviewed by:

(1) a member of the board who is licensed in the same profession as the prescribing or dispensing practitioner identified by the data;

or

(2) the board's designee;

and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (i).

(i) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (g) may disclose the information to a law enforcement officer or an attorney for the office of the attorney general for use as evidence in the following:

(1) A proceeding under IC 16-42-20.

(2) A proceeding under any state or federal law that involves **ephedrine, pseudoephedrine, or** a controlled substance.

(3) A criminal proceeding or a proceeding in juvenile court that involves **ephedrine, pseudoephedrine, or** a controlled substance.

(j) The board may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering **ephedrine, pseudoephedrine, or** a controlled substance. Statistical reports compiled under this subsection are public records.

(k) Except as provided in IC 25-22.5-13, this section may not be construed to require a practitioner to obtain information about a patient from the data base.

(l) A practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

(m) The board may review the records of the INSPECT program. If the board determines that a violation of the law may have occurred, the board shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.

SECTION 13. IC 35-48-7-12.1, AS AMENDED BY P.L.89-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12.1. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

(1) Information collection and retrieval procedures for the INSPECT program, including the controlled substances to be included in the program required under section 8.1 of this chapter.

(2) Design for the creation of the data base required under section 10.1 of this chapter.

(3) Requirements for the development and installation of online electronic access by the board to information collected by the INSPECT program.

(4) Identification of emergency situations or other circumstances in which a practitioner may prescribe, dispense, and administer a prescription drug specified in section 8.1 of this chapter without a written prescription or on a form other than a form specified in section 8.1(a)(4) of this chapter.

(5) Requirements for a practitioner providing treatment for a patient at an opioid treatment program operating under IC 12-23-18 to check the INSPECT program:

(A) before initially prescribing **ephedrine, pseudoephedrine, or** a controlled substance to a patient; and

(B) periodically during the course of treatment that uses **ephedrine, pseudoephedrine, or** a controlled substance.

(b) The board may:

(1) set standards for education courses for individuals authorized to use the INSPECT program;

(2) identify treatment programs for individuals addicted to controlled substances monitored by the INSPECT program; and

(3) work with impaired practitioner associations to provide intervention and treatment.

(c) The executive director of the Indiana professional licensing agency may hire a person to serve as the director of the INSPECT program, with the approval of the chairperson of the board.

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that SEA 80-2016 adds IC35-48-7-2.7 and that SECTION 5 of this act repeals IC 35-48-7-2.7. The general assembly intends to repeal IC 35-48-7-2.7 effective July 1, 2016.

(b) This SECTION expires January 1, 2018.

SECTION 15. An emergency is declared for this act.

P.L.6-2016
[S.187. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-298.5, AS ADDED BY P.L.138-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 298.5. **(a)** "Public health authority", for purposes of IC 16-22-8 and IC 16-41-9, means:

- (1) the state health commissioner of the state department;
- (2) a deputy or an assistant state health commissioner appointed by the state health commissioner, or an agent expressly authorized by the state health commissioner;
- (3) the local health officer; or
- (4) a health and hospital corporation established under IC 16-22-8-6.

(b) "Public health authority", for purposes of IC 16-42-27, means any of the following who is a licensed prescriber:

- (1) A deputy or assistant state health commissioner appointed by the state health commissioner to act as a public health authority.**
- (2) An agent employed by the state department that is expressly authorized by the state health commissioner to act as a public health authority.**

SECTION 2. IC 16-19-4-4, AS AMENDED BY P.L.126-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The state health commissioner is governed in the performance of the state health commissioner's official duties by IC 4-2-6 and IC 35-44.1-1-4 concerning ethics and conflict of interest.

(b) To learn professional skills and to become familiar with new developments in the field of medicine, **and except as provided in IC 16-42-27-2(f)**, the state health commissioner may, in an individual

capacity as a licensed physician and not in an official capacity as state health commissioner, engage in the practice of medicine if the practice of medicine does not interfere with the performance of the state health commissioner's duties as state health commissioner.

SECTION 3. IC 16-19-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **This section does not apply to the prescribing, dispensing, or issuance of a standing order for an overdose intervention drug under IC 16-42-27-2.** Any medical care provided to a patient by the state health commissioner is provided by the state health commissioner in an individual capacity as a licensed physician and the state is not liable for any act performed by the state health commissioner in this capacity.

SECTION 4. IC 16-31-3-23.7, AS ADDED BY P.L.32-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23.7. **(a)** An advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter, a volunteer firefighter, a law enforcement officer, or a paramedic who:

- (1) administers an overdose intervention drug; or
- (2) is summoned immediately after ~~administering the an~~ overdose intervention drug **is administered;**

~~shall report~~ **inform the emergency ambulance service responsible for submitting the report to the commission** of the number of times an overdose intervention drug is ~~dispensed to the state department under the state trauma registry in compliance with rules adopted by the state department:~~ **has been administered.**

(b) The emergency ambulance service shall include information received under subsection (a) in the emergency ambulance service's report to the commission under the emergency medical services system review in accordance with the commission's rules.

SECTION 5. IC 16-42-27-1, AS ADDED BY P.L.32-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "prescriber" means any of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's supervisory physician and in accordance with IC 25-27.5-5-4.

(3) An advanced practice nurse licensed and granted the authority to prescribe drugs under IC 25-23.

(4) The state health commissioner, if the state health commissioner holds an active license under IC 25-22.5.

(5) A public health authority.

SECTION 6. IC 16-42-27-2, AS ADDED BY P.L.32-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A prescriber may, directly or by standing order, prescribe or dispense an overdose intervention drug without examining the individual to whom it may be administered if all of the following conditions are met:

(1) The overdose intervention drug is dispensed or prescribed to:

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, a friend, or any other individual or entity in a position to assist an individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose.

(2) The prescriber instructs the individual receiving the overdose intervention drug or prescription to summon emergency services either immediately before or immediately after administering the overdose intervention drug to an individual experiencing an opioid-related overdose.

(3) The prescriber provides education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(4) The prescriber provides drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(b) A prescriber may provide a prescription of an overdose intervention drug to an individual as a part of the individual's addiction treatment plan.

(c) An individual described in subsection (a)(1) may administer an overdose intervention drug to an individual who is suffering from an overdose.

(d) An individual described in subsection (a)(1) may not be

considered to be practicing medicine without a license in violation of IC 25-22.5-8-2, if the individual, acting in good faith, does the following:

- (1) Obtains the overdose intervention drug from a prescriber **or entity acting under a standing order issued by a prescriber.**
- (2) Administers the overdose intervention drug to an individual who is experiencing an apparent opioid-related overdose.
- (3) Attempts to summon emergency services either immediately before or immediately after administering the overdose intervention drug.

(e) An entity acting under a standing order issued by a prescriber must do the following:

- (1) Annually register with either the:
 - (A) state department; or
 - (B) local health department in the county where services will be provided by the entity;

in a manner prescribed by the state department.

(2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(4) Submit an annual report to the state department containing:

- (A) the number of sales of the overdose intervention drug dispensed;**
- (B) the dates of sale of the overdose intervention drug dispensed; and**
- (C) any additional information requested by the state department.**

(f) The state department shall ensure that a statewide standing order for the dispensing of an overdose intervention drug in Indiana is issued under this section. The state health commissioner or a designated public health authority who is a licensed prescriber

may, as part of the individual's official capacity, issue a statewide standing order that may be used for the dispensing of an overdose intervention drug under this section. The immunity provided in IC 34-13-3-3 applies to an individual described in this subsection.

(g) A law enforcement officer may not take an individual into custody based solely on the commission of an offense described in subsection (h), if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the individual:

- (1) obtained the overdose intervention drug as described in subsection (a)(1);
- (2) complied with the provisions in subsection (d);
- (3) administered an overdose intervention drug to an individual who appeared to be experiencing an opioid-related overdose;
- (4) provided:
 - (A) the individual's full name; and
 - (B) any other relevant information requested by the law enforcement officer;
- (5) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived;
- (6) cooperated with emergency medical assistance personnel and law enforcement officers at the scene; and
- (7) came into contact with law enforcement because the individual requested emergency medical assistance for another individual who appeared to be experiencing an opioid-related overdose.

(h) An individual who meets the criteria in subsection (g) is immune from criminal prosecution for the following:

- (1) IC 35-48-4-6 (possession of cocaine).
- (2) IC 35-48-4-6.1 (possession of methamphetamine).
- (3) IC 35-48-4-7 (possession of a controlled substance).
- (4) IC 35-48-4-8.3 (possession of paraphernalia).
- (5) IC 35-48-4-11 (possession of marijuana).
- (6) IC 35-48-4-11.5 (possession of a synthetic drug or synthetic drug lookalike substance).

P.L.7-2016

[S.271. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-3-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 25. Indiana Commission to Combat Drug Abuse

Sec. 1. As used in this chapter, "commission" refers to the Indiana commission to combat drug abuse established by section 3 of this chapter.

Sec. 2. As used in this chapter, "state agency" means an administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service, or other similar body of state government created or established under law.

Sec. 3. The Indiana commission to combat drug abuse is established.

Sec. 4. The commission consists of the following eighteen (18) members:

- (1) A member of the governor's staff appointed by the governor.**
- (2) An appellate or trial court judge appointed by the chief justice of the supreme court to serve on the commission for a term of four (4) years.**
- (3) One (1) legislative member appointed by the president pro tempore of the senate.**
- (4) One (1) legislative member appointed by the minority leader of the senate.**
- (5) One (1) legislative member appointed by the speaker of the**

house of representatives.

(6) One (1) legislative member appointed by the minority leader of the house of representatives.

(7) The superintendent of public instruction.

(8) The director of the department of child services.

(9) The executive director of the Indiana prosecuting attorneys council.

(10) The executive director of the public defender council of Indiana.

(11) The secretary of family and social services.

(12) The state health commissioner.

(13) The commissioner of the department of correction.

(14) The superintendent of the state police department.

(15) The director of the office of management and budget or the budget director, as selected by the governor.

(16) The executive director of the Indiana criminal justice institute.

(17) The executive director of the professional licensing agency.

(18) The attorney general, who shall serve as a nonvoting member.

Sec. 5. The member of the governor's staff appointed under section 4(1) of this chapter shall serve as the chairperson of the commission. The chairperson shall determine the agenda for the commission.

Sec. 6. (a) A legislative member of the commission may be removed at any time by the appointing authority who appointed the legislative member.

(b) If a vacancy exists on the commission, the appointing authority who appointed the member whose position has become vacant shall appoint an individual to fill the vacancy.

Sec. 7. (a) Each member of the commission who is not a state employee is not entitled to the minimum salary per diem provided under IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 8. The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure, including final reports.

Sec. 9. The commission shall meet at least four (4) times in a calendar year.

Sec. 10. The criminal justice institute shall provide staff support for the commission.

Sec. 11. To address specific issues, the commission may establish working groups consisting of individuals appointed by the chairperson. The chairperson may appoint individuals who are not members of the commission, including lay members and subject matter experts, to a working group. Section 7 of this chapter applies to a member of a working group regardless of whether the member is also a member of the commission.

Sec. 12. The commission shall do the following:

- (1) Identify ways for state agencies to coordinate with each other on substance abuse prevention, treatment, and enforcement programming and funding.
- (2) Promote information sharing throughout Indiana concerning substance abuse prevention, treatment, and enforcement.
- (3) Promote best practices concerning substance abuse prevention, treatment, and enforcement.
- (4) Cooperate with other commissions, governmental entities, and stakeholders engaged in substance abuse prevention,

treatment, and enforcement.

(5) Study local programs that have been proven to be effective in addressing substance abuse.

(6) Seek guidance from local coordinating councils to identify substance abuse issues in local communities and evaluate the resources available to address local needs.

(7) Study and evaluate the following concerning substance abuse treatment and prevention services in Indiana:

(A) The availability of and access to the services.

(B) The duplication of services, if any.

(C) Funding of the services.

(D) Barriers to obtaining the services.

(8) Coordinate the collection of data concerning substance abuse and the needs, programming, and effectiveness of state supported substance abuse treatment and prevention services.

(9) Recommend to the executive director of the Indiana criminal justice institute roles, responsibilities, and performance standards for local coordinating councils.

Sec. 13. The commission may do the following:

(1) Request information or presentations from state agencies.

(2) Request and review outcome data from a state agency involved in the prevention and treatment of substance abuse.

(3) Request information from experts concerning substance abuse.

Sec. 14. The commission shall submit a report not later than August 31 each year regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 15. The executive director of the Indiana criminal justice institute is responsible for the following:

(1) Implementing the commission's recommendations concerning local coordinating councils.

(2) Maintaining a system to provide technical assistance, guidance, and funding support to local coordinating councils.

(3) Assisting in the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community

strategies, and monitor local antidrug activities.

(4) Approving comprehensive drug free community plans and funding requests submitted by local coordinating councils.

(5) Providing quarterly reports to the commission on the comprehensive drug free community plans.

SECTION 2. IC 5-2-6-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16: (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans:

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"): The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsection (d) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

(1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards, including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.

(2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.

(3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.

(4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative

community strategies, and monitor anti-drug activities at the local level:

(5) Establishing roles, responsibilities, and performance standards for the local coordinating councils:

(6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local level to reduce drug abuse:

(7) Assisting local communities in the development of citizen based drug related crime control efforts:

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee:

(2) Fifteen (15) members, appointed by the governor for a two (2) year term, who have experience or expertise in at least one (1) of the following areas:

(A) Family relations:

(B) Religion:

(C) Education:

(D) Civic or private organizations:

(E) Business:

(F) Media:

(G) Drug treatment:

(H) Medicine:

(I) Local government:

(J) Judiciary:

(K) Law enforcement:

(L) Self-help organizations:

(M) Youth:

(N) A representative of the interagency council against drugs established under subsection (c)(1):

(O) Labor:

(3) Four (4) members of the general assembly, appointed as follows:

(A) The president pro tempore of the senate shall appoint two (2) senators, who may not be members of the same political party:

(B) The speaker of the house of representatives shall appoint

two (2) representatives, who may not be members of the same political party.

(e) The governor or the governor's designee shall serve as the chairman of the commission.

(f) The commission shall meet quarterly or at the call of the chairman.

(g) Eleven (11) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(h) All appointments of the commission's members are renewable.

(i) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

SECTION 3. IC 5-2-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A person, an organization, an entity, a political subdivision, or an agency may receive a grant from the fund for services or activities included in a comprehensive drug free communities plan approved by the commission established under ~~IC 5-2-6-16~~ **approved by the criminal justice institute** by applying to the criminal justice institute.

SECTION 4. IC 5-2-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If the ~~commission established under IC 5-2-6-16~~ **criminal justice institute** approves an application submitted to the criminal justice institute under section 6 of this chapter, the treasurer of state shall disburse from the fund to the applicant the amount of the grant: ~~specified by the commission~~

(1) **approved**; and
 (2) certified to the treasurer of state;
 by the criminal justice institute.

SECTION 5. IC 5-2-11-1.6, AS ADDED BY P.L.44-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.6. As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the ~~commission for a drug free Indiana~~ **commission to combat drug abuse established by IC 4-3-25-3** to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

SECTION 6. IC 5-2-11-5, AS AMENDED BY P.L.26-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) ~~As used in this section, "commission" means the commission for a drug free Indiana established by IC 5-2-6-16.~~

~~(b)~~ (a) Subject to subsections ~~(c)~~ (b) and ~~(d)~~; (c), a county fiscal body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free communities plan submitted by the local coordinating council and approved by the ~~commission~~ **criminal justice institute** as follows:

- (1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.
- (2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.
- (3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.
- (4) A county fiscal body shall allocate the remaining twenty-five percent (25%) of the money in the fund to persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3) based on the comprehensive drug free communities plan submitted by the local coordinating council and approved by the ~~commission~~ **criminal justice institute**.

~~(c)~~ **(b)** In the comprehensive drug free communities plan, the local coordinating council shall determine the amount of funds the county fiscal body shall appropriate to implement the objectives approved in the comprehensive drug free communities plan.

~~(d)~~ **(c)** If the comprehensive drug free communities plan is not approved by the ~~commission~~, **criminal justice institute**, the county fiscal body may not appropriate any funds at the request of the local coordinating council or any other local entity.

~~(e)~~ **(d)** If funds are allocated by a county legislative body under subsection ~~(b)~~ **(a)** and the ~~commission~~ **criminal justice institute** has not approved the comprehensive drug free communities plan for the county, the ~~commission~~ **criminal justice institute** may:

- (1) approve and appoint a new local coordinating council for the county;
- (2) freeze funds allocated by the county legislative body; or
- (3) reevaluate the comprehensive drug free communities plan.

P.L.8-2016

[S.297. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-5-13, AS ADDED BY P.L.209-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) The office shall provide coverage for treatment of opioid or alcohol dependence that includes the following:

- (1) Counseling services that address the psychological and behavioral aspects of addiction.
- (2) When medically indicated, drug treatment involving agents approved by the federal Food and Drug Administration for the:

- (A) treatment of opioid or alcohol dependence; or
- (B) prevention of relapse to opioids or alcohol after detoxification.

(3) Inpatient detoxification:

(A) in accordance with:

- (i) the most current edition of the American Society of Addiction Medicine Patient Placement Criteria; or**
- (ii) other clinical criteria that are determined by the office and are evidence based and peer reviewed; and**
- (B) when determined by the treatment plan to be medically necessary.**

(b) The office shall:

- (1) develop quality measures to ensure; and
- (2) require a Medicaid managed care organization to report; compliance with the coverage required under subsection (a).

(c) The office may implement quality capitation withholding of reimbursement to ensure that a Medicaid managed care organization has provided the coverage required under subsection (a).

(d) The office shall report the clinical use of the medications covered under this section to the mental health Medicaid quality advisory committee established by IC 12-15-35-51. The mental health Medicaid quality advisory committee may make recommendations to the office concerning this section.

SECTION 2. IC 12-23-18-0.5, AS AMENDED BY P.L.1-2009, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) An opioid treatment program shall not operate in Indiana unless **the opioid treatment program meets the following conditions:**

- (1) ~~the opioid treatment program~~ Is specifically approved and the opioid treatment facility is certified by the division. ~~and~~
- (2) ~~the opioid treatment program~~ Is in compliance with state and federal law.
- (3) Provides treatment for opioid addiction using a drug approved by the federal Food and Drug Administration for the treatment of opioid addiction, including:**
 - (A) opioid maintenance;**
 - (B) detoxification;**
 - (C) overdose reversal;**

- (D) relapse prevention; and**
- (E) long acting, nonaddictive medication assisted treatment medications.**
- (4) Beginning July 1, 2017, is:**
 - (A) enrolled:**
 - (i) as a Medicaid provider under IC 12-15; and**
 - (ii) as a healthy Indiana plan provider under IC 12-15-44.2; or**
 - (B) enrolled as an ordering, prescribing, or referring provider in accordance with Section 6401 of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) and maintains a memorandum of understanding with a community mental health center for the purpose of ordering, prescribing, or referring treatments covered by Medicaid and the healthy Indiana plan.**

(b) Separate specific approval and certification under this chapter is required for each location at which an opioid treatment program is operated. **If an opioid treatment program moves the opioid treatment program's facility to another location, the opioid treatment program's certification does not apply to the new location and certification for the new location under this chapter is required.**

(c) Each opioid treatment program that is enrolled as an ordering, prescribing, or referring provider shall report to the office on an annual basis the services provided to Indiana Medicaid patients. The report must include the following:

- (1) The number of Medicaid patients seen by the ordering, prescribing, or referring provider.**
- (2) The services received by the provider's Medicaid patients, including any drugs prescribed.**
- (3) The number of Medicaid patients referred to other providers.**
- (4) Any other provider types to which the Medicaid patients were referred.**

SECTION 3. IC 12-23-18-5, AS AMENDED BY P.L.7-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The division shall adopt rules under

IC 4-22-2 to establish the following:

- (1) Standards for operation of an opioid treatment program in Indiana, including the following requirements:
 - (A) An opioid treatment program shall obtain prior authorization from the division for any patient receiving more than seven (7) days of opioid **maintenance** treatment medications at one (1) time and the division may approve the authorization only under the following circumstances:
 - (i) A physician licensed under IC 25-22.5 has issued an order for the opioid treatment medication.
 - (ii) The patient has not tested positive under a drug test for a drug for which the patient does not have a prescription for a period of time set forth by the division.
 - (iii) The opioid treatment program has determined that the benefit to the patient in receiving the take home opioid treatment medication outweighs the potential risk of diversion of the take home opioid treatment medication.
 - (B) Minimum requirements for a licensed physician's regular:
 - (i) physical presence in the opioid treatment facility; and
 - (ii) physical evaluation and progress evaluation of each opioid treatment program patient.
 - (C) Minimum staffing requirements by licensed and unlicensed personnel.
 - (D) Clinical standards for the appropriate tapering of a patient on and off of an opioid treatment medication.
- (2) A requirement that, not later than February 28 of each year, a current diversion control plan that meets the requirements of 21 CFR Part 290 and 42 CFR Part 8 be submitted for each opioid treatment facility.
- (3) Fees to be paid by an opioid treatment program for deposit in the fund for annual certification under this chapter as described in section 3 of this chapter.

The fees established under this subsection must be sufficient to pay the cost of implementing this chapter.

(b) The division shall conduct an annual onsite visit of each opioid treatment program facility to assess compliance with this chapter.

(c) Not later than April 1 of each year, the division shall report to the general assembly in electronic format under ~~IC 5-14-3~~ **IC 5-14-6**

the number of prior authorizations that were approved under subsection (a)(1)(A) in the previous year and the time frame for each approval.

SECTION 4. IC 12-23-18-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.3. Subject to federal law and consistent with standard medical practices in opioid treatment for substance abuse, the division shall adopt rules under IC 4-22-2 concerning opioid treatment by an opioid treatment provider, including the following:**

(1) A requirement that the opioid treatment provider periodically review with the patient the patient's treatment plan. In the review, the opioid treatment provider shall consider changes to the plan with the goal of requiring the minimal clinically necessary medication dose, including, when appropriate, the goal of opioid abstinence.

(2) Treatment protocols containing best practice guidelines for the treatment of opiate dependent patients, including the following:

(A) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including the following when available:

(i) Opioid maintenance.

(ii) Detoxification.

(iii) Overdose reversal.

(iv) Relapse prevention.

(v) Long acting, nonaddictive medication assisted treatment medications.

(B) Requirement of initial and periodic behavioral health assessments for each patient.

(C) Appropriate use of providing overdose reversal, relapse prevention, counseling, and ancillary services.

(D) Transitioning off agonist and partial agonist therapies with the goal, when appropriate, of opioid abstinence.

(E) Training and experience requirements for providers who treat and manage opiate dependent patients.

(F) Requirement that a provider who prescribes opioid medication for a patient periodically review INSPECT (as defined in IC 35-48-7-5.2) concerning controlled substance information for the patient.

SECTION 5. IC 12-23-18-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to an office based opioid treatment provider who:**

- (1) has obtained a waiver from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) and meets the qualifying standards required to treat opioid addicted patients in an office based setting; and**
- (2) has a valid federal Drug Enforcement Administration registration number and identification number that specifically authorizes treatment in an office based setting.**

(b) The office of the secretary and the division shall develop a treatment protocol containing best practice guidelines for the treatment of opiate dependent patients. The treatment protocol must require the minimal clinically necessary medication dose, including, when appropriate, the goal of opioid abstinence, and including the following:

- (1) Appropriate clinical use of any drug approved by the federal Food and Drug Administration for the treatment of opioid addiction, including the following:
 - (A) Opioid maintenance.**
 - (B) Opioid detoxification.**
 - (C) Overdose reversal.**
 - (D) Relapse prevention.**
 - (E) Long acting, nonaddictive medication assisted treatment medications.****
- (2) A requirement for initial and periodic behavioral health assessments for each patient.**
- (3) Appropriate use of providing overdose reversal, relapse prevention, counseling, and ancillary services.**
- (4) Transitioning off agonist and partial agonist therapies, when appropriate, with the goal of opioid abstinence.**
- (5) Training and experience requirements for prescribers of drugs described in subdivision (1) in the treatment and management of opiate dependent patients.**
- (6) A requirement that prescribers obtain informed consent from a patient concerning all available opioid treatment options, including each option's potential benefits and risks, before prescribing a drug described in subdivision (1).**

(c) Before December 31, 2016, the office of the secretary shall recommend the clinical practice guidelines required under subsection (b) to:

- (1) the Indiana professional licensing agency established under IC 25-1-5;**
- (2) the office of Medicaid policy and planning established under IC 12-8-6.5; and**
- (3) a managed care organization that has contracted with the office of Medicaid policy and planning.**

SECTION 6. IC 12-23-18-8, AS ADDED BY P.L.131-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) As used in this section, "dispense" means to deliver a controlled substance to an ultimate user.

(b) Subject to the federal patient confidentiality requirements under 42 CFR Part 2, when an opioid treatment program dispenses a controlled substance designated by the Indiana board of pharmacy under IC 35-48-2-5 through 35-48-2-10, the opioid treatment program shall provide the following information upon request from the division:

- (1) The medications dispensed by the program.
- (2) The medication delivery process, which includes whether the medication was in liquid, film, or another form.
- (3) The number of doses dispensed of each medication.
- (4) The dosage quantities for each medication.
- (5) The number of patients receiving take home medications.
- (6) The number of days of supply dispensed.
- (7) Patient demographic information for each medication, including gender, age, and time in treatment.
- (8) The dispenser's United States Drug Enforcement Agency registration number.
- (9) The average number of patients served by:**
 - (A) the opioid treatment program annually; and**
 - (B) each employed or contracted prescriber of the opioid treatment program.**
- (10) The annual ratio of employed or contracted prescribers to patients served at each opioid treatment program.**
- (11) The number of patients and the average length of treatment for each medication dispensed by the opioid treatment program.**

(12) The number of patients completing an opiate treatment program treatment service having transitioned to opioid abstinence, including the use of long acting, nonaddictive medication for relapse prevention.

(13) The number of patients demonstrating improvement in functioning, as defined by the division, while in treatment at an opiate treatment program.

(14) An annual submission of each opiate treatment program's policy concerning:

(A) the use of INSPECT (as defined in IC 35-48-7-5.2);

(B) the protocol for addressing patients who are found, using INSPECT data, to have prescriptions for a controlled substance, including benzodiazepines or other opiate medications; and

(C) the protocol for addressing patients who have illicit urine drug screens indicating the use of a controlled substance, including benzodiazepines or other opiates, whether prescribed or not.

(15) The number of patients denied access to services due to inability to pay, including the demographic information of the patient concerning race.

(c) An opioid treatment program shall provide the information required under this section to the division in a manner prescribed by the division.

(d) The division shall annually report the information collected under this section to the legislative council in an electronic format under IC 5-14-6 not later than October 1.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of patient access to and provider reimbursement for federal Food and Drug Administration approved medication assisted treatment in the Medicaid program.

(d) If the topic described in subsection (c) is assigned to a study

committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 8. An emergency is declared for this act.

P.L.9-2016

[H.1157. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.7. "NPLEx" refers to the National Precursor Log Exchange.**

SECTION 2. IC 33-24-6-3, AS AMENDED BY P.L.284-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the

executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the judicial technology and automation project fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
 - (B) at the option of the county prosecuting attorney, for:
 - (i) a prosecuting attorney's case management system;
 - (ii) a county court case management system; and
 - (iii) a county court case management system developed and operated by the division of state court administration;to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
 - (C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the

system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving felony conviction information for each felony described in IC 35-48-4-14.5(h)(1) from courts. The division shall notify NPLeX of each felony described in IC 35-48-4-14.5(h)(1) entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony.

Upon receipt of the information from the division, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

~~(9)~~ **(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.**

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

SECTION 3. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (g).
- (3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (g).

(b) The following definitions apply throughout this section:

- (1) "Constant video monitoring" means the surveillance by an automated camera that:
 - (A) records at least one (1) photograph or digital image every ten (10) seconds;
 - (B) retains a photograph or digital image for at least seventy-two (72) hours;
 - (C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and
 - (D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.
- (2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.
- (3) "Ephedrine" means pure or adulterated ephedrine.
- (4) "Pharmacy or NPLEx retailer" means:
 - (A) a pharmacy, as defined in IC 25-26-13-2;
 - (B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

- (C) a retailer that electronically submits the required information to the National Precursor Log Exchange (NPLEx). ~~administered by the National Association of Drug Diversion Investigators (NADDI).~~
- (5) "Pseudoephedrine" means pure or adulterated pseudoephedrine.
- (6) "Retailer" means a grocery store, general merchandise store, or other similar establishment. The term does not include a pharmacy or NPLEx retailer.
- (7) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:
- (A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;
 - (B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or
 - (C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).
- (8) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or NPLEx retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.
- (c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or NPLEx retailer. Except as provided in subsection (f), a retailer may not sell a drug containing ephedrine or pseudoephedrine.
- (d) A pharmacy or NPLEx retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or NPLEx retailer complies with the following conditions:
- (1) The pharmacy or NPLEx retailer does not sell the drug to a person less than eighteen (18) years of age.
 - (2) The pharmacy or NPLEx retailer does not sell drugs containing more than:
 - (A) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day;

- (B) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period; or
 - (C) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a three hundred sixty-five (365) day period.
- (3) The pharmacy or NPLeX retailer requires:
- (A) the purchaser to produce a valid government issued photo identification card showing the date of birth of the person;
 - (B) the purchaser to sign a written or electronic log attesting to the validity of the information; and
 - (C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or NPLeX retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or NPLeX retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

- (4) The pharmacy or NPLeX retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:
- (A) the name and address of each purchaser;
 - (B) the type of identification presented;
 - (C) the governmental entity that issued the identification;
 - (D) the identification number; and
 - (E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.
- (5) Beginning January 1, 2012, a pharmacy or NPLeX retailer

shall, except as provided in subdivision (6), before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLEx), ~~administered by the National Association of Drug Diversion Investigators (NADDI)~~, if the NPLEx system is available to pharmacies or NPLEx retailers in the state without a charge for accessing the system. The pharmacy or NPLEx retailer may not complete the sale if the system generates a stop sale alert, **including a stop sale alert for a person convicted of a felony reported under IC 33-24-6-3.**

(6) If a pharmacy or NPLEx retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLEx retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the pharmacy or NPLEx retailer is able to comply with the electronic sales tracking requirement.

(7) The pharmacy or NPLEx retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.

(e) A person may not purchase drugs containing more than:

- (1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;
- (2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or
- (3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

(f) This subsection only applies to convenience packages. A retailer may sell convenience packages under this section without complying with the conditions listed in subsection (d):

- (1) after June 30, 2013; and
- (2) before January 1, 2014.

A retailer may not sell drugs containing more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction. A retailer who sells convenience packages must secure the convenience packages behind the counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee. A retailer may not sell a drug containing ephedrine or pseudoephedrine after December 31, 2013.

(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular pharmacy or NPLeX retailer behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(j) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(k) A pharmacy or NPLeX retailer that uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to negligence, recklessness, or deliberate or wanton misconduct. A pharmacy or NPLeX retailer is immune from liability to a third party unless the pharmacy or NPLeX retailer has violated a provision of this section and the third party brings an action based on the pharmacy's or NPLeX retailer's violation of this section.

(l) The following requirements apply to the NPLeX:

(1) Information contained in the NPLeX may be shared only with law enforcement officials.

(2) A law enforcement official may access Indiana transaction information maintained in the NPLeX for investigative purposes.

(3) NADDI may not modify sales transaction data that is shared with law enforcement officials.

(4) At least one (1) time per ~~week~~, ~~NADDI shall forward~~ **day**, Indiana data contained in the NPLeX ~~including data concerning a transaction that could not be completed due to the issuance of a stop sale alert~~, **for the previous calendar day shall be forwarded** to the state police department.

SECTION 4. An emergency is declared for this act.

P.L.10-2016

[H.1235. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-50-2-2.2, AS AMENDED BY P.L.168-2014, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.2. (a) Except as provided in subsection (b), ~~or~~ (c), **or (d)**, the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) Level 2 felony; or
- (2) Level 3 felony.

(c) If:

- (1) a person has a prior unrelated felony conviction in any jurisdiction for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense; and
- (2) the person is convicted of a Level 2 felony under:
- (A) IC 35-48-4-1 and the offense involves the:
 - (i) manufacture;
 - (ii) delivery; or
 - (iii) financing of the manufacture or delivery; of heroin; or
 - (B) IC 35-48-4-1.1;
- the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony.
- (~~e~~) (d) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

P.L.11-2016

[S.1. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning administrative law.

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

SECTION 1. IC 2-5-40 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 40. Administrative Law Study Commission

Sec. 1. As used in this chapter, "commission" refers to the administrative law study commission established by section 2 of this chapter.

Sec. 2. The administrative law study commission is established.

Sec. 3. (a) The commission is comprised of the following members:

(1) Two (2) members of the senate appointed by the president pro tempore of the senate.

(2) Two (2) members of the senate appointed by the minority leader of the senate.

(3) Two (2) members of the house of representatives appointed by the speaker of the house of representatives.

(4) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.

(5) One (1) attorney in good standing admitted to the practice of law in Indiana with experience in practicing administrative law appointed by the president pro tempore of the senate.

(6) One (1) attorney in good standing admitted to the practice of law in Indiana with experience in practicing administrative law appointed by the speaker of the house of representatives.

(7) Two (2) current or former administrative law judges appointed by the governor.

(b) The chairperson of the legislative council shall designate one (1) legislative member of the commission to serve as the chairperson of the commission.

Sec. 4. (a) An appointed member of the commission serves at the pleasure of the authority who appointed the member. If a member ceases to have the qualifications set forth in this chapter for the position to which the member was appointed, the member's term ends and a vacancy is created.

(b) A vacancy on the commission in the position of an appointed member shall be filled by the appointment of a new member to the position by the authority entitled under section 3(a) of this chapter to make appointments to the position.

Sec. 5. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 6. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including approval of a final report.

Sec. 7. (a) The commission shall study and evaluate the following:

(1) Whether administrative law judges and environmental law judges should be replaced by an administrative court that conducts administrative hearings and other duties currently conducted by administrative law judges and environmental law judges.

(2) If an administrative court is established:

(A) the average number of cases the administrative court would hear in a calendar year;

(B) the process that should be used to select judges for the administrative court;

(C) the appropriate number of judges and staff persons that would be required to serve the administrative court based on the caseload of the court;

(D) the proper procedures for the operation of the administrative court;

(E) issues concerning the transition from the use of administrative law judges and environmental law judges to the establishment of an administrative court; and

(F) any other issues the commission considers relevant to the establishment of an administrative court.

(b) The commission shall send a final report concerning the

commission's findings and recommendations to the legislative council before November 1, 2016. A final report sent under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 8. This chapter expires January 2, 2017.

SECTION 2. An emergency is declared for this act.

P.L.12-2016

[S.11. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. "ABLE account", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-1.**

SECTION 2. IC 12-7-2-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18.5. "Authority", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-2.**

SECTION 3. IC 12-7-2-22, AS AMENDED BY P.L.145-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. "Board" means the following:

(1) For purposes of IC 12-10-10, IC 12-10-10.5, and IC 12-10-11, the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.

(2) For purposes of IC 12-11-14, the meaning set forth in IC 12-11-14-3.

~~(2)~~ **(3)** For purposes of IC 12-12-7-5, the meaning set forth in IC 12-12-7-5(a).

⊕ (4) For purposes of IC 12-15-35, the meaning set forth in IC 12-15-35-2.

SECTION 4. IC 12-7-2-58.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 58.5. "Designated beneficiary", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-5.**

SECTION 5. IC 12-7-2-76, AS AMENDED BY P.L.145-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 76. (a) "Eligible individual", for purposes of:

- (1) IC 12-10-10, has the meaning set forth in IC 12-10-10-4; ~~and~~
 - (2) IC 12-10-10.5, has the meaning set forth in IC 12-10-10.5-3;
- and**

(3) IC 12-11-14, has the meaning set forth in IC 12-11-14-6.

(b) "Eligible individual" has the meaning set forth in IC 12-14-18-1.5 for purposes of the following:

- (1) IC 12-10-6.
- (2) IC 12-14-2.
- (3) IC 12-14-18.
- (4) IC 12-14-19.
- (5) IC 12-15-2.
- (6) IC 12-15-3.
- (7) IC 12-16-3.5.
- (8) IC 12-20-5.5.

SECTION 6. IC 12-7-2-154.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 154.4. "Qualified ABLE program", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-7.**

SECTION 7. IC 12-7-2-154.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 154.6. "Qualified disability expense", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-8.**

SECTION 8. IC 12-11-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 14. Achieving a Better Life Experience (ABLE) Program

Sec. 1. As used in this chapter, "ABLE account" refers to an achieving a better life experience (ABLE) account established by an eligible individual that:

- (1)** is maintained under a qualified ABLE program; and
- (2)** meets the requirements of Section 529A of the Internal Revenue Code.

Sec. 2. As used in this chapter, "authority" refers to the achieving a better life experience (ABLE) authority created by section 9 of this chapter.

Sec. 3. As used in this chapter, "board" refers to the ABLE board of the authority established by section 10 of this chapter.

Sec. 4. As used in this chapter, "contracting state" means a state that has entered into a contract with Indiana to:

- (1)** provide residents of the contracting state access to Indiana's qualified ABLE program; or
- (2)** provide residents of Indiana access to the contracting state's qualified ABLE program.

Sec. 5. As used in this chapter, "designated beneficiary" means the eligible individual who has established an ABLE account and is the owner of the account.

Sec. 6. As used in this chapter, "eligible individual" means an individual who during a taxable year:

- (1)** is entitled to benefits based on blindness or disability under Title II or Title XVI of the federal Social Security Act and the blindness or disability occurred before the individual became twenty-six (26) years of age; or
- (2)** has a disability certification that has been filed as set forth in Section 529A of the Internal Revenue Code.

Sec. 7. As used in this chapter, "qualified ABLE program" refers to the achieving a better life experience (ABLE) program established under this chapter under which a person may make contributions for a taxable year for the benefit of an eligible individual to an ABLE account to meet the qualified disability expenses of the designated beneficiary in compliance with Section 529A of the Internal Revenue Code.

Sec. 8. As used in this chapter, "qualified disability expense" means any expenses related to the eligible individual's blindness or disability that are incurred for the benefit of an eligible individual who is the designated beneficiary, including the following expenses:

- (1) Education.**
- (2) Housing.**
- (3) Transportation.**
- (4) Employment training and support.**
- (5) Assistive technology and personal support services.**
- (6) Health.**
- (7) Prevention and wellness.**
- (8) Management and administration.**
- (9) Legal fees.**
- (10) Oversight and monitoring.**
- (11) Funeral and burial.**
- (12) Other expenses approved by the federal government for a qualified ABLE program.**

Sec. 9. (a) The achieving a better life experience (ABLE) authority is created. The authority is a body corporate and politic.

(b) The authority:

- (1) is not an agency of the state; and**
- (2) is an instrumentality of the state performing essential governmental functions.**

(c) The authority may establish a qualified ABLE program.

(d) Because the management and operation of a qualified ABLE program and all funds and ABLE accounts established under this chapter constitute the performance of an essential public function, the following are exempt from taxation by the state and by any political subdivision of the state:

- (1) The authority's management and operations.**
- (2) The authority's property and assets.**
- (3) All property and assets held by or for the authority except individual ABLE accounts.**
- (4) The investment income and earnings (whether interest, gains, or dividends) on:**
 - (A) the authority's property and assets; and**
 - (B) all property and assets held by or for the authority; including all funds and accounts established under this article except individual ABLE accounts.**

(e) The authority may contract with public or private entities or persons for the provision of all or any portion of the services the board considers necessary for the management and operation of the authority, including the qualified ABLE program and all funds

and accounts of the authority.

(f) The authority is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. However, the data, information, and records (including medical records) relating to designated beneficiaries of and individual contributors to an ABLE account, including any records that reveal personally identifiable information about such individuals, are confidential for purposes of IC 5-14-3-4(a), are excepted from IC 5-14-3, and may not be disclosed by the authority, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery. The board is a governing body for purposes of IC 5-14-1.5.

Sec. 10. (a) The ABLE board of the authority is established. The board consists of the following:

(1) The following four (4) ex officio members:

- (A) The treasurer of state.**
- (B) The secretary of family and social services.**
- (C) The budget director.**
- (D) The executive director of the Indiana housing and community development authority.**

(2) Five (5) appointed members who:

- (A) are appointed by the governor; and**
- (B) consist of the following:**

- (i) One (1) member who has significant experience in actuarial analysis, accounting, investment management, or other areas of finance that are relevant to the authority.**
- (ii) One (1) member who has significant legal expertise and knowledge of estate planning.**
- (iii) One (1) member who is a representative of a statewide organization that advocates on behalf of individuals with disabilities.**
- (iv) One (1) member who is an individual with a disability.**
- (v) One (1) member who is a family member of an individual with a disability.**

(b) A certificate of appointment or reappointment of each member shall be filed with the authority, and this certificate is conclusive evidence of the due and proper appointment of the

member.

(c) Not more than three (3) of the appointed members of the board may belong to the same political party.

(d) An appointed member serves a four (4) year term. An appointed member shall hold over after the expiration of the member's term until the member's successor is appointed and qualified.

(e) The governor may reappoint an appointed member of the board.

(f) A vacancy shall be filled for the balance of an unexpired term in the same manner as the original appointment.

(g) The treasurer of state shall serve as chairperson of the board. The board shall annually elect one (1) of its ex officio members as vice chairperson and may elect any other officer the board desires. The board shall meet at the call of the chairperson and as provided in the bylaws of the authority.

(h) The governor may remove an appointed member for misfeasance, malfeasance, willful neglect of duty, or other cause.

(i) An appointed member of the board is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). However, each appointed member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

(j) An ex officio member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

(k) An ex officio member of the board may designate a person to serve as an ex officio member of the board in the absence of the ex officio member.

(l) The majority of the members of the board constitute a quorum for the purposes of conducting the board's business and exercising the board's powers and for all other purposes. Vacant positions may not be counted when determining whether a majority of the members is present.

(m) The affirmative vote of a majority of all the members of the board who are present is necessary for the authority to take action. A vacancy in the membership of the board does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. An action taken by the board under this

article may be authorized by:

- (1) resolution at any regular or special meeting; or
- (2) unanimous consent of all the members who have not abstained.

A resolution takes effect immediately upon adoption and need not be published or posted.

Sec. 11. (a) The board may:

- (1) employ a manager, who is not a member of the board; and
- (2) delegate necessary and appropriate functions and authority to the manager.

(b) The board has the powers necessary and appropriate to carry out and effectuate the purposes of this chapter, including the following:

- (1) To develop and implement a qualified ABLE program for Indiana through:
 - (A) rules adopted under IC 4-22-2 or emergency rules adopted in the manner provided under IC 4-22-2-37.1; or
 - (B) rules, guidelines, procedures, or policies established by the board.
- (2) To conform the qualified ABLE program to meet the requirements of Section 529A of the Internal Revenue Code and all applicable federal laws and regulations.
- (3) To retain professional services, including the following:
 - (A) Advisers and managers, including investment advisers.
 - (B) Custodians and other fiduciaries.
 - (C) Accountants and auditors.
 - (D) Consultants or other experts.
 - (E) Actuarial services providers.
 - (F) Attorneys.
- (4) To establish minimum ABLE account deposit amounts (both initial and periodic).
- (5) To employ persons, if the board chooses, and as may be necessary, and to fix the terms of employment.
- (6) To recommend legislation to the governor and the general assembly.
- (7) To apply for designation as a tax exempt entity under the Internal Revenue Code.
- (8) To sue and be sued.
- (9) To provide or facilitate provision of benefits and incentives

for the benefit of qualified beneficiaries.

(10) To conform the qualified ABLE program to federal tax advantages or incentives, to the extent consistent with the purposes and objectives of this chapter.

(11) To charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction under a qualified ABLE program.

(12) To have perpetual succession.

(13) To establish policies and procedures to govern distributions from ABLE accounts that are not:

(A) made on account of the death or disability of an account beneficiary; or

(B) rollovers.

(14) To establish penalties for withdrawals of money from ABLE accounts that are not used exclusively for a qualified disability expense of an account beneficiary unless a circumstance described in subdivision (13) applies.

(15) To establish policies and procedures regarding the transfer of individual ABLE accounts and the designation of substitute account beneficiaries.

(16) To establish policies and procedures for withdrawal of money from ABLE accounts for, or in reimbursement of, a qualified disability expense.

(17) To enter into agreements with ABLE account owners, account beneficiaries, and contributors, with the agreements naming:

(A) the account owner; and

(B) the account beneficiary.

(18) To establish ABLE accounts for account beneficiaries. However, the authority shall establish a separate ABLE account for each account beneficiary.

(19) To enter into agreements with financial institutions relating to ABLE accounts as well as deposits, withdrawals, penalties, allocation of benefits or incentives, and transfers of accounts, account owners, and account beneficiaries.

(20) To develop marketing plans and promotional material.

(21) To enter into agreements with other states to:

(A) allow Indiana residents to participate in a plan operated by a contracting state with a qualified ABLE

program; or

(B) allow residents of contracting states to participate in the Indiana qualified ABLE program.

(22) To do all things necessary and appropriate to carry out the purposes of this chapter.

Sec. 12. (a) The authority shall do the following:

(1) Provide the board and each member, officer, employee, consultant, counsel, and agent of the authority or the board a defense in a suit arising out of the performance of duties for or on behalf of the authority or the board, if the board determines that the duties were provided in good faith.

(2) Hold a person described in subdivision (1) or the board harmless from any liability, cost, or damage in connection with an action arising out of the performance of duties for or on behalf of the authority or the board, including the payment of any legal fees, except where the liability, cost, or damage is predicated on, or arises out of, bad faith of the person or the board, or is based on the person's or board's malfeasance in the performance of duties.

(b) The authority shall prepare an annual report for the qualified ABLE program and transmit the annual report to the governor and, in an electronic format under IC 5-14-6, to the general assembly. The authority shall make available upon request a copy of the annual report to qualified beneficiaries, account owners, and the public.

Sec. 13. (a) The authority may accept gifts, bequests, donations, and devises of personal and real property:

(1) as trustees for the maintenance, use, or benefit of the authority, the qualified ABLE program, or the endowment fund; or

(2) to be administered for other public or charitable purposes for the use or benefit of ABLE account owners or ABLE account beneficiaries.

(b) The authority may receive, accept, hold, administer, and use any property transferred to the authority by gift, bequest, donation, or devise in accordance with the terms, conditions, obligations, liabilities, and burdens imposed on the gift, bequest, donation, or devise if, in the judgment of the board, the action is in the best interest of the authority, the qualified ABLE program, the

endowment fund, ABLE account owners, ABLE account contributors, or ABLE account beneficiaries, as applicable.

(c) The authority may, if not inconsistent with the terms and conditions of a gift of real property:

- (1) sell, convey, or otherwise dispose of the real property; and
- (2) invest, reinvest, or use the proceeds as, in the judgment of the board, is of the greatest benefit to the authority, the qualified ABLE program, the endowment fund, ABLE account beneficiaries, and ABLE account owners.

Sec. 14. A person designated by resolution of the authority:

- (1) shall keep a record of the proceedings of the authority;
 - (2) shall be custodian of:
 - (A) all books, documents, and papers filed with the authority; and
 - (B) the minutes book or journal of the authority; and
 - (3) may copy all minutes and other records and documents of the authority and may certify that the copies are true copies.
- A person who deals with the authority may rely upon the certification.

Sec. 15. Before the adoption and implementation of a qualified ABLE program:

- (1) the chairperson;
- (2) the vice chairperson;
- (3) the manager; and
- (4) any officer elected by the authority or member of the authority authorized by resolution to handle funds or sign checks;

shall execute a surety bond in the penal sum of one hundred thousand dollars (\$100,000). The surety bond shall be conditioned upon the faithful performance of the duties of the office of the principal and shall be executed by a surety company authorized to transact business in Indiana. The authority shall pay the cost of the bonds.

Sec. 16. Notwithstanding any other law, it is not a conflict of interest or violation of any other law for a person to serve as a member of the authority. However, a member shall disclose a conflict of interest relating to actions of the authority as required and in a manner provided by IC 35-44.1-1-4.

Sec. 17. The following are established:

- (1) The general operating fund.**
- (2) The endowment fund.**
- (3) The trust fund and, in the trust fund, the following:**
 - (A) The administrative account.**
 - (B) The program account.**

Sec. 18. The authority shall establish and implement investment policies in accordance with IC 5-13 for the following:

- (1) Money in the general operating fund.**
- (2) Money in the administrative account.**
- (3) Any other money of the authority other than money in:**
 - (A) the endowment fund; and**
 - (B) the program account.**

Sec. 19. The board shall establish and implement investment policies for money in:

- (1) the endowment fund; and**
- (2) the program account;**

for investment in the manner provided by IC 30-4-3-3.

Sec. 20. The trust fund and other property of the authority must be preserved, invested, and expended only under this article and may not be used for any other purpose. The trust fund shall be held in trust for account owners and account beneficiaries.

Sec. 21. Criteria for management of assets in the trust fund, including investment of assets, must provide for both asset protection and income growth while providing for the actuarial soundness of the trust fund.

Sec. 22. (a) General operating, administrative, and capital expenses of the authority may be paid from amounts appropriated for those purposes by the general assembly. Appropriations must be deposited in either the administrative account or the general operating fund, as the board determines to be appropriate.

(b) Money in the administrative account shall be used first to pay the general operating, administrative, and capital expenses of the authority. Before money in the program account may be used for these expenses, the authority must exhaust all other funds available to the authority, including money in the endowment fund and the administrative account.

Sec. 23. (a) The funds, accounts, management, and operations of the authority are subject to annual audit by an independent public accounting firm retained by the board.

(b) The authority shall promptly transmit copies of each annual audit to the governor and in an electronic format under IC 5-14-6 to the general assembly. Upon request, the authority shall make available copies of the audit to qualified beneficiaries, account owners, and the public.

Sec. 24. (a) All ABLÉ accounts and all earnings or interest on ABLÉ accounts are exempt from taxation in Indiana to the extent that those accounts, earnings, and interest are exempt from federal taxation under the Internal Revenue Code, subject to any penalties that are established for a qualified ABLÉ program under this chapter.

(b) Money deposited in an ABLÉ account by the account owner or a contributor and investment returns on an account are the property of the account owner.

(c) Funds held in an ABLÉ account that may be established under this chapter may not be used by an account owner or account beneficiary as security for a loan.

(d) Funds held in an ABLÉ account:

(1) are exempt from creditors and are not liable to attachment, levy, garnishment, or other process; and

(2) may not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any contributor or beneficiary.

However, the state of residency of the designated beneficiary of an ABLÉ account is a creditor of the account in the event of the death of the designated beneficiary.

(e) Funds held in an ABLÉ account may not be included in determining income eligibility of the designated beneficiary for state and local assistance programs.

SECTION 9. IC 12-15-13-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5. The office shall reimburse at a reimbursement rate for services provided by an ICF/MR (as defined in IC 16-29-4-2) that is three percent (3%) greater than the Medicaid reimbursement rate for the services calculated using the methodology in effect on December 31, 2013.

SECTION 10. IC 12-15-32-2, AS AMENDED BY P.L.213-2015, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The office shall reimburse community residential facilities for the developmentally disabled for

the cost of the Medicaid services that are provided by the facility to individuals who are eligible for Medicaid.

(b) ~~The office shall reimburse at a reimbursement rate for services provided by a community residential facility for the developmentally disabled that is three percent (3%) greater than the Medicaid reimbursement rate for the services calculated using the methodology in effect on December 31, 2013. 405 IAC 1-12-27 is void.~~

P.L.13-2016

[S.14. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 4-13-2-14.7, AS AMENDED BY P.L.168-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal), if the victim is less than eighteen (18) years of age.
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, or Level 4 felony (for a crime committed after June 30, 2014).

(9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 2. IC 7.1-3-23-20.5, AS ADDED BY P.L.237-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) As used in this section, "adult entertainment" means adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

(b) This section applies to the holder of a retailer's permit that provides adult entertainment on the licensed premises.

(c) The holder of a retailer's permit that provides adult entertainment on the licensed premises shall do the following:

(1) Require a performer who provides adult entertainment on the licensed premises to provide proof of age by ~~two (2) forms~~ **at least one (1) form** of government issued identification, including a:

- (A) state issued driver's license;
- (B) state issued identification card; or
- (C) passport;

showing the performer to be at least eighteen (18) years of age.

(2) Require a performer who provides adult entertainment on the licensed premises to provide proof of legal residency in the United States by means of:

- (A) a birth certificate;
- (B) a Social Security card;
- (C) a passport;
- (D) valid documentary evidence described in IC 9-24-9-2.5; or
- (E) other valid documentary evidence issued by the United States demonstrating that the performer is entitled to reside in the United States.

(3) Take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises at the time of the audition and retain the photograph for at least three (3) years after:

- (A) the date of the audition; or

(B) the last day on which the performer provides adult entertainment at the licensed premises;

whichever is later. A photograph taken under this subdivision must **only** show the adult entertainer's facial features.

(4) Require all performers and other employees of the retail permit holder to sign a document approved by the commission to acknowledge their awareness of the problem of human trafficking.

(5) Display human trafficking awareness posters in at least two (2) of the following locations on the licensed premises:

(A) The office of the manager of the licensed premises.

(B) The locker room used by performers or other employees.

(C) The break room used by performers or other employees.

Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.

(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section.

(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c).

(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:

(1) the extent to which the permit holder has cooperated with any law enforcement investigation as required by subsection (c)(6); and

(2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:

(A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and

(B) has been approved by:

(i) a department of the United States government; or

(ii) a nationwide association made up of operators who run adult entertainment establishments.

SECTION 3. IC 10-13-3-27, AS AMENDED BY P.L.214-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has:
 - (A) applied for a license or is maintaining a license; and
 - (B) provided criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;
- (12) is being sought by the parent locator service of the child support bureau of the department of child services;

(13) is or was required to register as a sex or violent offender under IC 11-8-8;

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).

(E) Possession of child pornography (~~IC 35-42-4-4(c)~~); **(IC 35-42-4-4(d) or IC 35-42-4-4(e))**.

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(K) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (A) through (J).

(L) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (A) through (J).

(M) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (A) through (J);

(15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or

(16) is:

(A) a parent, guardian, or custodian of a child; or

(B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian;

with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this

section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 4. IC 11-8-8-4.5, AS AMENDED BY HEA 1199-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was

- committed after June 30, 2007; or
- (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
- (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child pornography (~~IC 35-42-4-4(c)~~): **(IC 35-42-4-4(d) or IC 35-42-4-4(e)).**
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).
- (16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).
- (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.
- (19) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
- (20) An attempt or conspiracy to commit a crime listed in this subsection.
- (21) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.
- (b) The term includes:
- (1) a person who is required to register as a sex offender in any jurisdiction; and
- (2) a child who has committed a delinquent act and who:
- (A) is at least fourteen (14) years of age;
- (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure

private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 5. IC 11-8-8-5, AS AMENDED BY HEA 1199-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be

required to register as a sex offender.

- (9) Incest (IC 35-46-1-3).
 - (10) Sexual battery (IC 35-42-4-8).
 - (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (13) Possession of child pornography (~~IC 35-42-4-4(c)~~); **(IC 35-42-4-4(d) or IC 35-42-4-4(e))**.
 - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
 - (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).
 - (16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).
 - (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 - (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.
 - (19) Murder (IC 35-42-1-1).
 - (20) Voluntary manslaughter (IC 35-42-1-3).
 - (21) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
 - (22) An attempt or conspiracy to commit a crime listed in this subsection.
 - (23) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.
- (b) The term includes:
- (1) a person who is required to register as a sex or violent offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication

as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 6. IC 20-28-5-8, AS AMENDED BY P.L.238-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).

- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- (18) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).
- (20) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).
- (21) Homicide (IC 35-42-1).
- (22) Voluntary manslaughter (IC 35-42-1-3).
- (23) Reckless homicide (IC 35-42-1-5).
- (24) Battery as any of the following:
 - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
 - (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
 - (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- (25) Aggravated battery (IC 35-42-2-1.5).

- (26) Robbery (IC 35-42-5-1).
- (27) Carjacking (IC 35-42-5-2) (before its repeal).
- (28) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).
- (29) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- (30) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- (31) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 7. IC 22-5-5-1, AS AMENDED BY P.L.214-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The employment contract of a person who:

- (1) works with children; and
- (2) is convicted of:
 - (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;
 - (B) criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age;
 - (C) child molesting (IC 35-42-4-3);
 - (D) child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**);
 - (E) vicarious sexual gratification (IC 35-42-4-5);
 - (F) child solicitation (IC 35-42-4-6);
 - (G) child seduction (IC 35-42-4-7); or
 - (H) incest (IC 35-46-1-3), if the victim is less than eighteen

(18) years of age;
 may be canceled by the person's employer.

SECTION 8. IC 31-14-14-1, AS AMENDED BY P.L.95-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A noncustodial parent is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time might:

- (1) endanger the child's physical health and well-being; or
- (2) significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(c) In a hearing under subsection (a), there is a rebuttable presumption that a person who has been convicted of:

- (1) child molesting (IC 35-42-4-3); or
- (2) child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**);

might endanger the child's physical health and well-being or significantly impair the child's emotional development.

(d) If a court grants parenting time rights to a person who has been convicted of:

- (1) child molesting (IC 35-42-4-3); or
- (2) child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**);

there is a rebuttable presumption that the parenting time with the child must be supervised.

(e) The court may permit counsel to be present at the interview. If counsel is present:

- (1) a record may be made of the interview; and
- (2) the interview may be made part of the record for purposes of appeal.

SECTION 9. IC 33-37-5-23, AS AMENDED BY P.L.168-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) against an individual convicted in Indiana of any of the following offenses:

- (1) Rape (IC 35-42-4-1).

- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).
- (11) Promotion of human trafficking (IC 35-42-3.5-1(a)).
- (12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).
- (13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (14) Human trafficking (IC 35-42-3.5-1(d)).

SECTION 10. IC 33-39-1-9, AS AMENDED BY P.L.214-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. A prosecuting attorney who charges a person with committing any of the following shall inform the person's employer of the charge, unless the prosecuting attorney determines that the person charged does not work with children:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 11. IC 35-36-10-2, AS AMENDED BY P.L.6-2012, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "child pornography" includes:

- (1) material described in ~~IC 35-42-4-4(e)~~; **IC 35-42-4-4(d)**; and
- (2) material defined in 18 U.S.C. 2256(8).

SECTION 12. IC 35-38-1-17, AS AMENDED BY P.L.164-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section applies to a person who:

- (1) commits an offense; or
- (2) is sentenced;

before July 1, 2014.

(b) This section does not apply to a credit restricted felon.

(c) Except as provided in subsections (k) and (m), this section does not apply to a violent criminal.

(d) As used in this section, "violent criminal" means a person convicted of any of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (10) Child molesting (IC 35-42-4-3).
- (11) **Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed after June 30, 2014).**
- (12) **Robbery as a Class A felony or a Class B felony (IC 35-42-5-1) (for a crime committed before July 1, 2014) or robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime committed after June 30, 2014).**
- (13) **Burglary as Class A felony or a Class B felony (IC 35-43-2-1) (for a crime committed before July 1, 2014) or burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1) (for a crime committed after**

June 30, 2014).

(14) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(e) At any time after:

- (1) a convicted person begins serving the person's sentence; and
- (2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

(f) If the court sets a hearing on a petition under this section, the court must give notice to the prosecuting attorney and the prosecuting attorney must give notice to the victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

(g) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

(h) The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

(i) The court is not required to conduct a hearing before reducing or suspending a sentence under this section if:

- (1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and
- (2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(j) This subsection applies only to a convicted person who is not a violent criminal. A convicted person who is not a violent criminal may file a petition for sentence modification under this section:

- (1) not more than one (1) time in any three hundred sixty-five (365) day period; and
- (2) a maximum of two (2) times during any consecutive period of incarceration;

without the consent of the prosecuting attorney.

(k) This subsection applies to a convicted person who is a violent criminal. A convicted person who is a violent criminal may, not later than three hundred sixty-five (365) days from the date of sentencing, file one (1) petition for sentence modification under this section without the consent of the prosecuting attorney. After the elapse of the

three hundred sixty-five (365) day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney.

(l) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to sentence modification for any other reason, including failure to comply with the provisions of this section.

(m) Notwithstanding subsection (k), a person who commits an offense after June 30, 2014, and before May 15, 2015, may file one (1) petition for sentence modification without the consent of the prosecuting attorney, even if the person has previously filed a petition for sentence modification.

SECTION 13. IC 35-38-2-2.5, AS AMENDED BY P.L.214-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

- (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

- (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or
 - (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.
- (e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:
- (1) court, if the offender is placed on probation; or
 - (2) parole board, if the offender is placed on parole;
- for the change of address under subsection (f).
- (f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:
- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
 - (2) the offender is in compliance with all terms of the offender's probation or parole; and
 - (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.
- However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5 or if the offender is an offender against children under IC 35-42-4-11.
- (g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.
- (h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 14. IC 35-42-3.5-1, AS AMENDED BY P.L.168-2014, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

- (1) to engage the other person in:
 - (A) forced labor; or
 - (B) involuntary servitude; or
- (2) to force the other person into:
 - (A) marriage;
 - (B) prostitution; or
 - (C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking, a Level 4 felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:

- (1) eighteen (18) years of age with the intent of:
 - (A) engaging the child in:
 - (i) forced labor; or
 - (ii) involuntary servitude; or
 - (B) inducing or causing the child to:
 - (i) engage in prostitution; or
 - (ii) engage in a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) or **IC 35-42-4-4(c)** (child exploitation); or
- (2) sixteen (16) years of age with the intent of inducing or causing the child to participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Level 3 felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than eighteen (18) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Level 2 felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;
 - (2) involuntary servitude; or
 - (3) prostitution;
- commits human trafficking, a Level 5 felony.
- (e) It is a defense to a prosecution under subsection (b)(2) if:
- (1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or
 - (2) all the following apply:
 - (A) The person is not more than four (4) years older than the victim.
 - (B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
 - (C) The crime:
 - (i) was not committed by a person who is at least twenty-one (21) years of age;
 - (ii) was not committed by using or threatening the use of deadly force;
 - (iii) was not committed while armed with a deadly weapon;
 - (iv) did not result in serious bodily injury;
 - (v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
 - (vi) was not committed by a person having a position of authority or substantial influence over the victim.
 - (D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 15. IC 35-42-4-4, AS AMENDED BY P.L.80-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The following definitions apply throughout this section:

- (1) "Disseminate" means to transfer possession for free or for a consideration.
 - (2) "Matter" has the same meaning as in IC 35-49-1-3.
 - (3) "Performance" has the same meaning as in IC 35-49-1-7.
 - (4) "Sexual conduct" means:
 - (A) sexual intercourse;
 - (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 - (C) exhibition of the:
 - (i) uncovered genitals; or
 - (ii) female breast with less than a fully opaque covering of any part of the nipple;
intended to satisfy or arouse the sexual desires of any person;
 - (D) sadomasochistic abuse;
 - (E) sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with an animal; or
 - (F) any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.
- (b) A person who:
- (1) knowingly or intentionally manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;
 - (2) knowingly or intentionally disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age;
 - (3) knowingly or intentionally makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age; or
 - (4) with the intent to satisfy or arouse the sexual desires of any person:
 - (A) knowingly or intentionally:
 - (i) manages;
 - (ii) produces;
 - (iii) sponsors;

- (iv) presents;
- (v) exhibits;
- (vi) photographs;
- (vii) films;
- (viii) videotapes; or
- (ix) creates a digitized image of;

any performance or incident that includes the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

(B) knowingly or intentionally:

- (i) disseminates to another person;
- (ii) exhibits to another person;
- (iii) offers to disseminate or exhibit to another person; or
- (iv) sends or brings into Indiana for dissemination or exhibition;

matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(C) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

commits child exploitation, a Level 5 felony.

(c) However, the offense of child exploitation described in subsection (b) is a Level 4 felony if:

(1) the sexual conduct, matter, performance, or incident depicts or describes a child less than eighteen (18) years of age who:

- (A) engages in bestiality (as described in IC 35-46-3-14);**
- (B) is mentally disabled or deficient;**
- (C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;**

- (D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;**
- (E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or**
- (F) is less than twelve (12) years of age; or**
- (2) the child less than eighteen (18) years of age:**
 - (A) engages in bestiality (as described in IC 35-46-3-14);**
 - (B) is mentally disabled or deficient;**
 - (C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;**
 - (D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;**
 - (E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or**
 - (F) is less than twelve (12) years of age.**
- (c) (d) A person who knowingly or intentionally possesses:**
 - (1) a picture;
 - (2) a drawing;
 - (3) a photograph;
 - (4) a negative image;
 - (5) undeveloped film;
 - (6) a motion picture;
 - (7) a videotape;
 - (8) a digitized image; or
 - (9) any pictorial representation;

that depicts or describes sexual conduct by a child who the person knows is less than eighteen (18) years of age or who appears to be less than eighteen (18) years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a Level 6 felony.

(e) However, the offense of possession of child pornography described in subsection (d) is a Level 5 felony if:

- (1) the item described in subsection (d)(1) through (d)(9) depicts or describes sexual conduct by a child who the person knows is less than eighteen (18) years of age, or who appears to be less than eighteen (18) years of age, who:**
 - (A) engages in bestiality (as described in IC 35-46-3-14);**

- (B) is mentally disabled or deficient;**
- (C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;**
- (D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;**
- (E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or**
- (F) is less than twelve (12) years of age; or**
- (2) the child whose sexual conduct is depicted or described in an item described in subsection (d)(1) through (d)(9):**
 - (A) engages in bestiality (as described in IC 35-46-3-14);**
 - (B) is mentally disabled or deficient;**
 - (C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;**
 - (D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;**
 - (E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or**
 - (F) is less than twelve (12) years of age.**

~~(d)~~ **(f)** Subsections (b), ~~and (c), (d), and (e)~~ do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

~~(e)~~ **(g)** It is a defense to a prosecution under this section that:

- (1) the person is a school employee; and
- (2) the acts constituting the elements of the offense were performed solely within the scope of the person's employment as a school employee.

~~(f)~~ **(h)** Except as provided in subsection ~~(g)~~; **(i)**, it is a defense to a prosecution under subsection (b), ~~or (c), (d), or (e)~~ if all of the following apply:

- (1) A cellular telephone, another wireless or cellular communications device, or a social networking web site was used to possess, produce, or disseminate the image.

(2) The defendant is not more than four (4) years older or younger than the person who is depicted in the image or who received the image.

(3) The relationship between the defendant and the person who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The crime was committed by a person less than twenty-two (22) years of age.

(5) The person receiving the image or who is depicted in the image acquiesced in the defendant's conduct.

~~(g)~~ **(i)** The defense to a prosecution described in subsection ~~(f)~~ **(h)** does not apply if:

(1) the person who receives the image disseminates it to a person other than the person:

(A) who sent the image; or

(B) who is depicted in the image;

(2) the image is of a person other than the person who sent the image or received the image; or

(3) the dissemination of the image violates:

(A) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(C) a workplace violence restraining order issued under IC 34-26-6;

(D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(E) a no contact order issued as a condition of pretrial release,

including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;

(F) a no contact order issued as a condition of probation;

(G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);

(H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;

(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;

(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);

(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:

(i) tribe;

(ii) band;

(iii) pueblo;

(iv) nation; or

(v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

(L) an order issued under IC 35-33-8-3.2; or

(M) an order issued under IC 35-38-1-30.

~~(h)~~ **(j)** It is a defense to a prosecution under this section that:

(1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and

(2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

~~(i)~~ **(k)** A person is entitled to present the defense described in subsection ~~(h)~~ **(j)** in a pretrial hearing. If a person proves by a preponderance of the evidence in a pretrial hearing that the defense described in subsection ~~(h)~~ **(j)** applies, the court shall dismiss the

charges under this section with prejudice.

SECTION 16. IC 35-42-4-11, AS AMENDED BY P.L.168-2014, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.
 - (F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
 - (G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

- (1) a residence; or
- (2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

- (c) An offender against children who knowingly or intentionally:
 - (1) resides within one thousand (1,000) feet of:
 - (A) school property, not including property of an institution providing post-secondary education;
 - (B) a youth program center; or
 - (C) a public park; or
 - (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Level 6 felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration or parole, whichever occurs last (or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from probation). A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 17. IC 35-42-4-14, AS ADDED BY P.L.235-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
 - (C) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).
 - (E) Performing sexual conduct in the presence of a minor

(IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9).

(I) A conspiracy or an attempt to commit an offense described in clauses (A) through (H).

(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).

(b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

SECTION 18. IC 35-50-1-2, AS AMENDED BY P.L.238-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).

(13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).

(14) Operating a vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).

~~(16)~~ (17) Resisting law enforcement as a felony (IC 35-44.1-3-1).

~~(17)~~ **(18)** Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

- (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- (2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct may not exceed the following:

- (1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.
- (2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.
- (3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.
- (4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.
- (5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.
- (6) If the most serious crime for which the defendant is sentenced

is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 19. IC 35-50-2-7, AS AMENDED BY P.L.168-2014, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A person who commits a Class D felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 1/2) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) Notwithstanding subsections (a) and (b), if a person has committed a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) if:

- (1) the court finds that:
 - (A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and
 - (B) the prior felony was committed less than three (3) years before the second felony was committed;
- (2) the offense is domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-42-2-1.3; or
- (3) the offense is possession of child pornography (~~IC 35-42-4-4(c)~~). **(IC 35-42-4-4(d))**.

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(d) Notwithstanding subsections (a) and (b), the sentencing court may convert a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014) to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (e) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

- (1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).
- (2) The person was not convicted of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) that resulted in bodily injury to another person.
- (3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).
- (4) At least three (3) years have passed since the person:
 - (A) completed the person's sentence; and
 - (B) satisfied any other obligation imposed on the person as part of the sentence;for the Class D or Level 6 felony.
- (5) The person has not been convicted of a felony since the person:

- (A) completed the person's sentence; and
 - (B) satisfied any other obligation imposed on the person as part of the sentence;
- for the Class D or Level 6 felony.
- (6) No criminal charges are pending against the person.
- (e) A petition filed under subsection (d) or (f) must be verified and set forth:
- (1) the crime the person has been convicted of;
 - (2) the date of the conviction;
 - (3) the date the person completed the person's sentence;
 - (4) any obligations imposed on the person as part of the sentence;
 - (5) the date the obligations were satisfied; and
 - (6) a verified statement that there are no criminal charges pending against the person.

(f) If a person whose Class D or Level 6 felony conviction has been converted to a Class A misdemeanor conviction under subsection (d) is convicted of a felony not later than five (5) years after the conversion under subsection (d), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014).

SECTION 20. IC 35-50-6-3.3, AS AMENDED BY P.L.187-2015, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:
 - (A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.
 - (B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.
 - (C) An associate degree from an approved postsecondary

educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformatory program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under both subsections (a) and (b) for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- (2) One (1) year for graduation from high school.
- (3) Not more than one (1) year for completion of an associate degree.
- (4) Not more than two (2) years for completion of a bachelor

degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn educational credit under subsection (a)

unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn educational credit under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Educational credit earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(j) The maximum amount of educational credit a person may earn under this section is the lesser of:

- (1) two (2) years; or
- (2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

- (1) postconviction release (as defined in IC 35-40-4-6); or
- (2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

- (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
- (2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and
- (2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

SECTION 21. An emergency is declared for this act.

P.L.14-2016
[S.15. Approved March 21, 2016.]

AN ACT concerning health.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "food desert" means an underserved geographic area where affordable fresh and healthy foods are difficult to obtain, as determined by the state department.

(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to an appropriate study committee the topics related to the establishment of a food desert grant and loan program within a state agency to assist:

- (1) new businesses;**
- (2) existing businesses; or**
- (3) any legal entity;**

to offer fresh and unprocessed foods within a food desert.

(d) If the legislative council assigns the topic described in subsection (c) to an appropriate study committee, the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 2. An emergency is declared for this act.

P.L.15-2016

[S.17. Approved March 21, 2016.]

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

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

SECTION 1. IC 33-37-5-12, AS AMENDED BY P.L.214-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) reckless homicide (IC 35-42-1-5);
 - (E) battery (IC 35-42-2-1);
 - (F) strangulation (IC 35-42-2-9);**
 - ~~(F)~~ **(G)** rape (IC 35-42-4-1);
 - ~~(G)~~ **(H)** criminal deviate conduct (IC 35-42-4-2) (repealed);
 - ~~(H)~~ **(I)** child molesting (IC 35-42-4-3);
 - ~~(I)~~ **(J)** child exploitation (IC 35-42-4-4);
 - ~~(J)~~ **(K)** vicarious sexual gratification (IC 35-42-4-5);
 - ~~(K)~~ **(L)** child solicitation (IC 35-42-4-6);
 - ~~(L)~~ **(M)** incest (IC 35-46-1-3);
 - ~~(M)~~ **(N)** neglect of a dependent (IC 35-46-1-4);
 - ~~(N)~~ **(O)** child selling (IC 35-46-1-4); or
 - ~~(O)~~ **(P)** child seduction (IC 35-42-4-7); and
- (2) the victim of the offense is less than eighteen (18) years of age.

SECTION 2. IC 33-37-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. The court shall

order a person to pay a domestic violence prevention and treatment fee of fifty dollars (\$50) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) reckless homicide (IC 35-42-1-5);
 - (E) battery (IC 35-42-2-1);
 - (F) domestic battery (IC 35-42-2-1.3); **or**
 - (G) strangulation (IC 35-42-2-9); or**
 - ~~(G)~~ **(H) rape (IC 35-42-4-1);** and
- (2) the victim:
 - (A) is a spouse or former spouse of the person who committed an offense under subdivision (1);
 - (B) is or was living as if a spouse of the person who committed the offense of domestic battery under subdivision (1)(F); or
 - (C) has a child in common with the person who committed the offense of domestic battery under subdivision (1)(F).

P.L.16-2016

[S.26. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-34-1-3, AS AMENDED BY P.L.168-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child is the victim of a ~~sex~~ **an** offense under:

- (A) IC 35-42-4-1;
 - (B) IC 35-42-4-2 (before its repeal);
 - (C) IC 35-42-4-3;
 - (D) IC 35-42-4-4;
 - (E) IC 35-42-4-7;
 - (F) IC 35-42-4-9;
 - (G) IC 35-45-4-1;
 - (H) IC 35-45-4-2;
 - (I) IC 35-46-1-3; or
 - (J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I); and
- (2) the child needs care, treatment, or rehabilitation that:
- (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.
- (b) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
- (1) the child lives in the same household as another child who is the victim of a sex offense under:
 - (A) ~~IC 35-42-4-1;~~
 - (B) ~~IC 35-42-4-2 (before its repeal);~~
 - (C) ~~IC 35-42-4-3;~~
 - (D) ~~IC 35-42-4-4;~~
 - (E) ~~IC 35-42-4-7;~~
 - (F) ~~IC 35-42-4-9;~~
 - (G) ~~IC 35-45-4-1;~~
 - (H) ~~IC 35-45-4-2;~~
 - (I) ~~IC 35-46-1-3; or~~
 - (J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I);
 - (2) the child lives in the same household as the adult who:
 - (A) committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with a sex offense listed in subdivision (1) and is awaiting trial;

- (3) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court; and
- (4) a caseworker assigned to provide services to the child:
 - (A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or
 - (B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

A child is a child in need of services if, before the child becomes eighteen (18), the child:

- (1) lives in the same household as an adult who:**
 - (A) committed an offense described in subsection (a)(1) against a child, and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or**
 - (B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial; and**
- (2) needs care, treatment, or rehabilitation that:**
 - (A) the child is not receiving; and**
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.**

SECTION 2. IC 31-34-12-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) There is a rebuttable presumption that a child is a child in need of services if the state establishes that

- (1) another child in the same household is the victim of a sex offense described in IC 31-34-1-3; and
- (2) the sex offense described in IC 31-34-1-3:
 - (A) was committed by an adult who lives in the household with the child; and
 - (B) resulted in a conviction of the adult or a judgment under IC 31-34-11-2 as it relates to the child against whom the sex offense was committed.

the child lives in the same household as an adult who:

- (1) committed an offense described in IC 31-34-1-3 against a**

**child, and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
(2) has been charged with an offense described in IC 31-34-1-3 against a child and is awaiting trial.**

(b) The following may not be used as grounds to rebut the presumption under subsection (a):

(1) The child who is the victim of the ~~sex~~ offense described in IC 31-34-1-3 is not genetically related to the adult who committed the act, but the child presumed to be the child in need of services under this section is genetically related to the adult who committed the act.

(2) The child who is the victim of the ~~sex~~ offense described in IC 31-34-1-3 differs in age from the child presumed to be the child in need of services under this section.

(c) This section does not affect the ability to take a child into custody or emergency custody under IC 31-34-2 if the act of taking the child into custody or emergency custody is not based upon a presumption established under this section. However, if the presumption established under this section is the sole basis for taking a child into custody or emergency custody under IC 31-34-2, the court first must find cause to take the child into custody or emergency custody following a hearing in which the parent, guardian, or custodian of the child is accorded the rights described in IC 31-34-4-6(a)(2) through IC 31-34-4-6(a)(5).

P.L.17-2016
[S.27. Approved March 21, 2016.]

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

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

SECTION 1. IC 33-33-49-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a)** Marion County constitutes the nineteenth judicial circuit.

(b) The judge of the Marion circuit court may appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit court. The magistrate continues in office until removed by the judge.

SECTION 2. IC 33-33-77-1, AS AMENDED BY P.L.173-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2016]: Sec. 1. (a) Sullivan County constitutes the fourteenth judicial circuit.

(b) Until ~~July 1, 2016~~, **January 1, 2017**, the judge of the Sullivan circuit court and the judge of the Sullivan superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) A magistrate appointed under subsection (b) continues in office until the earlier of the following:

- (1) The date the magistrate is jointly removed by the judge of the Sullivan circuit court and the judge of the Sullivan superior court.
- (2) ~~July 1, 2016~~: **January 1, 2017**.

P.L.18-2016

[S.30. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-1-3-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33. The department shall develop, post, and maintain on the department's Internet web site information concerning the internal and external grievance procedures for accident and sickness insurance policies and health maintenance organization contracts. The department shall include on the web site:**

- (1) information concerning the process that a consumer should follow in filing an internal grievance or an external grievance; and**
- (2) a telephone number for the department where consumers may call to obtain additional information.**

SECTION 2. IC 27-8-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. (a) An insurer shall provide, at the request of the insured, covered individual, or legal representative of the insured or covered individual, and upon policy issuance, at each policy renewal, and with any notice of denial of a claim, timely, adequate, and appropriate notice to each insured, covered individual, or legal representative, of:**

- (1) the grievance procedure required under this chapter;
- (2) the external grievance procedure required under IC 27-8-29;
- (3) information on how to file:
 - (A) a grievance under this chapter; and
 - (B) a request for an external grievance review under IC 27-8-29; ~~and~~
- (4) a toll free telephone number through which a covered individual may contact the insurer at no cost to the covered

individual to obtain information and to file grievances; **and**
(5) the address for the Internet web site established by the
department under IC 27-1-3-33.

(b) An insurer shall prominently display on all notices to covered individuals the toll free telephone number and the address at which a grievance or request for external grievance review may be filed.

SECTION 3. IC 27-8-28-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) An insurer shall each year file with the commissioner a description of the grievance procedure of the insurer established under this chapter, including:

- (1) the total number of grievances handled through the procedure during the preceding calendar year;
- (2) a compilation of the causes underlying those grievances; and
- (3) a summary of the final disposition of those grievances.

(b) The information required by subsection (a) must be filed with the commissioner on or before March 1 of each year. The commissioner shall:

- (1) make the information required to be filed under this section available to the public; and
- (2) prepare an annual compilation of the data required under subsection (a) that allows for comparative analysis.

(c) The commissioner may require any additional reports as are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

(d) The commissioner shall do the following:

(1) Compile and analyze complaints received by the department concerning a denial of coverage under an accident and sickness insurance policy for:

- (A) an investigational or experimental treatment; or**
- (B) a treatment not considered to be medically necessary for a covered individual.**

(2) If the commissioner determines that a pattern of denials of coverage is evident through the analysis performed under subdivision (1), report the pattern to the legislative council in an electronic format under IC 5-14-6.

(3) Remove from a report made under subdivision (2) any information that could be used to identify an individual.

SECTION 4. IC 27-13-8-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) In addition to the report required by section 1 of this chapter, a health maintenance organization shall each year file with the commissioner the following:

(1) Audited financial statements of the health maintenance organization for the preceding calendar year prepared in conformity with statutory accounting practices prescribed or otherwise permitted by the department.

(2) A list of participating providers who provide health care services to enrollees or subscribers of the health maintenance organization.

(3) A description of the grievance procedure of the health maintenance organization:

(A) established under IC 27-13-10, including:

(i) the total number of grievances handled through the procedure during the preceding calendar year;

(ii) a compilation of the causes underlying those grievances; and

(iii) a summary of the final disposition of those grievances; and

(B) established under IC 27-13-10.1, including:

(i) the total number of external grievances handled through the procedure during the preceding calendar year;

(ii) a compilation of the causes underlying those grievances; and

(iii) a summary of the final disposition of those grievances; for each independent review organization used by the health maintenance organization during the reporting year.

(4) The percentage of providers credentialed by the health maintenance organization according to the most current standards or guidelines, if any, developed by the National Committee on Quality Assurance or a successor organization.

(5) The RBC report required under IC 27-1-36-25.

(6) The health maintenance organization's Health Plan Employer Data and Information Set (HEDIS) data.

(b) The information required by subsection (a)(2) through (a)(5) must be filed with the commissioner on or before March 1 of each year. The audited financial statements required by subsection (a)(1) must be filed with the commissioner on or before June 1 of each year. The

health maintenance organization's HEDIS data required by subsection (a)(6) must be filed with the commissioner on or before July 1 of each year. The commissioner shall:

- (1) make the information required to be filed under this section available to the public; and
- (2) prepare an annual compilation of the data required under ~~subsections~~ **subsection** (a)(3), (a)(4), and (a)(6) that allows for comparative analysis.

(c) Upon a determination by a health maintenance organization's auditor that the health maintenance organization:

- (1) does not meet the requirements of IC 27-13-12-3; or
- (2) is in the condition described in IC 27-13-24-1(a)(5);

the health maintenance organization shall notify the commissioner within five (5) business days after the auditor's determination.

(d) The commissioner may require any additional reports as are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

(e) The commissioner shall do the following:

(1) Compile and analyze complaints received by the department concerning a denial of coverage under an individual contract or a group contract for:

- (A) an investigational or experimental treatment; or**
- (B) a treatment not considered to be medically necessary for an enrollee.**

(2) If the commissioner determines that a pattern of denials of coverage is evident through the analysis performed under subdivision (1), report the pattern to the legislative council in an electronic format under IC 5-14-6.

(3) Remove from a report made under subdivision (2) any information that could be used to identify an individual.

SECTION 5. IC 27-13-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A health maintenance organization shall provide, **at the request of the enrollee, subscriber, or legal representative of the enrollee or subscriber, and upon contract issuance, at each contract renewal, and with any notice of denial of a claim,** timely, adequate, and appropriate notice to each enrollee, ~~or subscriber, or legal representative,~~ of:

- (1) the grievance procedure under this chapter and IC 27-13-10.1;**

(2) information on how to file:**(A) a grievance under this chapter; and****(B) a request for an external grievance review under IC 27-13-10.1; and****(3) the address for the Internet web site established by the department under IC 27-1-3-33.**

(b) A health maintenance organization shall prominently display on all notices to enrollees and subscribers the telephone number and address at which a grievance may be filed.

(c) A written description of the enrollee's or subscriber's right to file a grievance must be posted by the provider in a conspicuous public location in each facility that offers services on behalf of a health maintenance organization.

P.L.19-2016

[S.41. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 5-10-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17. (a) As used in this section, "covered individual" means an individual entitled to coverage under a state employee health plan.**

(b) As used in this section, "preceding prescription drug" means a prescription drug that, according to a step therapy protocol, must be:

- (1) first used to treat a covered individual's condition; and**
- (2) as a result of the treatment under subdivision (1), determined to be inappropriate to treat the covered individual's condition;**

as a condition of coverage under a state employee health plan for succeeding treatment with another prescription drug.

(c) As used in this section, "protocol exception" means a determination by a state employee health plan that, based on a review of a request for the determination and any supporting documentation:

- (1) a step therapy protocol is not medically appropriate for treatment of a particular covered individual's condition; and
- (2) the state employee health plan will:
 - (A) not require the covered individual's use of a preceding prescription drug under the step therapy protocol; and
 - (B) provide immediate coverage for another prescription drug that is prescribed for the covered individual.

(d) As used in this section, "state employee health plan" refers to the following that provide coverage for prescription drugs:

- (1) A self-insurance program established under section 7(b) of this chapter.
- (2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

The term includes a person that administers prescription drug benefits on behalf of a state employee health plan.

(e) As used in this section, "step therapy protocol" means a protocol that specifies, as a condition of coverage under a state employee health plan, the order in which certain prescription drugs must be used to treat a covered individual's condition.

(f) As used in this section, "urgent care situation" means a covered individual's injury or condition about which the following apply:

- (1) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could seriously jeopardize the covered individual's:
 - (A) life or health; or
 - (B) ability to regain maximum function;based on a prudent layperson's judgment.
- (2) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could subject the covered individual to severe pain

that cannot be adequately managed, based on the covered individual's treating health care provider's judgment.

(g) A state employee health plan shall publish on the state employee health plan's Internet web site, and provide to a covered individual in writing, a procedure for the covered individual's use in requesting a protocol exception. The procedure must include the following provisions:

(1) A description of the manner in which a covered individual may request a protocol exception.

(2) That the state employee health plan shall make a determination concerning a protocol exception request, or an appeal of a denial of a protocol exception request, not more than:

(A) in an urgent care situation, one (1) business day after receiving the request or appeal; or

(B) in a nonurgent care situation, three (3) business days after receiving the request or appeal.

(3) That a protocol exception will be granted if any of the following apply:

(A) A preceding prescription drug is contraindicated or will likely cause an adverse reaction or physical or mental harm to the covered individual.

(B) A preceding prescription drug is expected to be ineffective, based on both of the following:

(i) The known clinical characteristics of the covered individual.

(ii) Known characteristics of the preceding prescription drug, as found in sound clinical evidence.

(C) The covered individual has previously received:

(i) a preceding prescription drug; or

(ii) another prescription drug that is in the same pharmacologic class or has the same mechanism of action as a preceding prescription drug;

and the prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event.

(D) Based on clinical appropriateness, a preceding prescription drug is not in the best interest of the covered individual because the covered individual's use of the

preceding prescription drug is expected to:

- (i) cause a significant barrier to the covered individual's adherence to or compliance with the covered individual's plan of care;
- (ii) worsen a comorbid condition of the covered individual; or
- (iii) decrease the covered individual's ability to achieve or maintain reasonable functional ability in performing daily activities.

(4) That when a protocol exception is granted, the state employee health plan shall notify the covered individual and the covered individual's health care provider of the authorization for coverage of the prescription drug that is the subject of the protocol exception.

(5) That if:

(A) a protocol exception request; or

(B) an appeal of a denied protocol exception request;

results in a denial of the protocol exception, the state employee health plan shall provide to the covered individual and the treating health care provider notice of the denial, including a detailed, written explanation of the reason for the denial and the clinical rationale that supports the denial.

(6) That the state employee health plan may request a copy of relevant documentation from the covered individual's medical record in support of a protocol exception.

SECTION 2. IC 5-10-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) The definitions in section 17 of this chapter apply throughout this section.**

(b) This section applies to a state employee health plan that uses a formulary, cost sharing, or utilization review for prescription drug coverage.

(c) A state employee health plan shall not remove a prescription drug from the state employee health plan's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review requirements that apply to a prescription drug unless the state employee health plan does at least one (1) of the following:

(1) At least sixty (60) days before the removal or change is

effective, send written notice of the removal or change to each covered individual for whom the prescription drug has been prescribed during the preceding twelve (12) month period.

(2) At the time a covered individual for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the covered individual:

(A) written notice of the removal or change; and

(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.

SECTION 3. IC 27-8-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 30. (a) As used in this section, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.**

(b) As used in this section, "insurer" refers to an insurer that issues a policy of accident and sickness insurance. The term includes a person that administers prescription drug benefits on behalf of an insurer.

(c) As used in this section, "policy of accident and sickness insurance" means a policy of accident and sickness insurance that provides coverage for prescription drugs.

(d) As used in this section, "preceding prescription drug" means a prescription drug that, according to a step therapy protocol, must be:

(1) first used to treat an insured's condition; and

(2) as a result of the treatment under subdivision (1), determined to be inappropriate to treat the insured's condition;

as a condition of coverage under a policy of accident and sickness insurance for succeeding treatment with another prescription drug.

(e) As used in this section, "protocol exception" means a determination by an insurer that, based on a review of a request for the determination and any supporting documentation:

(1) a step therapy protocol is not medically appropriate for treatment of a particular insured's condition; and

(2) the insurer will:

(A) not require the insured's use of a preceding

prescription drug under the step therapy protocol; and
(B) provide immediate coverage for another prescription drug that is prescribed for the insured.

(f) As used in this section, "step therapy protocol" means a protocol that specifies, as a condition of coverage under a policy of accident and sickness insurance, the order in which certain prescription drugs must be used to treat an insured's condition.

(g) As used in this section, "urgent care situation" means an insured's injury or condition about which the following apply:

(1) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could seriously jeopardize the insured's:

(A) life or health; or

(B) ability to regain maximum function;
based on a prudent layperson's judgment.

(2) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could subject the insured to severe pain that cannot be adequately managed, based on the insured's treating health care provider's judgment.

(h) An insurer shall publish on the insurer's Internet web site, and provide to an insured in writing, a procedure for the insured's use in requesting a protocol exception. The procedure must include the following provisions:

(1) A description of the manner in which an insured may request a protocol exception.

(2) That the insurer shall make a determination concerning a protocol exception request, or an appeal of a denial of a protocol exception request, not more than:

(A) in an urgent care situation, one (1) business day after receiving the request or appeal; or

(B) in a nonurgent care situation, three (3) business days after receiving the request or appeal.

(3) That a protocol exception will be granted if any of the following apply:

(A) A preceding prescription drug is contraindicated or will likely cause an adverse reaction or physical or mental

harm to the insured.

(B) A preceding prescription drug is expected to be ineffective, based on both of the following:

- (i) The known clinical characteristics of the insured.**
- (ii) Known characteristics of the preceding prescription drug, as found in sound clinical evidence.**

(C) The insured has previously received:

- (i) a preceding prescription drug; or**
- (ii) another prescription drug that is in the same pharmacologic class or has the same mechanism of action as a preceding prescription drug;**

and the prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event.

(D) Based on clinical appropriateness, a preceding prescription drug is not in the best interest of the insured because the insured's use of the preceding prescription drug is expected to:

- (i) cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care;**
- (ii) worsen a comorbid condition of the insured; or**
- (iii) decrease the insured's ability to achieve or maintain reasonable functional ability in performing daily activities.**

(4) That when a protocol exception is granted, the insurer shall notify the insured and the insured's health care provider of the authorization for coverage of the prescription drug that is the subject of the protocol exception.

(5) That if:

(A) a protocol exception request; or

(B) an appeal of a denied protocol exception request;

results in a denial of the protocol exception, the insurer shall provide to the insured and the treating health care provider notice of the denial, including a detailed, written explanation of the reason for the denial and the clinical rationale that supports the denial.

(6) That the insurer may request a copy of relevant documentation from the insured's medical record in support of a protocol exception.

SECTION 4. IC 27-8-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 31. (a) The definitions in section 30 of this chapter apply throughout this section.**

(b) This section applies to an insurer that uses a formulary, cost sharing, or utilization review for prescription drug coverage.

(c) An insurer shall not remove a prescription drug from the insurer's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review requirements that apply to a prescription drug unless the insurer does at least one (1) of the following:

(1) At least sixty (60) days before the removal or change is effective, send written notice of the removal or change to each insured for whom the prescription drug has been prescribed during the preceding twelve (12) month period.

(2) At the time an insured for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the insured:

(A) written notice of the removal or change; and

(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.

SECTION 5. IC 27-13-7-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23. (a) As used in this section, "group contract" refers to a group contract that provides coverage for prescription drugs.**

(b) As used in this section, "health maintenance organization" refers to a health maintenance organization that provides coverage for prescription drugs. The term includes the following:

(1) A limited service health maintenance organization.

(2) A person that administers prescription drug benefits on behalf of a health maintenance organization or a limited service health maintenance organization.

(c) As used in this section, "individual contract" refers to an individual contract that provides coverage for prescription drugs.

(d) As used in this section, "preceding prescription drug" means a prescription drug that, according to a step therapy protocol, must be:

- (1) first used to treat an enrollee's condition; and
- (2) as a result of the treatment under subdivision (1), determined to be inappropriate to treat the enrollee's condition;

as a condition of coverage under an individual contract or a group contract for succeeding treatment with another prescription drug.

(e) As used in this section, "protocol exception" means a determination by a health maintenance organization that, based on a review of a request for the determination and any supporting documentation:

- (1) a step therapy protocol is not medically appropriate for treatment of a particular enrollee's condition; and
- (2) the health maintenance organization will:
 - (A) not require the enrollee's use of a preceding prescription drug under the step therapy protocol; and
 - (B) provide immediate coverage for another prescription drug that is prescribed for the enrollee.

(f) As used in this section, "step therapy protocol" means a protocol that specifies, as a condition of coverage under an individual contract or a group contract, the order in which certain prescription drugs must be used to treat an enrollee's condition.

(g) As used in this section, "urgent care situation" means an enrollee's injury or condition about which the following apply:

- (1) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could seriously jeopardize the enrollee's:
 - (A) life or health; or
 - (B) ability to regain maximum function;

based on a prudent layperson's judgment.

- (2) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could subject the enrollee to severe pain that cannot be adequately managed, based on the enrollee's treating health care provider's judgment.

(h) A health maintenance organization shall publish on the health maintenance organization's Internet web site, and provide to an enrollee in writing, a procedure for the enrollee's use in

requesting a protocol exception. The procedure must include the following provisions:

(1) A description of the manner in which an enrollee may request a protocol exception.

(2) That the health maintenance organization shall make a determination concerning a protocol exception request, or an appeal of a denial of a protocol exception request, not more than:

(A) in an urgent care situation, one (1) business day after receiving the request or appeal; or

(B) in a nonurgent care situation, three (3) business days after receiving the request or appeal.

(3) That a protocol exception will be granted if any of the following apply:

(A) A preceding prescription drug is contraindicated or will likely cause an adverse reaction or physical or mental harm to the enrollee.

(B) A preceding prescription drug is expected to be ineffective, based on both of the following:

(i) The known clinical characteristics of the enrollee.

(ii) Known characteristics of the preceding prescription drug, as found in sound clinical evidence.

(C) The enrollee has previously received:

(i) a preceding prescription drug; or

(ii) another prescription drug that is in the same pharmacologic class or has the same mechanism of action as a preceding prescription drug;

and the prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event.

(D) Based on clinical appropriateness, a preceding prescription drug is not in the best interest of the enrollee because the enrollee's use of the preceding prescription drug is expected to:

(i) cause a significant barrier to the enrollee's adherence to or compliance with the enrollee's plan of care;

(ii) worsen a comorbid condition of the enrollee; or

(iii) decrease the enrollee's ability to achieve or maintain reasonable functional ability in performing daily

activities.

(4) That when a protocol exception is granted, the health maintenance organization shall notify the enrollee and the enrollee's health care provider of the authorization for coverage of the prescription drug that is the subject of the protocol exception.

(5) That if:

(A) a protocol exception request; or

(B) an appeal of a denied protocol exception request; results in a denial of the protocol exception, the health maintenance organization shall provide to the enrollee and the treating health care provider notice of the denial, including a detailed, written explanation of the reason for the denial and the clinical rationale that supports the denial.

(6) That the insurer may request a copy of relevant documentation from the insured's medical record in support of a protocol exception.

SECTION 6. IC 27-13-38-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The definitions in IC 27-13-7-23 apply throughout this section.

(b) A health maintenance organization shall not remove a prescription drug from the health maintenance organization's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review program requirements that apply to a prescription drug unless that health maintenance organization does at least one (1) of the following:

(1) At least sixty (60) days before the removal or change is effective, send written notice of the removal or change to each enrollee for whom the prescription drug has been prescribed during the preceding twelve (12) month period.

(2) At the time an enrollee for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the enrollee:

(A) written notice of the removal or change; and

(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.

P.L.20-2016
[S.57. Approved March 21, 2016.]

AN ACT concerning elections.

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

SECTION 1. [EFFECTIVE JULY 1, 2016] (a) The amendment to the Constitution of the State of Indiana, adding a Section 39 to Article 1 of the Constitution of the State of Indiana, agreed to by the One Hundred Nineteenth General Assembly (P.L.258-2015) and the One Hundred Eighteenth General Assembly (P.L.224-2014) shall be submitted to the electors of Indiana at the 2016 general election in the manner provided for the submission of constitutional amendments under IC 3.

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general assembly agrees to the amendment referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2016 general election ballot as follows:

"Public Question #1

Shall the Constitution of the State of Indiana be amended by adding a Section 39 to Article 1 to provide that the right to hunt, fish, and harvest wildlife shall be forever preserved for the public good, subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to:

- (1) promote wildlife conservation and management; and**
- (2) preserve the future of hunting and fishing?".**

P.L.21-2016

[S.61. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.77-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form **described in this section** for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (**insert the name of the political party**)".

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

~~Vote for one (1) only
Representative in Congress~~

- (1) AB _____
 (2) CD _____
 (3) EF _____
 (4) GH _____

~~(b)~~ **(d)** Local public questions shall be placed on the primary election ballot after the **heading and the** voting instructions described in subsection ~~(a)~~ **(c) (if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~; **(g)**.

~~(e)~~ **(e)** The local public questions described in subsection ~~(b)~~ **(d)** shall be placed **as follows**:

- (1) In a separate column on the ballot if voting is by paper ballot.
- (2) After the **heading and the** voting instructions described in subsection ~~(a)~~ **(c) (if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~; **(g)**, in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~
- (3) As provided by either of the following if voting is by an electronic voting system:
 - (A) On a separate screen for a public question.
 - (B) After the **heading and the** voting instructions described in subsection ~~(a)~~ **(c) (if the instructions are printed on the ballot)** and before the offices described in subsection ~~(e)~~; **(g)**, in the form specified in IC 3-11-14-3.5.

~~(d)~~ **(f)** A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

YES

NO

~~(e)~~ **(g)** The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
 - (A) President of the United States.
 - (B) United States Senator.
 - (C) Governor.
 - (D) United States Representative.
- (2) Legislative offices:
 - (A) State senator.

- (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.
 - (E) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
 - (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
 - (J) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

~~(f)~~ **(h)** The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(e)~~: **(g)**:

(1) Precinct committeeman.

(2) State convention delegate.

~~(g)~~ **(i)** The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection ~~(f)~~: **(h)**.

~~(h)~~ **(j)** The offices described in subsection ~~(g)~~ **(i)** shall be placed **as follows**:

(1) In a separate column on the ballot if voting is by paper ballot;

(2) After the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) Either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 2. IC 3-10-1-19.5, AS AMENDED BY P.L.190-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

(1) Prosecuting attorney.

(2) Clerk of the circuit court.

(3) The county offices listed in section ~~19(c)(4)~~ **19(g)(4)** of this chapter.

SECTION 3. IC 3-11-2-8, AS AMENDED BY P.L.221-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as provided in subsection (b)**, all written or printed instructions must be at the top of the ballot immediately below the statement required by section 7 of this chapter. No other instructions or writing may appear at any other place on the ballot, including the ballot for federal and state offices, except as specified by this title.

(b) At the discretion of the county election board, general instructions to the voters required by this title to be placed at the front of the ballot may be posted in writing in each voting booth instead of printing the instructions on the ballot.

(c) The instructions must be in English and any other language that the board considers necessary, clear, concise, and written so that a voter will not be confused about the effect of the voter's voting mark and vote.

SECTION 4. IC 3-11-2-10, AS AMENDED BY P.L.219-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, **if instructions are printed on the ballot:**

- (1) Ratification of a state constitutional amendment.
- (2) Local public questions.

Each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device, **if instructions are printed on the ballot.**

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, **except for candidates described in (2) below**, make a voting mark on or in this circle and do not make any other marks on this ballot.

(2) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot), you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

(3) If you wish to vote for a candidate seeking a nonpartisan office

or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) **Except as permitted under section 8(b) of this chapter**, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) **Except as permitted under section 8(b) of this chapter**, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.77-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.

- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.
 - (E) Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
 - (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
 - (J) County council member, **except as provided in section 12.4 of this chapter.**
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member, **except as provided in section 12.4 of this chapter.**
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.

- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member, **except as provided in section 12.4 of this chapter.**
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member, **except as provided in section 12.4 of this chapter.**

SECTION 6. IC 3-11-2-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.2. ~~(a)~~ Whenever candidates are to be elected to an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

~~(b) Whenever candidates are to be elected to an office that includes both an at-large member and a member representing a district, the candidates seeking election as an at-large member shall be placed on the ballot before candidates seeking election to represent a district.~~

SECTION 7. IC 3-11-2-12.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.4. (a) This section applies whenever more than one (1) candidate may be elected to an office.**

(b) The office shall be placed on the general election ballot after the offices described in section 12 of this chapter and before the offices described in section 12.9 of this chapter.

(c) The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office."

SECTION 8. IC 3-11-2-12.9, AS AMENDED BY P.L.194-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section ~~12~~ **12.4** of this chapter with each candidate for the office designated as "nonpartisan".

(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

SECTION 9. IC 3-11-7-4, AS AMENDED BY P.L.219-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as provided in subsection (b)**, a ballot card voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single **voting** mark on each ballot card;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.

(b) A ballot card voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;**
- (2) city common council;**
- (3) town council; or**
- (4) township board;**

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The ballot card voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

~~(b)~~ (c) A ballot card voting system must permit a voter to vote:

- (1) for all candidates for presidential electors of a political party or an independent ticket by making a single voting mark; and
- (2) for or against a public question on which the voter may vote.

SECTION 10. IC 3-11-7-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. A ballot card voting system must permit the counting of write-in votes in accordance with **IC 3-12-1-7 and IC 3-12-1-7.5.**

SECTION 11. IC 3-11-7-12, AS AMENDED BY P.L.128-2015, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The commission shall:

- (1) require the vendor to have tests conducted concerning the compliance of a ballot card voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and
- (2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of a ballot card voting system.

(b) **Except as provided in subsection (c)**, the tests required under this section must be performed by an independent laboratory accredited under 52 U.S.C. 20971. The vendor shall pay any testing expenses incurred under this section.

(c) If the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a ballot card voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.

~~(c)~~ **(d)** A ballot card voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

~~(d)~~ **(e)** An approval of a ballot card voting system under this chapter expires on the date specified in section 19(a) of this chapter.

SECTION 12. IC 3-11-7-15, AS AMENDED BY P.L.169-2015, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the election division.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 52 U.S.C. 20971. **However, if the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a**

proposed improvement or change to a ballot card voting system, the commission may direct that the tests be conducted by any other entity approved by the commission. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate:

- (1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971 **or as directed by the commission under subsection (c);**
- (2) whether the proposed improvement is a de minimis change or a modification;
- (3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and
- (4) whether the proposed improvement or change would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has approved the application for an improvement or change (including a de minimis change) to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter.

SECTION 13. IC 3-11-7.5-4, AS AMENDED BY P.L.128-2015, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The commission shall:

- (1) require the vendor to have tests conducted concerning the compliance of an electronic voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and
- (2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification

of an electronic voting system.

(b) The tests required under this section must be performed by an independent laboratory accredited under 52 U.S.C. 20971. **However, if the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on an electronic voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.** The vendor shall pay any testing expenses under this section.

(c) If the commission finds that an electronic voting system complies with this article, the commission may approve the system. The approved system then may be adopted for use at an election.

(d) An electronic voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

(e) An approval of an electronic voting system under this chapter expires on the date specified by section 28(a) of this chapter.

SECTION 14. IC 3-11-7.5-5, AS AMENDED BY P.L.169-2015, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A vendor may apply for approval of a proposed improvement or change to an electronic voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or a change must be in the form prescribed by the election division.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 52 U.S.C. 20971. **However, if the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a proposed improvement or change to an electronic voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.** The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting system in accordance with procedures approved by the commission and

the results of the testing ~~by the independent laboratory~~ **required** under subsection (c) and report the results of the review to the commission. The review must indicate:

- (1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971;
- (2) whether the proposed improvement or change is a de minimis change or a modification as indicated by a report from an independent laboratory **or by the entity designated by the commission under subsection (c)**;
- (3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title as indicated by a report from an independent laboratory; and
- (4) whether the proposed improvement or change would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system (including a de minimis change), the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

SECTION 15. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **Except as provided in subsection (b)**, an electronic voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all the candidates of one (1) political party by touching the device of that party;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or

independent candidates.

(b) An electronic voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;**
- (2) city common council;**
- (3) town council; or**
- (4) township board;**

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The electronic voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

~~(b)~~ **(c) An electronic voting system must permit a voter to vote:**

- (1) for as many candidates for an office as the voter may vote for, but no more;**
- (2) for or against a public question on which the voter may vote, but no other; and**
- (3) for all the candidates for presidential electors of a political party or an independent ticket by making a single voting mark.**

SECTION 16. IC 3-11-13-11, AS AMENDED BY P.L.194-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and**
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.**

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device.

IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. **To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.**", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1),

(2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of

candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or

mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 17. IC 3-11-13-14, AS AMENDED BY P.L.221-2005, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) **voting** mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter:

- (1) **is required to cast an individual vote for a candidate under IC 3-11-7-4(b); or**
- (2) has voted individually for a candidate **for any other office.**

(b) If the voter records a vote for the two (2) candidates comprising an independent ticket, the vote must not count for any other independent candidate on the ballot.

SECTION 18. IC 3-11-13-31.7, AS AMENDED BY P.L.128-2015, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

- (1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:
 - (A) the candidates' names; or
 - (B) the numbers referring to the candidates; and
- (2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:
 - (A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

- (1) the circle enclosing the device; or
- (2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). **Except as provided by IC 3-11-7-4(b)**, the voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

- (1) inserting a paper ballot or an optical scan ballot into the voting system; or
- (2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:

- (1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or response to a public question; or
- (2) indicating the voter's choices by using a sip puff device that enables the voter to indicate a choice by inhaling or exhaling.

SECTION 19. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an

electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. **To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.**", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision

must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement

concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 20. IC 3-11-14-23, AS AMENDED BY P.L.128-2015, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

- (1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;
- (2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and
- (3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter

desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. **Except as provided in IC 3-11-7.5-10(b)**, the voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an electronic voting system must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 21. IC 3-11-15-13.3, AS AMENDED BY P.L.128-2015, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet **one (1) of the following**:

- (1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002. ~~or~~
- (2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.
- (3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.**

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2013~~; **2017**, if the voting system:

- (1) was:
 - (A) approved by the commission for use in elections in Indiana before October 1, ~~2013~~; **2017**; and

- (B) purchased **or leased** by the county before October 1, ~~2013~~; **2017**; and
- (2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 22. IC 3-12-1-5, AS AMENDED BY P.L.219-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. **Except as provided in subsection (d)**, a voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

- (1) on or in a circle, oval, or square; or
- (2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, **except as provided in subsection (d)**.

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point

or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, **except as provided in subsection (d).**

(d) A voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;**
- (2) city common council;**
- (3) town council; or**
- (4) township board;**

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 23. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a voter:

- (1) votes a straight party ticket; and
- (2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

Except as provided in subsection (d) or (e), the straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to an office; and
- (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:
 - (A) a candidate of a political party other than the party for which the voter voted a straight ticket; or
 - (B) an independent candidate **or declared write-in candidate** for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on

the ballot shall be counted.

(c) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party; and
- (2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

- (A) independent candidates **or declared write-in candidates;**
- (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or
- (C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates, **declared write-in candidates**, and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted ~~The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted.~~ The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
 - (A) independent candidates, **declared write-in candidates**, or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and
 - (B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates, **the declared write-in candidates**, and the candidates of a political party other than the political party for which the voter cast a straight party ticket, **and the candidates of the political party for which the voter cast a straight party ticket** shall be counted ~~The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted.~~ The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party, **declared write-in candidates**, or **candidates** designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or

equal to the number of openings for that office, the individual candidates votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 24. IC 3-12-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. ~~(a)~~ If a voter votes a straight party ticket for at least one (1) office for which only one (1) person may be elected and writes in the name of a candidate, the straight party ticket vote shall be counted for all offices except the offices for which a write-in vote was cast. The write-in vote shall be counted if the voter's intent can be determined:

~~(b)~~ (b) If a voter votes a straight party ticket for an office for which at least two (2) people may be elected and writes in the name of a candidate, the straight party vote for that office may not be counted unless:

(1) fewer candidates appear on the party's ticket than may be elected; and

(2) the voter has not written in a number of names that, when added to the straight party candidate's name, would be greater than the number of seats available for that office.

~~(c)~~ (a) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

~~(d)~~ (b) If a voter votes for at least one (1) individual candidate for an office for which at least two (2) people may be elected and also writes in the name of at least one (1) candidate, the vote for that office may not be counted unless the number of individual votes cast for the office, when added to the number of write-in votes cast for that office, is less than or equal to the number of seats available for that office.

~~(e)~~ (c) If a voter votes an individual or a straight party vote for a candidate for an office and also writes in the name of the same candidate for the same office, only one (1) vote for that candidate may be counted.

SECTION 25. IC 3-12-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as provided in subsection (b)**, a voting mark made by a voter on or in a

circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

(b) A voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;**
- (2) city common council;**
- (3) town council; or**
- (4) township board;**

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 26. **An emergency is declared for this act.**

P.L.22-2016

[S.81. Approved March 21, 2016.]

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

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

SECTION 1. IC 33-23-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** A senior judge:

- (1) exercises the jurisdiction granted to the court served by the senior judge;
- (2) may serve as a domestic relations mediator, subject to the code of judicial conduct;
- (3) serves at the pleasure of the supreme court; and
- (4) serves in accordance with rules adopted by the supreme court under IC 33-24-3-7.

A senior judge serving as a domestic relations mediator is not entitled to reimbursement or a per diem under section 5 of this chapter. A senior judge serving as a domestic relations mediator may receive compensation from the alternative dispute resolution fund under IC 33-23-6 in accordance with the county domestic relations alternative dispute resolution plan.

(b) A senior judge appointed to serve in a county that has:

- (1) a probate court;**
- (2) a circuit court; or**
- (3) a superior court judge;**

may, with the consent of the probate court judge, the circuit court judge, or any judge of a superior court in the county, sit as the judge of the consenting judge's court in any matter as if the senior judge were the elected judge or appointed judge of the court.

SECTION 2. IC 33-38-15.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15.2. Judges Pro Tempore

Sec. 1. A judge pro tempore serving in a county that has:

- (1) a probate court;**
- (2) a circuit court; or**
- (3) a superior court judge;**

may, with the consent of the probate court judge, the circuit court judge, or any judge of a superior court in the county, sit as the judge of the consenting judge's court in any matter as if the judge pro tempore were the elected judge or appointed judge of the court.

Sec. 2. A judge pro tempore may serve as a judge of a court regardless of whether the appointed or elected judge of the court is present and available in the building that contains the court.

SECTION 3. IC 33-42-4-1, AS AMENDED BY P.L.76-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) An official court reporter acting under IC 33-41-1-6.
- (3) Justices and judges of courts ~~in their respective jurisdictions.~~

anywhere in Indiana.

(4) The secretary of state.

(5) The clerk of the supreme court.

(6) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.

(7) Clerks of circuit courts and master commissioners, in their respective counties.

(8) Judges of United States district courts of Indiana, in their respective jurisdictions.

(9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.

(10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.

(11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.

(12) County auditors, in their respective counties.

(13) Any member of the general assembly anywhere in Indiana.

(14) The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard, for any purpose related to the service of an active or reserve duty member of the Indiana National Guard.

P.L.23-2016

[S.131. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-33-18-1.5, AS AMENDED BY P.L.119-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This section applies to records held by:

- (1) a local office;
- (2) the department; or
- (3) the department of child services ombudsman established by IC 4-13-19-3;

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or
- (2) a prosecuting attorney files:
 - (A) an indictment or information; or
 - (B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse,

abandonment, or neglect.

(c) If the juvenile court finds that the child's death or near fatality was the result of abuse, abandonment, or neglect, the court shall make written findings and provide a copy of the findings and the indictment, information, or complaint described under subsection (b)(2) to the department.

(d) As used in this section:

(1) "case" means:

- (A) any intake report generated by the department;
- (B) any investigation or assessment conducted by the department; or
- (C) ongoing involvement between the department and a child or family that is the result of:
 - (i) a program of informal adjustment; or
 - (ii) a child in need of services action;

for which related records and documents have not been expunged as required by law or by a court at the time the department is notified of a fatality or near fatality;

(2) "contact" means in person communication about a case in which:

- (A) the child who is the victim of a fatality or near fatality is alleged to be a victim; or
- (B) the perpetrator of the fatality or near fatality is alleged to be the perpetrator;

(3) "identifying information" means information that identifies an individual, including an individual's:

- (A) name, address, date of birth, occupation, place of employment, and telephone number;
- (B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;
- (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;
- (D) unique electronic identification number, address, or routing code;
- (E) telecommunication identifying information; or
- (F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number,

an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access;

(4) "life threatening" means an injury or condition that is categorized as "serious" or "critical" in patient hospital records; and

~~(4)~~ **(5) "near fatality" has the meaning set forth in 42 U.S.C. 5106a: means a severe childhood injury or condition that is certified by a physician as being life threatening.**

(e) Unless:

(1) for purposes of a near fatality, a police investigation is ongoing; or

(2) information in a record is otherwise confidential under state or federal law;

a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(f) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(g) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (d)(3)(B) through (d)(3)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

(h) The court shall disclose the record redacted in accordance with subsection (g) to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

(i) The data and information in a record disclosed under this section

must include the following:

- (1) A summary of the report of abuse or neglect and a factual description of the contents of the report.
- (2) The ~~date of birth~~ age and gender of the child.
- (3) The cause of the fatality or near fatality, if the cause has been determined.
- (4) Whether the department had any contact with the child or the perpetrator before the fatality or near fatality, and, if the department had contact, the following:
 - (A) The frequency of the contact with the child or the perpetrator before the fatality or near fatality and the date on which the last contact occurred before the fatality or near fatality.
 - (B) A summary of the status of the child's case at the time of the fatality or near fatality, including:
 - (i) whether the child's case was closed by the department before the fatality or near fatality; and
 - (ii) if the child's case was closed as described under item (i), the date of closure and the reasons that the case was closed.
 - (j) The court's determination under subsection (g) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "public health, behavioral health, and human services committee" refers to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.

(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to the public health, behavioral health, and human services committee or another appropriate study committee the topics of:

- (1) medical records confidentiality; and**
- (2) medical records disclosure;**

in instances of child abuse and neglect.

(d) If the legislative council assigns the topics described in subsection (c) to the public health, behavioral health, and human

services committee or another appropriate study committee, the public health, behavioral health, and human services committee or the appropriate study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 3. An emergency is declared for this act.

P.L.24-2016

[S.140. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-22-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Each governing board member shall not more than ten (10) days after appointment and before entering on official duties take an oath to support the Constitution of the United States and the Constitution of the State of Indiana and to faithfully discharge the duties of office. The board shall adopt bylaws that provide for the election of one (1) member as chairman, one (1) member as secretary, and other officers the board considers necessary or advisable.

(b) The county treasurer of the county in which the hospital is located shall be the treasurer of the governing board. Money in the hospital fund shall be disbursed only on warrants issued by the county auditor and countersigned by the county treasurer. However, the board, with the approval of the county executive, may elect a treasurer who shall also serve as the disbursing officer of the hospital. Checks drawn by the treasurer must be countersigned by a person selected by the

board. Approval by the county executive for the board to elect a treasurer is permanent, and the treasurer may not be a member of the board.

(c) The executive director and all persons whose duty it is to handle funds of the hospital must execute a corporate surety bond in an amount and with conditions required by the board. If a treasurer is elected by the board, the treasurer shall be separately bonded in an amount fixed by the board but not less than twenty-five thousand dollars (\$25,000). The board may elect an assistant treasurer who may not be a member of the board and who must be separately bonded in an amount fixed by the board greater than twenty-five thousand dollars (\$25,000). The bond on all persons except the treasurer and assistant treasurer may be a blanket corporate surety bond conditioned for the faithful performance of duties. All bonds required by this subsection must be approved by the board and filed with the county recorder. The premiums shall be paid out of hospital funds.

(d) A majority of the members of the governing board constitutes a quorum, and board action requires the affirmative vote of a majority of those members present at a regular or special meeting of the board at which a quorum is present. If a board member is absent from three (3) consecutive regular board meetings or is absent from four (4) regular board meetings during a year, upon recommendation by the board, the member may be removed from office by the county executive and, except as provided in section 7(b) of this chapter, the vacancy created shall be filled as provided in section 11 of this chapter.

(e) Each board member shall be reimbursed for expenditures made by the member in performing the duties of office, and an itemized statement of expenses must be filed with the secretary and allowed by the board. Each governing board member may receive annual compensation not to exceed ~~three thousand six hundred dollars (\$3,600)~~ **six thousand dollars (\$6,000)**, with compensation to be fixed by the board. **The chair of the board may receive additional compensation not to exceed one thousand two hundred dollars (\$1,200) annually, with compensation to be fixed by the board.**

(f) The governing board shall hold at least ten (10) regular meetings each year, and special meetings of the board may be called at any time by the chairman or two (2) members of the board. The secretary of the board shall keep a complete record of all proceedings.

(g) A board member may receive group health and life insurance benefits paid by the hospital. Health and life insurance benefits are not considered compensation under subsection (e).

(h) A board member may attend meetings and seminars for the benefit of the hospital, with the cost of the meetings and seminars paid by the hospital. A payment made by the hospital under this subsection to a board member is not considered compensation under subsection (e).

P.L.25-2016

[S.141. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.220-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the:
 - (A) use of dogs trained to detect drugs and illegal substances; and
 - (B) purchase of other equipment and materials used to enhance the safety of schools.
- (2) Combat truancy.
- (3) Provide matching grants to schools for school safe haven programs.
- (4) Provide grants for school safety and safety plans.
- (5) Provide educational outreach and training to school personnel concerning:

- (A) the identification of;
 - (B) the prevention of; and
 - (C) intervention in;
- bullying.
- (6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:
- (A) the identification of;
 - (B) the prevention of; and
 - (C) intervention in;
- criminal ~~gang~~ **organization** activities.
- (7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:
- (A) alternatives to suspension and expulsion; and
 - (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.
- (b) The fund consists of amounts deposited:
- (1) under IC 33-37-9-4; and
 - (2) from any other public or private source.
- (c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:
- (1) A grant for a safety plan.
 - (2) A safe haven grant requested under section 10 of this chapter.
 - (3) A safe haven grant requested under section 7 of this chapter.
- (d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.
- SECTION 2. IC 5-2-10.1-11, AS AMENDED BY P.L.190-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The school safety specialist training and certification program is established.
- (b) The school safety specialist training program shall provide:
- (1) annual training sessions, which may be conducted through distance learning or at regional centers; and
 - (2) information concerning best practices and available resources;

for school safety specialists and county school safety commissions.

(c) The department of education shall do the following:

(1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training.

(2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in:

(A) identifying, preventing, and intervening in bullying; and

(B) identifying, preventing, and intervening in criminal **gang organization** activity.

(3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program.

(d) The institute shall do the following:

(1) Establish a school safety specialist certificate.

(2) Review the qualifications of each candidate for certification named by the department of education.

(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.233-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Each school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence,

bullying, criminal **gang organization** activity, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

SECTION 4. IC 20-18-2-2.8, AS ADDED BY P.L.190-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.8. "Criminal **gang**" **organization**" has the meaning set forth in IC 35-45-9-1.

SECTION 5. IC 20-19-3-12, AS AMENDED BY P.L.233-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, and any organization that has expertise in providing criminal **gang organization** education, prevention, or

intervention that the department determines to be appropriate, shall:

- (1) identify or develop evidence based model educational materials on criminal **gang organization** activity; and
- (2) develop and maintain a model policy to address criminal **gangs organizations** and criminal **gang organization** activity in schools.

(b) Not later than July 1, 2015, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal **gang organization** policy.

(c) The model educational materials on criminal **gang organization** activity identified or developed under subsection (a)(1) must include information:

- (1) to educate students and parents on the extent to which criminal **gang organization** activity exists;
- (2) regarding the negative societal impact that criminal **gangs organizations** have on the community;
- (3) on methods to discourage participation in criminal **gangs organizations**; and
- (4) on methods of providing intervention to a child suspected of participating in criminal **gang organization** activity.

(d) The model criminal **gang organization** policy developed under subsection (a)(2) must include:

- (1) a statement prohibiting criminal **gang organization** activity in schools;
- (2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal **gang organization** activity;
- (3) definitions of "criminal **gang**" **organization**" as set forth in IC 35-45-9-1 and "criminal **gang organization** activity";
- (4) model procedures for:
 - (A) reporting suspected criminal **gang organization** activity; and
 - (B) the prompt investigation of suspected criminal **gang organization** activity;
- (5) information about the types of support services, including family support services, available for a student suspected of participating in criminal **gang organization** activity; and

(6) recommendations concerning criminal **gang organization** prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

SECTION 6. IC 20-26-18-2, AS ADDED BY P.L.190-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal **gangs organizations** and criminal **gang organization** activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

- (1) parents;
- (2) school employees;
- (3) local law enforcement officials;
- (4) the county prosecuting attorney;
- (5) the county public defender;
- (6) organizations that have expertise in criminal **gang organization** education, prevention, or intervention;
- (7) a juvenile court judge;
- (8) a school behavioral health or community mental health professional; and
- (9) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all the requirements for the department's model criminal **gang organization** policy set forth in IC 20-19-3-12(d).

(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal **gang organization** policy to the department.

SECTION 7. IC 20-26-18-3, AS ADDED BY P.L.190-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A school corporation shall put a copy of the school corporation's criminal **gang organization** policy established under section 2 of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

SECTION 8. IC 20-26-18-4, AS ADDED BY P.L.190-2013,

SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A school corporation shall establish the following educational programs in its efforts to address criminal **gang organization** activity:

- (1) An evidence based educational criminal **gang organization** awareness program for students, school employees, and parents.
- (2) A school employee development program to provide training to school employees in the implementation of the criminal **gang organization** policy established under section 2 of this chapter.

SECTION 9. IC 20-26-18-5, AS ADDED BY P.L.190-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. To foster the continuing coordination of **criminal gang organization** prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal **gang organization** intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal **gang organization** education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

SECTION 10. IC 20-26-18-6, AS ADDED BY P.L.190-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based

data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal **gang organization** activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

- (1) A summary of the activities reported to the department under subsection (a).
- (2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal **gang organization** activity in schools.

SECTION 11. IC 20-33-9-10.5, AS ADDED BY P.L.190-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.5. (a) This section does not apply to a charter school or an accredited nonpublic school.

(b) A school employee shall report any incidence of suspected criminal **gang organization** activity, criminal **gang organization** intimidation, or criminal **gang organization** recruitment to the principal and the school safety specialist.

(c) The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

SECTION 12. IC 31-37-4-3, AS AMENDED BY P.L.168-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).

- (8) Kidnapping (IC 35-42-3-2).
 - (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 - (10) Sexual misconduct with a minor (IC 35-42-4-9).
 - (11) Incest (IC 35-46-1-3).
 - (12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
 - (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
 - (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
 - (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
 - (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
 - (17) Causing death when operating a vehicle (IC 9-30-5-5).
 - (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
 - (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
 - (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
 - (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
 - (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 - (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
 - (24) A controlled substances offense under IC 35-48.
 - (25) A criminal **gang organization** offense under IC 35-45-9.
- (b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:
- (1) that the child was taken into custody; and
 - (2) of the reason why the child was taken into custody.
- (c) The notification under subsection (b) must occur within

forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 13. IC 32-21-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "psychologically affected property" includes real estate or a dwelling that is for sale, rent, or lease and to which one (1) or more of the following facts or a reasonable suspicion of facts apply:

- (1) That an occupant of the property was afflicted with or died from a disease related to the human immunodeficiency virus (HIV).
- (2) That an individual died on the property.
- (3) That the property was the site of:
 - (A) a felony under IC 35;
 - (B) criminal **gang organization** (as defined in IC 35-45-9-1) activity;
 - (C) the discharge of a firearm involving a law enforcement officer while engaged in the officer's official duties; or
 - (D) the illegal manufacture or distribution of a controlled substance.

SECTION 14. IC 34-6-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. "Aggrieved person", for purposes of IC 34-24-2, means any of the following:

- (1) A person who has an interest in property or in an enterprise that:
 - (A) is the object of corrupt business influence (IC 35-45-6-2);
 - or
 - (B) has suffered damages or harm as a result of corrupt business influence (IC 35-45-6-2).
- (2) An individual whose personal safety is threatened by criminal **gang organization** (as defined in section 32 of this chapter) activity.
- (3) An individual or a business whose property value or business activity is negatively affected due to criminal **gang organization**

(as defined in section 32 of this chapter) activity.

(4) A political subdivision in which criminal **gang organization** (as defined in section 32 of this chapter) activity negatively affects the property values or business activity of the political subdivision or the personal safety of the political subdivision's residents.

(5) The state.

SECTION 15. IC 34-6-2-32 IS AMENDED TO READ AS FOLLOWS: Sec. 32. "Criminal **gang**", **organization**", for purposes of section 6 of this chapter, has the meaning set forth in IC 35-45-9-1.

SECTION 16. IC 34-31-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A parent of a child who is a member of a criminal **gang organization** (as defined in IC 35-45-9-1), who actively encourages or knowingly benefits from the child's involvement in the criminal **gang**; **organization**, is liable for actual damages arising from harm to a person or property intentionally caused by the child while participating in a criminal **gang organization** activity if:

- (1) the parent has custody of the child;
- (2) the child is living with the parent or guardian; and
- (3) the parent failed to use reasonable efforts to prevent the child's involvement in the criminal **gang**; **organization**.

SECTION 17. IC 35-31.5-2-27.4, AS ADDED BY P.L.158-2013, SECTION 352, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27.4. "Benefit, promote, or further the interests of a criminal **gang**" **organization**", for purposes of IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(a).

SECTION 18. IC 35-31.5-2-74, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 74. (a) "Criminal **gang**" **organization**", for purposes of **IC 35-44.1-2-5**, IC 35-45-9, and IC 35-50-2-1.4, has the meaning set forth in IC 35-45-9-1.

(b) "Criminal **gang**", for purposes of IC 35-50-2-15, has the meaning set forth in IC 35-50-2-1.4.

SECTION 19. IC 35-31.5-2-264.5, AS ADDED BY P.L.158-2013, SECTION 382, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 264.5. "Purpose of increasing a person's own standing or position within a criminal **gang**"

organization", for purposes of IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(b).

SECTION 20. IC 35-44.1-2-5, AS AMENDED BY P.L.158-2013, SECTION 504, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony, if:

(A) the person assisted has committed a Class B, Class C, or Class D felony before July 1, 2014, or a Level 3, Level 4, Level 5, or Level 6 felony after June 30, 2014; **or**

(B) **the person or the person assisted is a member of a criminal organization;** and

(2) a Level 5 felony, if the person assisted has committed murder or has committed a Class A felony before July 1, 2014, or a Level 1 or Level 2 felony after June 30, 2014, or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

SECTION 21. IC 35-45-9-1, AS AMENDED BY P.L.192-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "**criminal gang organization**" means a **formal or informal** group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in; **or**

(B) participates in; **or**

(C) **has as one (1) of its goals;** or

(2) requires as a condition of membership or continued membership;

the commission of a felony, ~~or~~ an act that would be a felony if committed by an adult, or the offense of battery (IC 35-42-2-1).

SECTION 22. IC 35-45-9-3, AS AMENDED BY P.L.158-2013, SECTION 538, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this section, "benefit, promote, or further the interests of a criminal ~~gang~~ **organization**" means to commit a felony or misdemeanor that would cause a reasonable person to believe results in:

- (1) a benefit to a criminal ~~gang~~; **organization or a member of a criminal organization;**
- (2) the promotion of a criminal ~~gang~~; **organization;** or
- (3) furthering the interests of a criminal ~~gang~~; **organization.**

(b) As used in this section, "purpose of increasing a person's own standing or position within a criminal ~~gang~~ **organization**" means committing a felony or misdemeanor that would cause a reasonable person to believe results in increasing the person's standing or position within a criminal ~~gang~~; **organization.**

(c) A person who knowingly or intentionally commits an ~~act~~; **offense:**

- (1) with the intent to benefit, promote, or further the interests of a criminal ~~gang~~; **organization;** or
- (2) for the purpose of increasing the person's own standing or position within a criminal ~~gang~~; **organization;**

commits criminal ~~gang~~ **organization** activity, a Level 6 felony. **However, the offense is a Level 5 felony if the offense involves, directly or indirectly, the unlawful use of a firearm (including assisting a criminal (IC 35-44.1-2-5) if the offense committed by the person assisted involves the unlawful use of a firearm).**

(d) In determining whether a person committed an offense under this section, the trier of fact may consider a person's association with a criminal ~~gang~~; **organization**, including: ~~but not limited to:~~

- (1) an admission of criminal ~~gang~~ **organization** membership by the person;
- (2) a statement by:
 - (A) a member of the person's family;
 - (B) the person's guardian; or
 - (C) a reliable member of the criminal ~~gang~~; **organization;** stating the person is a member of a criminal ~~gang~~; **organization;**

- (3) the person having tattoos identifying the person as a member of a criminal ~~gang~~; **organization**;
- (4) the person having a style of dress that is particular to members of a criminal ~~gang~~; **organization**;
- (5) the person associating with one (1) or more members of a criminal ~~gang~~; **organization**;
- (6) physical evidence indicating the person is a member of a criminal ~~gang~~; **organization**;
- (7) an observation of the person in the company of a known criminal ~~gang~~ **organization** member on ~~multiple at least three~~ **(3)** occasions; ~~and~~
- (8) communications authored by the person indicating criminal ~~gang~~ **organization** membership, **promotion of the membership in a criminal organization, or responsibility for an offense committed by a criminal organization**;
- (9) the person's use of the hand signs of a criminal ~~organization~~; **and**
- (10) the person's involvement in recruiting criminal ~~organization members~~.

SECTION 23. IC 35-45-9-4, AS AMENDED BY P.L.158-2013, SECTION 539, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A person who **knowingly or intentionally** threatens another person because the other person:

- (1) refuses to join a criminal ~~gang~~; **organization**;
- (2) has withdrawn from a criminal ~~gang~~; **organization**; or
- (3) wishes to withdraw from a criminal ~~gang~~; **organization**;

commits criminal ~~gang~~ **organization** intimidation, a Level 5 felony.

SECTION 24. IC 35-45-9-5, AS AMENDED BY P.L.158-2013, SECTION 540, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal ~~gang~~ **organization** or remain in a criminal ~~gang~~ **organization** commits criminal ~~gang~~ **organization** recruitment, a Level 6 felony.

- (b) The offense under subsection (a) is a Level 5 felony if:
 - (1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or
 - (2) the individual who is solicited, recruited, enticed, or

intimidated is less than eighteen (18) years of age.

SECTION 25. IC 35-45-9-6, AS ADDED BY P.L.192-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. In addition to any sentence or fine imposed on a criminal **gang organization** member for committing a felony or misdemeanor, the court shall order a criminal **gang organization** member convicted of a felony or misdemeanor to make restitution to the victim of the crime under IC 35-50-5-3.

SECTION 26. IC 35-47-4-5, AS AMENDED BY P.L.168-2014, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
 - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnapping (IC 35-42-3-2);
- (7) criminal confinement (IC 35-42-3-3);

- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery (IC 35-42-4-8) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014;
 - or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2) (before its repeal);
- (14) arson (IC 35-43-1-1(a)) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (15) burglary (IC 35-43-2-1) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) assisting a criminal (IC 35-44.1-2-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014;
 - or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (17) resisting law enforcement (IC 35-44.1-3-1) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (18) escape (IC 35-44.1-3-4) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (19) trafficking with an inmate (IC 35-44.1-3-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014;
 - or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (20) criminal **gang organization** intimidation (IC 35-45-9-4);

- (21) stalking (IC 35-45-10-5) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (22) incest (IC 35-46-1-3);
- (23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (24) dealing in methamphetamine (IC 35-48-4-1.1);
- (25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- or
- (27) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 27. IC 35-50-2-1.4, AS AMENDED BY P.L.192-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.4. For purposes of section 15 of this chapter, "criminal gang" **organization** means a group with at least three (3) members that specifically:

- (1) either:
 - (A) promotes, sponsors, or assists in; or
 - (B) participates in; or
- (2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1): **has the meaning set forth in IC 35-45-9-1.**

SECTION 28. IC 35-50-2-9, AS AMENDED BY P.L.187-2015, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the

existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with an intellectual disability.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

- (A) Arson (IC 35-43-1-1).
- (B) Burglary (IC 35-43-2-1).
- (C) Child molesting (IC 35-42-4-3).
- (D) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (E) Kidnapping (IC 35-42-3-2).
- (F) Rape (IC 35-42-4-1).
- (G) Robbery (IC 35-42-5-1).
- (H) Carjacking (IC 35-42-5-2) (before its repeal).
- (I) Criminal **gang organization** activity (IC 35-45-9-3).
- (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure a person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

- (A) the victim was acting in the course of duty; or
- (B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

- (9) The defendant was:
- (A) under the custody of the department of correction;
 - (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole;
- at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant:
- (A) burned, mutilated, or tortured the victim; or
 - (B) decapitated or attempted to decapitate the victim;
- while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
- (A) Battery committed before July 1, 2014, as a Class D felony or as a Class C felony under IC 35-42-2-1 or battery committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
- (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (17) The defendant knowingly or intentionally:
- (A) committed the murder:
 - (i) in a building primarily used for an educational purpose;
 - (ii) on school property; and

- (iii) when students are present; or
- (B) committed the murder:
 - (i) in a building or other structure owned or rented by a state educational institution or any other public or private postsecondary educational institution and primarily used for an educational purpose; and
 - (ii) at a time when classes are in session.
- (18) The murder is committed:
 - (A) in a building that is primarily used for religious worship; and
 - (B) at a time when persons are present for religious worship or education.
- (c) The mitigating circumstances that may be considered under this section are as follows:
 - (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.
 - (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
 - (5) The defendant acted under the substantial domination of another person.
 - (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.
 - (7) The defendant was less than eighteen (18) years of age at the time the murder was committed.
 - (8) Any other circumstances appropriate for consideration.
- (d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall

instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of educational credit, good time credit, and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (1) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

- (1) the aggravating circumstances alleged; or
- (2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

- (1) the death penalty; or
- (2) life imprisonment without parole;

only if it makes the findings described in subsection (1). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

- (1) sentence the defendant to death; or
- (2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (1).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year

and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

- (1) conviction or sentence was in violation of the:
 - (A) Constitution of the State of Indiana; or
 - (B) Constitution of the United States;
- (2) sentencing court was without jurisdiction to impose a sentence; and
- (3) sentence:
 - (A) exceeds the maximum sentence authorized by law; or
 - (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence

challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

- (1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
- (2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

SECTION 29. IC 35-50-2-15, AS AMENDED BY P.L.158-2013, SECTION 666, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) This section does not apply to an individual who is convicted of a felony offense under ~~IC 35-45-9-3~~. **IC 35-45-9.**

(b) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person:

- (1) knowingly or intentionally was a member of a criminal ~~gang~~ **organization** while committing the offense; and
- (2) committed the felony offense:
 - (A) at the direction of or in affiliation with a criminal ~~gang~~ **organization**; or
 - (B) with the intent to benefit, promote, or further the interests of a criminal ~~gang~~ **organization**, or for the purposes of increasing the person's own standing or position with a criminal ~~gang~~ **organization**.

(c) If the person is convicted of the felony offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally was a member of a criminal ~~gang~~ **organization** while committing the felony offense and committed the felony offense at the direction of or in affiliation with a criminal ~~gang~~ **organization** as described in subsection (b), the court shall:

(1) sentence the person to an additional fixed term of imprisonment equal to the sentence imposed for the underlying felony, if the person is sentenced for only one (1) felony; or

(2) sentence the person to an additional fixed term of imprisonment equal to the longest sentence imposed for the underlying felonies, if the person is being sentenced for more than one (1) felony.

(e) A sentence imposed under this section shall run consecutively to the underlying sentence.

(f) A term of imprisonment imposed under this section may not be suspended.

(g) For purposes of subsection (c), evidence that a person was a member of a criminal ~~gang~~ **organization** or committed a felony at the direction of or in affiliation with a criminal ~~gang~~ **organization** may include the following:

(1) An admission of criminal ~~gang~~ **organization** membership by the person.

(2) A statement by:

(A) a member of the person's family;

(B) the person's guardian; or

(C) a reliable member of the criminal ~~gang~~ **organization**; stating the person is a member of a criminal ~~gang~~ **organization**.

(3) The person having tattoos identifying the person as a member of a criminal ~~gang~~ **organization**.

(4) The person having a style of dress that is particular to members of a criminal ~~gang~~ **organization**.

(5) The person associating with one (1) or more members of a

criminal ~~gang~~ **organization.**

(6) Physical evidence indicating the person is a member of a criminal ~~gang~~ **organization.**

(7) An observation of the person in the company of a known criminal ~~gang~~ **organization** member on ~~multiple~~ **at least three** (3) occasions.

(8) Communications authored by the person indicating criminal ~~gang~~ **organization** membership, **promotion of the membership in a criminal organization, or responsibility for an offense committed by a criminal organization.**

(9) **The person's use of the hand signs of a criminal organization.**

(10) **The person's involvement in recruiting criminal organization members.**

P.L.26-2016

[S.142. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.158-2013, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who causes the death of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of

IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Level 5 felony. However, the offense is a Level 4 felony if the person has a previous conviction of operating while intoxicated within the ~~five (5)~~ **ten (10)** years preceding the commission of the offense, or if the person operated the vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Level 4 felony.

(c) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Level 6 felony.

(d) A person who violates subsection (a), (b), or (c) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), or (c).

(e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 2. IC 35-38-3-3, AS AMENDED BY P.L.179-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the

department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanor:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of:

(A) consecutive misdemeanor sentences; or

(B) a sentencing enhancement applied to a misdemeanor sentence.

(c) After June 30, 2014, and before January 1, 2016, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After December 31, 2015, a court may not commit a person convicted of a Level 6 felony to the department of correction, unless:

(1) the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense; or

(2) the person: ~~is convicted of:~~

(A) **is convicted of** at least two (2) Level 6 felonies that are ordered to be served consecutively; ~~or~~

(B) **is convicted of** a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16; ~~or~~

(C) **has received an enhanced sentence under IC 9-30-15.5-2;**

and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing.

A person who may not be committed to the department of correction may be placed on probation, committed to the county jail, or placed in community corrections for assignment to an appropriate community

corrections program.

(e) After June 30, 2014, and before January 1, 2016, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. The reimbursement:

- (1) shall be reviewed by the budget committee; and
- (2) is subject to approval by the budget agency.

(f) Subject to appropriation from the general assembly, a sheriff is entitled to a per diem and medical expense reimbursement from the department of correction for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail.

SECTION 3. IC 35-46-9-6, AS AMENDED BY P.L.168-2014, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat while:

- (1) having an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:
 - (A) one hundred (100) milliliters of the person's blood; or
 - (B) two hundred ten (210) liters of the person's breath;
- (2) having a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or
- (3) intoxicated;

commits a Class C misdemeanor.

(b) The offense is a Level 6 felony if:

- (1) the person has a previous conviction under:
 - (A) IC 14-1-5 (repealed);
 - (B) IC 14-15-8-8 (repealed); or**
 - ~~(B)~~ **(C)** this chapter; **or**

(2) the offense results in serious bodily injury to another person.

(c) The offense is a Level 5 felony if the offense results in the death of another person.

(d) It is a defense to a prosecution under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1-24) who acted in the course of the practitioner's professional practice.

P.L.27-2016

[S.147. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 10-21-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 1.5. School Emergency Response Systems

Sec. 1. As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.

Sec. 2. As used in this chapter, "emergency response system" means systems designed to improve technology and infrastructure on school property that may be used to prevent, prepare for, respond to, and recover from a manmade or natural disaster or emergency occurring on school property.

Sec. 3. As used in this chapter, "school property" means any property owned, rented, leased, or operated by:

- (1) a nonpublic school (as defined in IC 20-18-2-12);**
- (2) a public school (as defined in IC 20-18-2-15); or**
- (3) an approved postsecondary educational institution (as defined by IC 21-7-13-6).**

Sec. 4. Not later than July 1, 2017, the department shall

establish and maintain guidelines for emergency response systems. The department shall establish emergency response system guidelines with input from the division of school building physical security and safety (established by IC 20-19-3-14).

P.L.28-2016

[S.160. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.84-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);
- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- (6) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) (before its repeal);
- (8) IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;
- (9) IC 35-47-10 (children and firearms), if charged as a felony; or
- (10) any offense that may be joined under IC 35-34-1-9(a)(2) with

any crime listed in this subsection;
 if the individual was at least sixteen (16) years of age **but less than eighteen (18) years of age** at the time of the alleged violation.

(b) Once an individual described in subsection (a) has been charged with any **crime offense** listed in subsection (a), the court having adult criminal jurisdiction shall retain jurisdiction over the case ~~even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.~~ **any offense listed in subsection (a)(1) through (a)(9).**

(c) If:

- (1) **an individual described in subsection (a) is charged with one (1) or more offenses listed in subsection (a);**
- (2) **all the charges under subsection (a)(1) through (a)(9) resulted in an acquittal or were dismissed; and**
- (3) **the individual pleads guilty to or is convicted of any offense other than an offense listed in subsection (a)(1) through (a)(9);**

the court having adult criminal jurisdiction may withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition. In determining whether to transfer jurisdiction to the juvenile court for adjudication and disposition, the court having adult criminal jurisdiction shall consider whether there are appropriate services available in the juvenile justice system, whether the child is amenable to rehabilitation under the juvenile justice system, and whether it is in the best interests of the safety and welfare of the community that the child be transferred to juvenile court. All orders concerning release conditions remain in effect until a juvenile court detention hearing, which must be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the order of transfer of jurisdiction.

SECTION 2. IC 31-37-5-5, AS AMENDED BY P.L.158-2013, SECTION 328, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer ~~shall~~ **may** release the child to the child's parent, guardian, or custodian upon the

person's written promise to bring the child before the juvenile court at a time specified **and may impose additional conditions upon the child, including:**

- (1) home detention;**
- (2) electronic monitoring;**
- (3) a curfew restriction;**
- (4) a directive to avoid contact with specified individuals until the child's return to the juvenile court at a specified time;**
- (5) a directive to comply with Indiana law; or**
- (6) any other reasonable conditions on the child's actions or behavior.**

(b) If the intake officer imposes additional conditions upon the child under subsection (a), the court shall hold a detention hearing under IC 31-37-6 within forty-eight (48) hours of the imposition of the additional conditions, excluding Saturdays, Sundays, and legal holidays.

~~(c) However;~~ The intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

~~(b)~~ **(d)** If a child is detained for a reason specified in subsection ~~(a)(4)~~ **(c)(4)** or ~~(a)(5)~~, **(c)(5)**, the child shall be detained under IC 31-37-7-1.

P.L.29-2016

[S.163. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-36-1-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 16. (a) The state department shall study the costs and benefits of the implementation of a data base for maintaining health care consents made under this chapter.**

(b) The study must include the following:

- (1) The costs of establishing and maintaining a data base to store the health care consents.**
- (2) The persons that should have access to the data base and the type of security necessary to protect the data stored in the data base.**
- (3) The process for individuals to use to file a health care consent on a voluntary basis.**

(c) Before October 1, 2016, the state department shall report the state department's findings in the study under this section in writing to the legislative council in an electronic format under IC 5-14-6.

(d) This section expires December 31, 2017.

SECTION 2. IC 16-38-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1. (a) The state department shall establish a cancer registry for the purpose of:**

- (1) recording:**
 - (A) all cases of malignant disease; and**
 - (B) other tumors and precancerous diseases required to be reported by:**
 - (i) federal law or federal regulation; or**
 - (ii) the National Program of Cancer Registries;**

that are diagnosed or treated in Indiana; and
(2) compiling necessary and appropriate information concerning those cases, as determined by the state department; in order to conduct epidemiologic surveys of cancer and to apply appropriate preventive and control measures.

(b) The state department may use any information from the cancer registry to conduct an investigation into the incidence of cancer diagnosis within a certain geographical region.

~~(b)~~ **(c)** The department may contract for the collection and analysis of, and the research related to, the epidemiologic data compiled under this chapter.

SECTION 3. IC 16-38-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The state department may release confidential information concerning individual cancer patients to the following:

(1) The cancer registry of another state if the following conditions are met:

(A) The other state has entered into a reciprocal agreement with the state department.

(B) The agreement provides that information that identifies a patient will not be released to any other person without the written consent of the patient.

(2) Physicians and local health officers for diagnostic and treatment purposes if the following conditions are met:

(A) The patient's attending physician gives oral or written consent to the release of the information.

(B) The patient gives written consent by completing a release of confidential medical information form.

(3) A local health department if the following conditions are met:

(A) The information is needed to assist the state department in conducting an investigation into the incidence of cancer diagnosis within the local health department's jurisdiction.

(B) The information released is directly connected to the investigation.

(C) The information is not used by the local health department for any other purpose.

(D) The patient gives written consent by completing a release of confidential medical information form.

SECTION 4. IC 16-41-42.2-5, AS AMENDED BY P.L.200-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The spinal cord and brain injury research board is established for the purpose of administering the fund. The board is composed of eleven (11) members.

(b) The following six (6) members of the board shall be appointed by the governor:

(1) One (1) member who has a spinal cord or head injury or who has a family member with a spinal cord or head injury.

(2) One (1) member who is a physician licensed under IC 25-22.5 who has specialty training in neuroscience and surgery.

(3) One (1) member who is a physiatrist holding a board certification from the American Board of Physical Medicine and Rehabilitation.

(4) One (1) member representing the technical life sciences industry.

(5) One (1) member who is a physical therapist licensed under IC 25-27 who treats individuals with traumatic spinal cord injuries or brain injuries.

(6) One (1) member who owns or operates a facility that provides long term activity based therapy services at affordable rates to individuals with traumatic spinal cord injuries or brain injuries.

(c) Five (5) members of the board shall be appointed as follows:

(1) One (1) member representing Indiana University to be appointed by Indiana University.

(2) One (1) member representing Purdue University to be appointed by Purdue University.

(3) One (1) member representing the National Spinal Cord Injury Association to be appointed by the National Spinal Cord Injury Association.

(4) One (1) member representing the largest freestanding rehabilitation hospital for brain and spinal cord injuries in Indiana to be appointed by the Rehabilitation Hospital of Indiana located in Indianapolis.

(5) One (1) member representing the ~~American~~ Brain Injury Association **of America** to be appointed by the Brain Injury

Association of Indiana.

(d) The term of a member is four (4) years. A member serves until a successor is appointed and qualified. If a vacancy occurs on the board before the end of a member's term, the appointing authority appointing the vacating member shall appoint an individual to serve the remainder of the vacating member's term.

(e) A majority of the members appointed to the board constitutes a quorum. The affirmative votes of a majority of the members are required for the board to take action on any measure.

(f) Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The board shall annually elect a chairperson who shall be the presiding officer of the board. The board may establish other officers and procedures as the board determines necessary.

(h) The board shall meet at least two (2) times each year. The chairperson may call additional meetings.

(i) The state department shall provide staff for the board. The state department shall maintain a registry of the members of the board. An appointing authority shall provide written confirmation of an appointment to the board to the state department in the form and manner specified by the state department.

(j) The board shall do the following:

(1) Consider policy matters relating to spinal cord and brain injury research projects and programs under this chapter.

(2) Consider research applications and make grants for approved research projects under this chapter.

(3) Consider applications and make grants to health care clinics that:

(A) are exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(B) employ physical therapists licensed under IC 25-27; and

(C) provide in Indiana long term activity based therapy services at affordable rates to individuals with spinal cord

- injuries or brain injuries that require extended post acute care.
- (4) Consider the application's efficacy in providing significant and sustained improvement to individuals with spinal cord injuries or brain injuries.
 - (5) Formulate policies and procedures concerning the operation of the board.
 - (6) Review and authorize spinal cord and brain injury research projects and programs to be financed under this chapter. For purposes of this subdivision, the board may establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the board to review proposals submitted to the board and make recommendations to the board. Collaborations are encouraged with other Indiana-based researchers as well as researchers located outside Indiana, including researchers in other countries.
 - (7) Review and approve progress and final research reports on projects authorized under this chapter, including any other information the board has required to be submitted as a condition of receiving a grant.
 - (8) Review and make recommendations concerning the expenditure of money from the fund.
 - (9) Take other action necessary for the purpose stated in subsection (a).
 - (10) Provide to the governor, the general assembly, and the legislative council an annual report not later than January 30 of each year showing the status of funds appropriated under this chapter. The report to the general assembly and the legislative council must be in an electronic format under IC 5-14-6.
- (k) A member of the board is exempt from civil liability arising or thought to arise from an action taken in good faith as a member of the board.
- (l) The department shall annually present to the board a financial statement that includes the following information for the current and previous fiscal year:
- (1) The amount of money deposited into the fund.
 - (2) The amount of money expended from the fund.
 - (3) The amount of money, including any reserves, available for grants from the fund.

SECTION 5. IC 16-49-3-3, AS AMENDED BY P.L.208-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A local child fatality review team:

(1) shall review the death of a child whose death incident occurred in the area served by the local child fatality review team **and may review the death of a child whose death occurred in the area served by the local child fatality review team if:**

(A) the death of the child is:

(i) sudden;

(ii) unexpected;

(iii) unexplained; or

(iv) assessed by the department of child services for alleged abuse or neglect that resulted in the death of the child; or

(B) the coroner in the area where the death occurred determines that the cause of the death of the child is:

(i) undetermined; or

(ii) the result of a homicide, suicide, or accident; and

(2) may, at its discretion, review the near fatality of a child whose incident or injury occurred in the area served by the local child fatality review team.

(b) In conducting a child fatality review under subsection (a), the local child fatality review team may review all applicable records and information related to the death or near fatality of the child, including the following:

(1) Records held by the:

(A) local or state health department; and

(B) department of child services.

(2) Medical records.

(3) Law enforcement records.

(4) Autopsy reports.

(5) Records of the coroner.

(6) Mental health reports.

(c) Except as otherwise provided under this article, information and records acquired by the local child fatality review team in the exercise of its duties under this chapter are confidential and exempt from disclosure.

(d) Records, information, documents, and reports acquired or produced by a local child fatality review team are not:

- (1) subject to subpoena or discovery; or
- (2) admissible as evidence;

in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before a local child fatality review team.

SECTION 6. IC 16-49-3-7, AS AMENDED BY P.L.2-2014, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) **Before July 1 each year**, a local child fatality review team shall prepare and ~~release a report that may submit to the state child fatality review coordinator a report that must~~ include the following information:

- (1) A summary of the data collected regarding the reviews conducted by the local child fatality review team **in the previous calendar year.**
- (2) Actions recommended by the local child fatality review team to prevent injuries to children and child deaths in the area served by the local child fatality review team.
- (3) Solutions proposed for system inadequacies.

(b) A report released under this section may not contain identifying information relating to the fatalities reviewed by the local child fatality review team.

(c) Except as otherwise provided in this article, review data concerning a child fatality is confidential and may not be released.

(d) A local child fatality review team may prepare and release a joint report for the report required by subsection (a) with another child fatality review team if the local child fatality review team reviewed fewer than two (2) child fatalities in the previous calendar year.

P.L.30-2016
[S.165. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning Medicaid.

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

SECTION 1. IC 11-10-3-7, AS AMENDED BY P.L.185-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the department or a county incurs medical care expenses in providing medical care to an inmate who is committed to the department and the medical care expenses are not reimbursed, the department or the county shall attempt to determine the amount, if any, of the medical care expenses that may be paid:

- (1) by a policy of insurance that is maintained by the inmate and that covers medical care, dental care, eye care, or any other health care related service; or
- (2) by Medicaid.

(b) For an inmate who:

- (1) is committed to the department and resides in a department facility or jail;
- (2) incurs or will incur medical care expenses that are not otherwise reimbursable;
- (3) is unwilling or unable to pay for the inmate's own health care services; and
- (4) is potentially eligible for Medicaid (IC 12-15);

the department is the inmate's Medicaid authorized representative and may apply for Medicaid on behalf of the inmate.

(c) The department and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the department shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for an inmate.

(d) Reimbursement under this section for reimbursable health care

services provided by a health care provider, including a hospital, to an inmate as an inpatient in a hospital must be as follows:

(1) For inmates eligible and participating in the ~~Indiana check-up plan (IC 12-15-44.2)~~, **healthy Indiana plan (IC 12-15-44.5)**, the reimbursement rates described in ~~IC 12-15-44.2-14~~. **IC 12-15-44.5-5.**

(2) For inmates other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the Medicaid program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).

Hospital assessment fee funds collected under IC 16-21-10 or the **healthy** Indiana ~~check-up~~ plan trust fund (IC 12-15-44.2-17) may not be used as the state share of Medicaid costs for the reimbursement of health care services provided to the inmate as an inpatient in the hospital.

SECTION 2. IC 12-7-2-137.8, AS ADDED BY P.L.213-2015, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 137.8. "Phase out period", for purposes of ~~IC 12-15-44.2~~ and IC 12-15-44.5, has the meaning set forth in IC 12-15-44.5-1.

SECTION 3. IC 12-7-2-140.5, AS AMENDED BY P.L.213-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 140.5. "Plan", ~~means the following:~~ **for purposes of IC 12-15-44.2 and IC 12-15-44.5, has**

(1) For purposes of ~~IC 12-15-44.2~~, the meaning set forth in ~~IC 12-15-44.2-1~~.

(2) For purposes of ~~IC 12-15-44.5~~, the meaning set forth in IC 12-15-44.5-2.

SECTION 4. IC 12-7-2-144.3, AS AMENDED BY P.L.3-2008, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 144.3. "Preventative care services", for purposes of ~~IC 12-15-44.2~~, **IC 12-15-44.5**, has the meaning set forth in ~~IC 12-15-44.2-2~~. **IC 12-15-44.5-2.3.**

SECTION 5. IC 12-15-44.2-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1. As used in this chapter, "plan" refers to the healthy Indiana plan established by section 3 of this chapter.~~

SECTION 6. IC 12-15-44.2-2 IS REPEALED [EFFECTIVE JULY

1, 2016]. Sec. 2: As used in this chapter, "preventative care services" means care that is provided to an individual to prevent disease; diagnose disease; or promote good health.

SECTION 7. IC 12-15-44.2-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3: (a) The healthy Indiana plan is established:

(b) The office shall administer the plan:

(c) The department of insurance and the office of the secretary shall provide oversight of the marketing practices of the plan:

(d) The office shall promote the plan and provide information to potential eligible individuals who live in medically underserved rural areas of Indiana:

(e) The office shall, to the extent possible, ensure that enrollment in the plan is distributed throughout Indiana in proportion to the number of individuals throughout Indiana who are eligible for participation in the plan:

(f) The office shall establish standards for consumer protection; including the following:

(1) Quality of care standards:

(2) A uniform process for participant grievances and appeals:

(3) Standardized reporting concerning provider performance; consumer experience; and cost:

(g) A health care provider that provides care to an individual who receives health insurance coverage under the plan shall participate in the Medicaid program under IC 12-15:

(h) The office of the secretary may refer an individual who:

(1) has applied for health insurance coverage under the plan; and

(2) is at high risk of chronic disease;

to the Indiana comprehensive health insurance association for administration of the individual's plan benefits under IC 27-8-10.1:

(i) The following do not apply to the plan:

(1) IC 12-15-6:

(2) IC 12-15-12:

(3) IC 12-15-13:

(4) IC 12-15-14:

(5) IC 12-15-15:

(6) IC 12-15-21:

(7) IC 12-15-26:

(8) IC 12-15-31.1:

- (9) IC 12-15-34.
- (10) IC 12-15-35.
- (11) IC 12-15-35.5.
- (12) IC 16-42-22-10.

SECTION 8. IC 12-15-44.2-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) The plan must include the following in a manner and to the extent determined by the office:

- (1) Mental health care services.
- (2) Inpatient hospital services.
- (3) Prescription drug coverage, including coverage of a long acting, nonaddictive medication assistance treatment drug if the drug is being prescribed for the treatment of substance abuse.
- (4) Emergency room services.
- (5) Physician office services.
- (6) Diagnostic services.
- (7) Outpatient services, including therapy services.
- (8) Comprehensive disease management.
- (9) Home health services, including case management.
- (10) Urgent care center services.
- (11) Preventative care services.
- (12) Family planning services:
 - (A) including contraceptives and sexually transmitted disease testing; as described in federal Medicaid law (42 U.S.C. 1396 et seq.); and
 - (B) not including abortion or abortifacients.
- (13) Hospice services.
- (14) Substance abuse services.
- (15) A service determined by the secretary to be required by federal law as a benchmark service under the federal Patient Protection and Affordable Care Act.

(b) The plan may do the following:

- (1) Offer coverage for dental and vision services to an individual who participates in the plan.
- (2) Pay at least fifty percent (50%) of the premium cost of dental and vision services coverage described in subdivision (1).

(c) An individual who receives the dental or vision coverage offered under subsection (b) shall pay an amount determined by the office for the coverage. The office shall limit the payment to not more than five

percent (5%) of the individual's annual household income. The payment required under this subsection is in addition to the payment required under section 11(b)(2) of this chapter for coverage under the plan.

(d) Vision services offered by the plan must include services provided by an optometrist.

(e) The plan must comply with any coverage requirements that apply to an accident and sickness insurance policy issued in Indiana.

(f) The plan may not permit treatment limitations or financial requirements on the coverage of mental health care services or substance abuse services if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.

SECTION 9. IC 12-15-44.2-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: (a) The office shall provide to an individual who participates in the plan a list of health care services that qualify as preventative care services for the age, gender, and preexisting conditions of the individual. The office shall consult with the federal Centers for Disease Control and Prevention for a list of recommended preventative care services.

(b) The plan shall, at no cost to the individual, provide payment for not more than five hundred dollars (\$500) of qualifying preventative care services per year for an individual who participates in the plan. Any additional preventative care services covered under the plan and received by the individual during the year are subject to the deductible and payment requirements of the plan.

SECTION 10. IC 12-15-44.2-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: To the extent allowed by federal law, the plan has the following per participant coverage limitations:

(1) An annual individual maximum coverage limitation of three hundred thousand dollars (\$300,000).

(2) A lifetime individual maximum coverage limitation of one million dollars (\$1,000,000).

SECTION 11. IC 12-15-44.2-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: The following requirements apply to funds appropriated by the general assembly to the plan:

(1) At least eighty-five percent (85%) of the funds must be used to fund payment for health care services.

- (2) An amount determined by the office of the secretary to fund:
- (A) administrative costs of; and
 - (B) any profit made by;
- an insurer or a health maintenance organization under a contract with the office to provide health insurance coverage under the plan. The amount determined under this subdivision may not exceed fifteen percent (15%) of the funds.

SECTION 12. IC 12-15-44.2-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: The plan is not an entitlement program. The maximum enrollment of individuals who may participate in the plan is dependent on funding appropriated for the plan.

SECTION 13. IC 12-15-44.2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: (a) An individual is eligible for participation in the plan if the individual meets the following requirements:

- (1) The individual is at least eighteen (18) years of age and less than sixty-five (65) years of age.
- (2) The individual is a United States citizen and has been a resident of Indiana for at least twelve (12) months.
- (3) The individual has an annual household income of not more than the following:
 - (A) Effective through December 31, 2013, two hundred percent (200%) of the federal income poverty level.
 - (B) Beginning January 1, 2014, one hundred thirty-three percent (133%) of the federal income poverty level, based on the adjusted gross income provisions set forth in Section 2001(a)(1) of the federal Patient Protection and Affordable Care Act.
- (4) Effective through December 31, 2013, the individual is not eligible for health insurance coverage through the individual's employer.
- (5) Effective through December 31, 2013, the individual has:
 - (A) not had health insurance coverage for at least six (6) months; or
 - (B) had coverage under the Indiana comprehensive health insurance association (IC 27-8-10) within the immediately preceding six (6) months and the coverage no longer applies under IC 27-8-10-0.5.

(b) The following individuals are not eligible for the plan:

(1) An individual who participates in the federal Medicare program (42 U.S.C. 1395 et seq.);

(2) An individual who is otherwise eligible for medical assistance;

(c) The eligibility requirements specified in subsection (a) are subject to approval for federal financial participation by the United States Department of Health and Human Services.

SECTION 14. IC 12-15-44.2-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10: (a) An individual who participates in the plan must have a health care account to which payments may be made for the individual's participation in the plan only by the following:

(1) The individual;

(2) An employer;

(3) The state;

(4) A nonprofit organization if the nonprofit organization:

(A) is not affiliated with a health care plan; and

(B) does not contribute more than seventy-five percent (75%) of the individual's required payment to the individual's health care account.

(5) An insurer or a health maintenance organization under a contract with the office to provide health insurance coverage under the plan if the payment:

(A) is to provide a health incentive to the individual;

(B) does not count towards the individual's required minimum payment set forth in section 11 of this chapter; and

(C) does not exceed one thousand one hundred dollars (\$1,100).

(b) The minimum funding amount for a health care account is the amount required under section 11 of this chapter.

(c) An individual's health care account must be used to pay the individual's deductible for health care services under the plan.

(d) An individual may make payments to the individual's health care account as follows:

(1) An employer withholding or causing to be withheld from an employee's wages or salary; after taxes are deducted from the wages or salary; the individual's contribution under this chapter and distributed equally throughout the calendar year.

(2) Submission of the individual's contribution under this chapter to the office to deposit in the individual's health care account in

a manner prescribed by the office.

(3) Another method determined by the office.

(e) An employer may make, from funds not payable by the employer to the employee, not more than fifty percent (50%) of an individual's required payment to the individual's health care account.

(f) A nonprofit corporation may make not more than seventy-five percent (75%) of an individual's required payment to the individual's health care account.

SECTION 15. IC 12-15-44.2-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11. (a) An individual's participation in the plan does not begin until an initial payment is made for the individual's participation in the plan. A required payment to the plan for the individual's participation may not exceed one-twelfth (1/12) of the annual payment required under subsection (b).

(b) To participate in the plan, an individual shall do the following:

(1) Apply for the plan on a form prescribed by the office. The office may develop and allow a joint application for a household.

(2) If the individual is approved by the office to participate in the plan, contribute to the individual's health care account the lesser of the following:

(A) One thousand one hundred dollars (\$1,100) per year, less any amounts paid by the individual under the:

(i) Medicaid program under IC 12-15;

(ii) children's health insurance program under IC 12-17.6; and

(iii) Medicare program (42 U.S.C. 1395 et seq.);

as determined by the office.

(B) At least one hundred sixty dollars (\$160) per year and not more than the following applicable percentage of the individual's annual household income per year, less any amounts paid by the individual under the Medicaid program under IC 12-15, the children's health insurance program under IC 12-17.6, and the Medicare program (42 U.S.C. 1395 et seq.) as determined by the office:

(i) Two percent (2%) of the individual's annual household income per year if the individual has an annual household income of not more than one hundred percent (100%) of the federal income poverty level.

(ii) Three percent (3%) of the individual's annual household income per year if the individual has an annual household income of more than one hundred percent (100%) and not more than one hundred twenty-five percent (125%) of the federal income poverty level.

(iii) Four percent (4%) of the individual's annual household income per year if the individual has an annual household income of more than one hundred twenty-five percent (125%) and not more than one hundred fifty percent (150%) of the federal income poverty level.

(iv) Five percent (5%) of the individual's annual household income per year if the individual has an annual household income of more than one hundred fifty percent (150%) and not more than two hundred percent (200%) of the federal income poverty level.

(c) The state shall contribute the difference to the individual's account if the individual's payment required under subsection (b)(2) is less than one thousand one hundred dollars (\$1,100).

(d) If an individual's required payment to the plan is not made within sixty (60) days after the required payment date, the individual may be terminated from participation in the plan. The individual must receive written notice before the individual is terminated from the plan.

(e) After termination from the plan under subsection (d), the individual may not reapply to participate in the plan for twelve (12) months.

SECTION 16. IC 12-15-44.2-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12: (a) An individual who is approved to participate in the plan is eligible for a twelve (12) month plan period. An individual who participates in the plan may not be refused renewal of participation in the plan for the sole reason that the plan has reached the plan's maximum enrollment.

(b) If the individual chooses to renew participation in the plan, the individual shall complete a renewal application and any necessary documentation, and submit to the office the documentation and application on a form prescribed by the office.

(c) If the individual chooses not to renew participation in the plan, the individual may not reapply to participate in the plan for at least twelve (12) months.

(d) Any funds remaining in the health care account of an individual who renews participation in the plan at the end of the individual's twelve (12) month plan period must be used to reduce the individual's payments for the subsequent plan period. However, if the individual did not, during the plan period, receive all qualified preventative services recommended as provided in section 5 of this chapter, the state's contribution to the health care account may not be used to reduce the individual's payments for the subsequent plan period.

(e) If an individual is no longer eligible for the plan; does not renew participation in the plan at the end of the plan period; or is terminated from the plan for nonpayment of a required payment, the office shall, not more than sixty (60) days after the last date of participation in the plan, refund to the individual the amount determined under subsection (f) of any funds remaining in the individual's health care account as follows:

(1) An individual who is no longer eligible for the plan or does not renew participation in the plan at the end of the plan period shall receive the amount determined under STEP FOUR of subsection (f).

(2) An individual who is terminated from the plan due to nonpayment of a required payment shall receive the amount determined under STEP FIVE of subsection (f).

(f) The office shall determine the amount payable to an individual described in subsection (e) as follows:

STEP ONE: Determine the total amount paid into the individual's health care account under section 10(d) of this chapter.

STEP TWO: Determine the total amount paid into the individual's health care account from all sources.

STEP THREE: Divide STEP ONE by STEP TWO.

STEP FOUR: Multiply the ratio determined in STEP THREE by the total amount remaining in the individual's health care account.

STEP FIVE: Multiply the amount determined under STEP FOUR by seventy-five hundredths (0.75).

SECTION 17. IC 12-15-44.2-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13: Subject to appeal to the office, an individual may be held responsible under the plan for receiving nonemergency services in an emergency room setting, including prohibiting the individual from using funds in the individual's health care account to

pay for the nonemergency services. However, an individual may not be prohibited from using funds in the individual's health care account to pay for nonemergency services provided in an emergency room setting for a medical condition that arises suddenly and unexpectedly and manifests itself by acute symptoms of such severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to:

- (1) place an individual's health in serious jeopardy;
- (2) result in serious impairment to the individual's bodily functions; or
- (3) result in serious dysfunction of a bodily organ or part of the individual.

SECTION 18. IC 12-15-44.2-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14. (a) An insurer or health maintenance organization that contracts with the office to provide health insurance coverage, dental coverage, or vision coverage to an individual who participates in the plan:

- (1) is responsible for the claim processing for the coverage;
- (2) shall reimburse providers at a rate that is not less than the rate established by the secretary. The rate set by the secretary must be based on a reimbursement formula that is:
 - (A) comparable to the federal Medicare reimbursement rate for the service provided by the provider; or
 - (B) one hundred thirty percent (130%) of the Medicaid reimbursement rate for a service that does not have a Medicare reimbursement rate; and
- (3) may not deny coverage to an eligible individual who has been approved by the office to participate in the plan, unless the individual has met the coverage limitations described in section 6 of this chapter.

(b) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan must incorporate cultural competency standards established by the office. The standards must include standards for non-English speaking, minority, and disabled populations.

SECTION 19. IC 12-15-44.2-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16. (a) An insurer or a health maintenance

organization that contracts with the office to provide health insurance coverage under the plan or an affiliate of an insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan shall offer to provide the same health insurance coverage to an individual who:

- (1) has not had health insurance coverage during the previous six (6) months; and
- (2) does not meet the eligibility requirements specified in section 9 of this chapter for participation in the plan.

(b) An insurer, a health maintenance organization, or an affiliate described in subsection (a) may apply to health insurance coverage offered under subsection (a) the insurer's, health maintenance organization's, or affiliate's standard individual or small group insurance underwriting and rating practices:

(c) The state does not provide funding for health insurance coverage received under this section:

SECTION 20. IC 12-15-44.2-18 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 18: (a) The office may not:

- (1) enroll applicants;
- (2) approve any contracts with vendors to provide services or administer the plan;
- (3) incur costs other than costs necessary to study and plan for the implementation of the plan; or
- (4) create financial obligations for the state;

unless both of the conditions of subsection (b) are satisfied:

(b) The office may not take any action described in subsection (a) unless:

- (1) there is a specific appropriation from the general assembly to implement the plan; and
- (2) after review by the budget committee, the budget agency approves an actuarial analysis that reflects a determination that sufficient funding is reasonably estimated to be available to operate the plan for at least the following five (5) years:

The actuarial analysis approved under subdivision (2) must clearly indicate the cost and revenue assumptions used in reaching the determination:

(c) The office may not operate the plan in a manner that would obligate the state to financial participation beyond the level of state

appropriations authorized for the plan.

SECTION 21. IC 12-15-44.2-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 19. (a) The office may adopt rules under IC 4-22-2 necessary to implement:

(1) this chapter; or

(2) a Section 1115 Medicaid demonstration waiver concerning the plan that is approved by the United States Department of Health and Human Services.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the plan on an emergency basis.

(c) An emergency rule or an amendment to an emergency rule adopted under this section expires not later than the earlier of:

(1) one (1) year after the rule is accepted for filing under IC 4-22-2-37.1(c); or

(2) July 1, 2016.

SECTION 22. IC 12-15-44.2-20, AS AMENDED BY P.L.160-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) The office may establish a health insurance coverage premium assistance program for individuals who meet the following:

(1) Have an annual household income of the following:

(A) Through December 31, 2013, not more than two hundred percent (200%) of the federal income poverty level.

(B) Beginning January 1, 2014, not more than one hundred thirty-three percent (133%) of the federal income poverty level, based on the adjusted gross income provisions set forth in Section 2001(a)(1) of the federal Patient Protection and Affordable Care Act.

(2) Are eligible for health insurance coverage through an employer but cannot afford the health insurance coverage premiums.

(b) A program established under this section must:

(1) contain eligibility requirements that are similar to the eligibility requirements of the plan;

(2) include a health care account as a component; and

(3) provide that an individual's payment:

(A) to a health care account; or

(B) for a health insurance coverage premium;

may not exceed five percent (5%) of the individual's annual income.

(c) The office may adopt rules under IC 4-22-2 necessary to implement and administer this section.

SECTION 23. IC 12-15-44.2-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 21: (a) A denial of federal approval and federal financial participation that applies to any part of this chapter does not prohibit the office from implementing any other part of this chapter that:

- (1) is federally approved for federal financial participation; or
- (2) does not require federal approval or federal financial participation.

(b) The secretary may make changes to the plan under this chapter if the changes are required by one (1) of the following:

- (1) The United States Department of Health and Human Services;
- (2) Federal law or regulation.

SECTION 24. IC 12-15-44.2-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 22: The office of the secretary may amend the plan in a manner that would allow Indiana to use the plan to cover individuals eligible for Medicaid resulting from passage of the Federal Patient Protection and Affordable Care Act.

SECTION 25. IC 12-15-44.5-2, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "plan" refers to the healthy Indiana plan 2:0 established by section 3 of this chapter.

SECTION 26. IC 12-15-44.5-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.3. As used in this chapter, "preventative care services" means care that is provided to an individual to prevent disease, diagnose disease, or promote good health.

SECTION 27. IC 12-15-44.5-3, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The healthy Indiana plan 2:0 is established. This chapter is in addition to the provisions set forth in IC 12-15-44.2: For the period beginning February 1, 2015, and ending the date the plan is terminated upon the completion of a phase out

period, if a provision in this chapter conflicts with IC 12-15-44.2, this chapter supersedes the conflicting provision in IC 12-15-44.2.

(b) The office shall administer the plan.

(c) The following individuals are eligible for the plan:

~~(1) An individual who is eligible and described in IC 12-15-44.2-9.~~

~~(2) (1) The adult group described in 42 CFR 435.119.~~

~~(3) Pregnant women who choose to remain in the plan during the pregnancy.~~

~~(4) (2) Parents and caretaker relatives eligible under 42 CFR 435.110.~~

~~(5) (3) Low income individuals who are:~~

~~(A) at least nineteen (19) years of age; and~~

~~(B) less than twenty-one (21) years of age;~~

~~and eligible under 42 CFR 435.222.~~

~~(6) (4) Individuals, for purposes of receiving transitional medical assistance.~~

An individual must meet the Medicaid residency requirements under IC 12-15-4-4 and this article to be eligible for the plan.

(d) The following individuals are not eligible for the plan:

(1) An individual who participates in the federal Medicare program (42 U.S.C. 1395 et seq.).

~~(2) Except for an individual described in subsection (e),~~ An individual who is otherwise eligible **and enrolled** for medical assistance.

(e) The department of insurance and the office of the secretary shall provide oversight of the marketing practices of the plan.

(f) The office shall promote the plan and provide information to potential eligible individuals who live in medically underserved rural areas of Indiana.

(g) The office shall, to the extent possible, ensure that enrollment in the plan is distributed throughout Indiana in proportion to the number of individuals throughout Indiana who are eligible for participation in the plan.

(h) The office shall establish standards for consumer protection, including the following:

(1) Quality of care standards.

(2) A uniform process for participant grievances and appeals.

(3) Standardized reporting concerning provider performance, consumer experience, and cost.

(i) A health care provider that provides care to an individual who receives health insurance coverage under the plan shall also participate in the Medicaid program under this article.

(j) The following do not apply to the plan:

- (1) IC 12-15-6.**
- (2) IC 12-15-12.**
- (3) IC 12-15-13.**
- (4) IC 12-15-14.**
- (5) IC 12-15-15.**
- (6) IC 12-15-21.**
- (7) IC 12-15-26.**
- (8) IC 12-15-31.1.**
- (9) IC 12-15-34.**
- (10) IC 12-15-35.**
- (11) IC 16-42-22-10.**

SECTION 28. IC 12-15-44.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) The plan must include the following in a manner and to the extent determined by the office:**

- (1) Mental health care services.**
- (2) Inpatient hospital services.**
- (3) Prescription drug coverage, including coverage of a long acting, nonaddictive medication assistance treatment drug if the drug is being prescribed for the treatment of substance abuse.**
- (4) Emergency room services.**
- (5) Physician office services.**
- (6) Diagnostic services.**
- (7) Outpatient services, including therapy services.**
- (8) Comprehensive disease management.**
- (9) Home health services, including case management.**
- (10) Urgent care center services.**
- (11) Preventative care services.**
- (12) Family planning services:**
 - (A) including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law (42 U.S.C. 1396 et seq.); and**

(B) not including abortion or abortifacients.

(13) Hospice services.

(14) Substance abuse services.

(15) Pregnancy services.

(16) A service determined by the secretary to be required by federal law as a benchmark service under the federal Patient Protection and Affordable Care Act.

(b) The plan may not permit treatment limitations or financial requirements on the coverage of mental health care services or substance abuse services if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.

(c) The plan may provide vision services and dental services only to individuals who regularly make the required monthly contributions for the plan as set forth in section 4.7(c) of this chapter.

(d) The benefit package offered in the plan:

(1) must be benchmarked to a commercial health plan described in 45 CFR 155.100(a)(1) or 45 CFR 155.100(a)(4); and

(2) may not include a benefit that is not present in at least one (1) of these commercial benchmark options.

(e) The office shall provide to an individual who participates in the plan a list of health care services that qualify as preventative care services for the age, gender, and preexisting conditions of the individual. The office shall consult with the federal Centers for Disease Control and Prevention for a list of recommended preventative care services.

(f) The plan shall, at no cost to the individual, provide payment of preventative care services described in 42 U.S.C. 300gg-13 for an individual who participates in the plan.

(g) The plan shall, at no cost to the individual, provide payments of not more than five hundred dollars (\$500) per year for preventative care services not described in subsection (f). Any additional preventative care services covered under the plan and received by the individual during the year are subject to the deductible and payment requirements of the plan.

SECTION 29. IC 12-15-44.5-4, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The plan:

- (1) is not an entitlement program; and
- (2) serves as an alternative to health care coverage under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.).

(b) If either of the following occurs, the office shall terminate the plan in accordance with section 6(b) of this chapter:

- (1) The:
 - (A) percentages of federal medical assistance available to the plan for coverage of plan participants described in Section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act are less than the percentages provided for in Section 2001(a)(3)(B) of the federal Patient Protection and Affordable Care Act; and
 - (B) hospital assessment committee (IC 16-21-10), after considering the modification and the reduction in available funding, does not alter the formula established under IC 16-21-10-13.3(b)(1) to cover the amount of the reduction in federal medical assistance.

For purposes of this subdivision, "coverage of plan participants" includes payments, contributions, and amounts referred to in IC 16-21-10-13.3(b)(1)(A), IC 16-21-10-13.3(b)(1)(C), and IC 16-21-10-13.3(b)(1)(D), including payments, contributions, and amounts incurred during a phase out period of the plan.

- (2) The:
 - (A) methodology of calculating the incremental fee set forth in IC 16-21-10-13.3 is modified in any way that results in a reduction in available funding;
 - (B) hospital assessment fee committee (IC 16-21-10), after considering the modification and reduction in available funding, does not alter the formula established under IC 16-21-10-13.3(b)(1) to cover the amount of the reduction in fees; and
 - (C) office does not use alternative financial support to cover the amount of the reduction in fees.

(c) If the plan is terminated under subsection (b), the secretary may implement a plan for coverage of the affected population in a manner consistent with the healthy Indiana plan (IC 12-15-44.2 **(before its repeal)**) in effect on January 1, 2014:

(1) subject to prior approval of the United States Department of Health and Human Services; and

(2) without funding from the incremental fee set forth in IC 16-21-10-13.3.

(d) The office may not operate the plan in a manner that would obligate the state to financial participation beyond the level of state appropriations or funding otherwise authorized for the plan.

(e) The office of the secretary shall submit annually to the budget committee an actuarial analysis of the plan that reflects a determination that sufficient funding is reasonably estimated to be available to operate the plan.

SECTION 30. IC 12-15-44.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. (a) An individual who participates in the plan must have a health care account to which payments may be made for the individual's participation in the plan.**

(b) An individual's health care account must be used to pay the individual's deductible for health care services under the plan.

(c) An individual's deductible must be at least two thousand five hundred dollars (\$2,500) per year.

(d) An individual may make payments to the individual's health care account as follows:

(1) An employer withholding or causing to be withheld from an employee's wages or salary, after taxes are deducted from the wages or salary, the individual's contribution under this chapter and distributed equally throughout the calendar year.

(2) Submission of the individual's contribution under this chapter to the office to deposit in the individual's health care account in a manner prescribed by the office.

(3) Another method determined by the office.

SECTION 31. IC 12-15-44.5-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.7. (a) To participate in the plan, an individual must apply for the plan on a form prescribed by the office. The office may develop and allow a joint application for a household.**

(b) A pregnant woman is not subject to the cost sharing

provisions of the plan. Subsections (c) through (g) do not apply to a pregnant woman participating in the plan.

(c) An applicant who is approved to participate in the plan does not begin benefits under the plan until a payment of at least:

- (1) one-twelfth (1/12) of the two percent (2%) of annual income contribution amount; or
- (2) ten dollars (\$10);

is made to the individual's health care account established under section 4.5 of this chapter for the individual's participation in the plan. To continue to participate in the plan, an individual must contribute to the individual's health care account at least two percent (2%) of the individual's annual household income per year but not less than one dollar (\$1) per month.

(d) If an applicant who is approved to participate in the plan fails to make the initial payment into the individual's health care account, at least the following must occur:

- (1) If the individual has an annual income that is at or below one hundred percent (100%) of the federal poverty income level, the individual's benefits are reduced as specified in subsection (e)(1).
- (2) If the individual has an annual income of more than one hundred percent (100%) of the federal poverty income level, the individual is not enrolled in the plan.

(e) If an enrolled individual's required monthly payment to the plan is not made within sixty (60) days after the required payment date, the following, at a minimum, occur:

- (1) For an individual who has an annual income that is at or below one hundred percent (100%) of the federal income poverty level, the individual is:
 - (A) transferred to a plan that has a material reduction in benefits, including the elimination of benefits for vision and dental services; and
 - (B) required to make copayments for the provision of services that may not be paid from the individual's health care account.
- (2) For an individual who has an annual income of more than one hundred percent (100%) of the federal poverty income level, the individual shall be terminated from the plan and may not reenroll in the plan for at least six (6) months.

(f) The state shall contribute to the individual's health care account the difference between the individual's payment required under this section and the plan deductible set forth in section 4.5(c) of this chapter.

(g) A member shall remain enrolled with the same health plan during the member's benefit period. A member may change health plans as follows:

(1) Without cause:

(A) before making a contribution or before finalizing enrollment in accordance with subsection (d)(1); or

(B) during the annual plan renewal process.

(2) For cause, as determined by the office.

SECTION 32. IC 12-15-44.5-4.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.9. (a) An individual who is approved to participate in the plan is eligible for a twelve (12) month plan period if the individual continues to meet the plan requirements specified in this chapter.**

(b) If an individual chooses to renew participation in the plan, the individual is subject to an annual renewal process at the end of the benefit period to determine continued eligibility for participating in the plan. If the individual does not complete the renewal process, the individual may not reenroll in the plan for at least six (6) months.

(c) This subsection applies to participants who consistently made the required payments in the individual's health care account. If the individual receives the qualified preventative services recommended to the individual during the year, the individual is eligible to have the individual's unused share of the individual's health care account at the end of the plan period, determined by the office, matched by the state and carried over to the subsequent plan period to reduce the individual's required payments. If the individual did not, during the plan period, receive all qualified preventative services recommended to the individual, only the nonstate contribution to the health care account may be used to reduce the individual's payments for the subsequent plan period.

(d) For individuals participating in the plan who, in the past, did not make consistent payments into the individual's health care

account while participating in the plan, but:

(1) had a balance remaining in the individual's health care account; and

(2) received all of the required preventative care services; the office may elect to offer a discount on the individual's required payments to the individual's health care account for the subsequent benefit year. The amount of the discount under this subsection must be related to the percentage of the health care account balance at the end of the plan year but not to exceed a fifty percent (50%) discount of the required contribution.

(e) If an individual is no longer eligible for the plan, does not renew participation in the plan at the end of the plan period, or is terminated from the plan for nonpayment of a required payment, the office shall, not more than one hundred twenty (120) days after the last date of participation in the plan, refund to the individual the amount determined under subsection (f) of any funds remaining in the individual's health care account as follows:

(1) An individual who is no longer eligible for the plan or does not renew participation in the plan at the end of the plan period shall receive the amount determined under STEP FOUR of subsection (f).

(2) An individual who is terminated from the plan due to nonpayment of a required payment shall receive the amount determined under STEP SIX of subsection (f).

The office may charge a penalty for any voluntary withdrawals from the health care account by the individual before the end of the plan benefit year. The individual may receive the amount determined under STEP SIX of subsection (f).

(f) The office shall determine the amount payable to an individual described in subsection (e) as follows:

STEP ONE: Determine the total amount paid into the individual's health care account under this chapter.

STEP TWO: Determine the total amount paid into the individual's health care account from all sources.

STEP THREE: Divide STEP ONE by STEP TWO.

STEP FOUR: Multiply the ratio determined in STEP THREE by the total amount remaining in the individual's health care account.

STEP FIVE: Subtract any nonpayments of a required

payment.

STEP SIX: Multiply the amount determined under STEP FIVE by at least seventy-five hundredths (0.75).

SECTION 33. IC 12-15-44.5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.5. The office shall refer any member of the plan who:**

- (1) is employed for less than twenty (20) hours per week; and**
- (2) is not a full-time student;**

to a workforce training and job search program.

SECTION 34. IC 12-15-44.5-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.7. Subject to appeal to the office, an individual may be held responsible under the plan for receiving nonemergency services in an emergency room setting, including prohibiting the individual from using funds in the individual's health care account to pay for the nonemergency services and paying a copayment for the services of at least eight dollars (\$8) for the first nonemergency use of a hospital emergency department and at least a twenty-five dollar (\$25) copayment for any subsequent nonemergency use of a hospital emergency department during the benefit period. However, an individual may not be prohibited from using funds in the individual's health care account to pay for nonemergency services provided in an emergency room setting for a medical condition that arises suddenly and unexpectedly and manifests itself by acute symptoms of such severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to:**

- (1) place an individual's health in serious jeopardy;**
- (2) result in serious impairment to the individual's bodily functions; or**
- (3) result in serious dysfunction of a bodily organ or part of the individual.**

SECTION 35. IC 12-15-44.5-10, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 10. (a) The secretary may make**

changes to the plan under this chapter if the changes are required by one (1) of the following:

- (1) The United States Department of Health and Human Services;
- (2) Federal law or regulation.

has the authority to provide benefits to individuals eligible under the adult group described in 42 CFR 435.119 only in accordance with this chapter.

(b) The secretary may negotiate and make changes to the plan, except that the secretary may not negotiate or change the plan that would do the following:

- (1) Reduce the following:
 - (A) Contribution amounts below the minimum levels set forth in section 4.7 of this chapter.
 - (B) Deductible amounts below the minimum amount established in section 4.5(c) of this chapter.
- (2) Remove or reduce the penalties for nonpayment set forth in section 4.7 of this chapter.
- (3) Revise the use of the health care account requirement set forth in section 4.5 of this chapter.
- (4) Include noncommercial benefits or add additional plan benefits in a manner inconsistent with section 3.5 of this chapter.
- (5) Allow services to begin:
 - (A) without the payment established or required by; or
 - (B) earlier than the time frames otherwise established by; section 4.7 of this chapter.
- (6) Reduce financial penalties for the inappropriate use of the emergency room below the minimum levels set forth in section 5.7 of this chapter.
- (7) Permit members to change health plans without cause in a manner inconsistent with section 4.7(g) of this chapter.
- (8) Operate the plan in a manner that would obligate the state to financial participation beyond the level of state appropriations or funding otherwise authorized for the plan.

(c) The secretary may make changes to the plan under this chapter if the changes are required by federal law or regulation.

SECTION 36. IC 16-18-2-187.2, AS ADDED BY P.L.213-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 187.2. "Incremental fee", for

purposes of IC 16-21-10, means a part of the hospital assessment fee designated for the use of funding the healthy Indiana plan. ~~2-0-~~

SECTION 37. IC 16-21-10-5.3, AS ADDED BY P.L.213-2015, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.3. As used in this chapter, "phase out period" refers to the following periods:

- (1) The time during which a:
 - (A) phase out plan;
 - (B) demonstration expiration plan; or
 - (C) similar plan approved by the United States Department of Health and Human Services;

is in effect for the healthy Indiana plan ~~2-0~~ set forth in IC 12-15-44.5.

- (2) The time beginning upon the office's receipt of written notice by the United States Department of Health and Human Services of its decision to:

- (A) terminate or suspend the waiver demonstration for the healthy Indiana plan; ~~2-0~~; or
- (B) withdraw the waiver or expenditure authority for the plan; and ~~ends ending~~ on the effective date of the termination, suspension, or withdrawal of the waiver or expenditure authority.

- (3) The time beginning upon:

- (A) the office's determination to terminate the healthy Indiana plan; ~~2-0~~; or
- (B) the termination of the plan under IC 12-15-44.5-4(b);

if subdivisions (1) through (2) do not apply, and ending on the effective date of the termination of the healthy Indiana plan. ~~2-0-~~

SECTION 38. IC 16-21-10-11, AS AMENDED BY P.L.213-2015, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section:

- (1) does not apply to the incremental fee described in section 13.3 of this chapter;
- (2) is effective upon the implementation of the fee described in section 6 of this chapter, excluding the part of the fee used for purposes of section 13.3 of this chapter; and
- (3) applies to the Medicaid disproportionate share payments for the state fiscal year beginning July 1, 2013, and each state fiscal year thereafter.

(b) The state share dollars used to fund disproportionate share payments to acute care hospitals licensed under IC 16-21-2 that qualify as disproportionate share providers or municipal disproportionate share providers under IC 12-15-16-1(a) or IC 12-15-16-1(b) shall be paid with money collected through the fee and the hospital care for the indigent dollars described in section 10 of this chapter.

(c) ~~Subject to section 12 of this chapter, and except as provided in section 12 of this chapter,~~ The federal Medicaid disproportionate share allotments for the state fiscal years beginning July 1, 2013, and each state fiscal year thereafter shall be allocated in their entirety to acute care hospitals licensed under IC 16-21-2 that qualify as disproportionate share providers or municipal disproportionate share providers under IC 12-15-16-1(a) or IC 12-15-16-1(b). No part of the federal disproportionate share allotments applicable for disproportionate share payments for the state fiscal year beginning July 1, 2013, and each state fiscal year thereafter may be allocated to institutions for mental disease or other mental health facilities, as defined by applicable federal law.

SECTION 39. IC 16-21-10-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 12: This section does not apply to the use of the incremental fee described in section 13.3 of this chapter. For purposes of this chapter, the entire federal Medicaid disproportionate share allotment for Indiana does not include the part of allotments that are required to be diverted under the following:~~

- (1) ~~The federally approved Indiana "Special Terms and Conditions" Medicaid demonstration project (Number 11-W-00237/5).~~
- (2) ~~Any extension after December 31, 2012, of the healthy Indiana plan established under IC 12-15-44.2.~~

~~The office shall inform the committee and the budget committee concerning any extension of the healthy Indiana plan after December 31, 2013.~~

SECTION 40. IC 16-21-10-13.3, AS ADDED BY P.L.213-2015, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.3. (a) This section is effective beginning February 1, 2015. As used in this section, "plan" refers to the healthy Indiana plan ~~2.0~~ established in IC 12-15-44.5.

(b) Subject to subsections (c) through (e), the incremental fee under

this section may be used to fund the state share of the expenses specified in this subsection if, after January 31, 2015, but before the collection of the fee under this section, the following occur:

(1) The committee establishes a fee formula to be used to fund the state share of the following expenses described in this subdivision:

(A) The state share of the capitated payments made to a managed care organization that contracts with the office to provide health coverage under the plan to plan enrollees other than plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act.

(B) The state share of capitated payments described in clause (A) for plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act that are limited to the difference between:

(i) the capitation rates effective September 1, 2014, developed using Medicaid reimbursement rates; and

(ii) the capitation rates applicable for the plan developed using the plan's Medicare reimbursement rates described in ~~IC 12-15-44.2-14(a)(2)~~ **IC 12-15-44.5-5(a)(2)**.

(C) The state share of the state's contributions to plan enrollee accounts.

(D) The state share of amounts used to pay premiums for a premium assistance plan implemented under IC 12-15-44.2-20.

(E) The state share of the costs of increasing reimbursement rates for health care services provided to individuals enrolled in Medicaid programs other than the plan.

(F) The state share of the state's administrative costs that, for purposes of this clause, may not exceed one hundred seventy dollars (\$170) per person per plan enrollee per year, and adjusted annually by the Consumer Price Index.

(G) The money described in IC 12-15-44.5-6(a) for the phase out period of the plan.

(2) The committee approves a process to be used for reconciling:

(A) the state share of the costs of the plan;

(B) the amounts used to fund the state share of the costs of the plan; and

(C) the amount of fees assessed for funding the state share of the costs of the plan.

For purposes of this subdivision, "costs of the plan" includes the costs of the expenses listed in subdivision (1)(A) through (1)(G). The fees collected under subdivision (1)(A) through (1)(F) shall be deposited into the incremental hospital fee fund established by section 13.5 of this chapter. Fees described in subdivision (1)(G) shall be deposited into the phase out trust fund described in IC 12-15-44.5-7. The fees used for purposes of funding the state share of expenses listed in subdivision (1)(A) through (1)(F) may not be used to fund expenses incurred on or after the commencement of a phase out period of the plan.

(c) For each state fiscal year for which the fee authorized by this section is used to fund the state share of the expenses described in subsection (b)(1), the amount of fees shall be reduced by:

- (1) the amount of funds annually designated by the general assembly to be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17; less
- (2) the annual cigarette tax funds annually appropriated by the general assembly for childhood immunization programs under IC 12-15-44.2-17(a)(3).

(d) The incremental fee described in this section may not:

- (1) be assessed before July 1, 2016; and
- (2) be assessed or collected on or after the beginning of a phase out period of the plan.

(e) This section is not intended to and may not be construed to change or affect any component of the programs established under section 8 of this chapter.

SECTION 41. IC 16-21-10-13.5, AS ADDED BY P.L.213-2015, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.5. (a) The incremental hospital fee fund is established for the purpose of holding fees collected under section 13.3 of this chapter.

(b) The office shall administer the fund.

(c) Money in the fund consists of the following:

- (1) Fees collected under section 13.3 of this chapter.
- (2) Donations, gifts, and money received from any other source.
- (3) Interest accrued under this section.

(d) Money in the fund may be used only for the following:

- (1) To fund exclusively the state share of the expenses listed in section 13.3(b)(1)(A) through 13.3(b)(1)(F) of this chapter.
- (2) To refund hospitals in the same manner as described in subsection (g) as soon as reasonably possible after the beginning of a phase out period of the healthy Indiana plan. ~~2-0-~~

(e) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(g) Upon the beginning of a phase out period of the healthy Indiana plan, ~~2-0-~~ money collected under section 13.3 of this chapter and any accrued interest remaining in the fund shall be distributed to the hospitals on a pro rata basis based upon the fees authorized by this chapter that were paid by each hospital for the state fiscal year that ended immediately before the beginning of the phase out period.

SECTION 42. IC 27-8-10.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. (High Risk Indiana Check-Up Plan Participants).

SECTION 43. IC 27-19-2-15, AS AMENDED BY P.L.213-2015, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) "Public health insurance program" refers to health coverage provided under a state or federal government program.

(b) The term includes the following:

- (1) Medicaid (42 U.S.C. 1396 et seq.).
- (2) The healthy Indiana plan established by ~~IC 12-15-44.2-3.~~
IC 12-15-44.5-3.
- (3) The children's health insurance program established under IC 12-17.6.

SECTION 44. IC 36-2-13-19, AS ADDED BY P.L.185-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) This section applies to a person who:

- (1) is subject to lawful detention;
- (2) incurs or will incur medical care expenses that are not otherwise reimbursable during the lawful detention;
- (3) is unwilling or unable to pay for the person's own health care

services; and

(4) is potentially eligible for Medicaid (IC 12-15).

(b) For a person described in subsection (a), the sheriff is the person's Medicaid authorized representative and may apply for Medicaid on behalf of the person.

(c) A county executive and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the sheriff shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for a person described in this section.

(d) Reimbursement under this section for reimbursable health care services provided by a health care provider, including a hospital, to a person as an inpatient in a hospital must be as follows:

(1) For individuals eligible under the ~~Indiana check-up plan (IC 12-15-44.2)~~, **healthy Indiana plan (IC 12-15-44.5)**, the reimbursement rates described in ~~IC 12-15-44.2-14~~. **IC 12-15-44.5-5.**

(2) For individuals other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the Medicaid program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).

Hospital assessment fee funds collected under IC 16-21-10 or the Indiana check-up plan trust fund (IC 12-15-44.2-17) may not be used as the state share of Medicaid costs for the reimbursement of health care services provided to the person as an inpatient in the hospital.

(e) The state share of all claims reimbursed by Medicaid for a person described in subsection (a) shall be paid by the county.

P.L.31-2016

[S.174. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-44.1-2-6, AS AMENDED BY P.L.158-2013, SECTION 505, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** A person who, **with intent to:**

- (1) deceive; or**
- (2) induce compliance with the person's instructions, orders, or requests;**

falsely represents that the person is a public servant, ~~with intent to mislead and induce another person to submit to false official authority or otherwise to act to the other person's detriment in reliance on the false representation,~~ commits impersonation of a public servant, a Class A misdemeanor, **except as provided in subsection (b).**

(b) ~~However, a person who~~ **The offense described in subsection (a) is a Level 6 felony if the person** falsely represents that the person is:

- (1) a law enforcement officer; or
- (2) an agent or employee of the department of state revenue, and collects any property from another person.

~~commits a Level 6 felony:~~

SECTION 2. IC 35-48-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. A practitioner (as defined by IC 16-42-19-5) who knowingly or intentionally prescribes a schedule I, II, III, IV, or V**

controlled substance without a legitimate medical purpose commits dealing in a controlled substance by a practitioner, a Level 4 felony. However, the offense is a Level 3 felony if the offense is the proximate cause of another person's death.

P.L.32-2016

[S.183. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-43-2-2, AS AMENDED BY P.L.21-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.

(b) A person who:

- (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;
- (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;
- (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
- (4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the:

(A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or

(B) dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:

(A) vacant **real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6)**; or

(B) designated by a municipality or county enforcement authority to be abandoned property or an abandoned structure (as defined in IC 36-7-36-1);

(8) not having a contractual interest in the property, knowingly or intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the agricultural operation;

(B) the operator of the agricultural operation; or

(C) a person having personal property located on the property of the agricultural operation; or

(9) knowingly or intentionally enters the property of another

person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars (\$50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

- (1) personal communication, oral or written;
- (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public; or
- (3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

(d) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(e) A person described in subsection (b)(7) violates subsection (b)(7) unless the person has the written permission of the owner, **the** owner's agent, **an** enforcement authority, or **a** court to come onto the property for purposes of performing maintenance, repair, or demolition.

(f) A person described in subsection (b)(9) violates subsection (b)(9) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(g) Subsections (b), (c), and (f) do not apply to the following:

- (1) A passenger on a train.
- (2) An employee of a railroad carrier while engaged in the

performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 2. IC 35-43-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9. (a) This section applies only to real property in foreclosure.**

(b) The following definitions apply throughout this section:

(1) "Damages, permanently removes an object from, or defaces real property" means to damage, permanently remove, or deface one (1) or more of the following:

- (A) Fixtures (as defined in IC 26-1-2.1-309) of the real property.
 - (B) A component or subsystem of the heating, ventilation, or air conditioning system of the real property.
 - (C) Wiring of the real property.
 - (D) Pipes, fittings, or another part of the plumbing system of the real property.
 - (E) The structure, including the roof and foundation, of the real property.
 - (F) The windows of the real property.
 - (G) The floors, ceilings, walls, or doors of the real property.
 - (H) The landscaping of the real property.
 - (I) An unattached structure, carport, patio, fence, or swimming pool located on the real property.
- (2) "Real property in foreclosure" means real property with respect to which a foreclosure action has been filed or joined by a person having a security interest in the property that is used to secure:
- (A) a mortgage;
 - (B) a land contract; or
 - (C) another agreement similar to a mortgage or a land contract.

The term does not include property that is the subject of a foreclosure action brought by a person having any other type of security interest in the property, including a mechanic's lien, a tax lien, or a lien placed by a homeowners association, unless the property is also the subject of a foreclosure action described in clauses (A) through (C).

(c) A person who knowingly or intentionally damages, permanently removes an object from, or defaces real property in foreclosure commits foreclosure mischief, a Class B misdemeanor.

However, the offense is:

- (1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and
- (2) a Level 6 felony if the pecuniary loss is at least fifty

thousand dollars (\$50,000).

(d) It is a defense to a prosecution under this section that the damage, removal, or defacement was the result of repair, renovation, replacement, or maintenance performed in good faith.

P.L.33-2016

[S.186. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-1-9-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 22. (a) This section applies to:**

- (1) a physician licensed under IC 25-22.5;**
- (2) a physician assistant licensed under IC 25-27.5;**
- (3) a certified direct entry midwife licensed under IC 25-23.4;**
- and**
- (4) an advanced practice nurse licensed under IC 25-23;**

who provides prenatal care within the scope of the provider's license.

(b) Unless ordered by a court, an individual described in subsection (a) may not release to a law enforcement agency (as defined in IC 35-47-15-2) the results of:

- (1) a verbal screening or questioning concerning drug or alcohol use;**
- (2) a urine test; or**
- (3) a blood test;**

provided to a pregnant woman without the pregnant woman's consent.

P.L.34-2016

[S.192. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning protective proceedings.

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

SECTION 1. IC 12-7-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 77. "Endangered adult", for purposes of **IC 12-8-1.5-18 and IC 12-10-3**, has the meaning set forth in IC 12-10-3-2.

SECTION 2. IC 12-8-1.5-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) Before December 1, 2016, the office of the secretary of family and social services, in cooperation with the Indiana prosecuting attorneys council, shall do the following:**

(1) Prepare and submit a report as described in subsection (b) to the legislative council in an electronic format under IC 5-14-6.

(2) Present the report required under this section to the budget committee.

(b) The report must include:

(1) an estimation of the appropriate staffing levels necessary for the office of the secretary of family and social services and county prosecuting attorney offices to efficiently and effectively manage the investigations of reports of matters related to the abuse, neglect, or exploitation of endangered adults;

(2) identification of:

(A) the circumstances that should result in emergency placement in the case of an adult protective services investigation;

(B) the appropriate types of emergency placements based

- on those circumstances; and
- (C) strategies for improving emergency placement capabilities;
- (3) consideration of the benefits and cost of establishing a centralized intake system for reports of matters related to the abuse, neglect, or exploitation of endangered adults;
- (4) a statement of consistent standards of care for endangered adults;
- (5) a determination of the appropriate levels of training for employees of:
 - (A) the office of the secretary of family and social services; and
 - (B) a county prosecuting attorney office;who are involved in providing adult protective services;
- (6) a draft of a cooperative agreement between the office of the secretary of family and social services and the Indiana prosecuting attorneys council that sets forth the duties and responsibilities of the agencies and county prosecuting attorney offices with regard to adult protective services; and
- (7) performance goals and accountability metrics for adult protective services to be incorporated in contracts and grant agreements.

(c) The budget committee shall consider the report submitted under this section in formulating the committee's budget recommendations.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.
- (2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of visitation, communication, and interaction with a protected person as defined by IC 29-3-1-13.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the

topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

SECTION 4. An emergency is declared for this act.

P.L.35-2016

[S.206. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 4-21.5-3-6, AS AMENDED BY P.L.186-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Notice shall be given under this section concerning the following:

- (1) A safety order under IC 22-8-1.1.
- (2) Any order that:
 - (A) imposes a sanction on a person or terminates a legal right, duty, privilege, immunity, or other legal interest of a person;
 - (B) is not described in section 4 or 5 of this chapter or IC 4-21.5-4; and
 - (C) by statute becomes effective without a proceeding under this chapter if there is no request for a review of the order within a specified period after the order is issued or served.
- (3) A notice of program reimbursement or equivalent determination or other notice regarding a hospital's reimbursement issued by the office of Medicaid policy and planning or by a contractor of the office of Medicaid policy and planning regarding a hospital's year end cost settlement.
- (4) A determination of audit findings or an equivalent determination by the office of Medicaid policy and planning or by

a contractor of the office of Medicaid policy and planning arising from a Medicaid postpayment or concurrent audit of a hospital's Medicaid claims.

(5) A license suspension or revocation under:

- (A) IC 24-4.4-2;
- (B) IC 24-4.5-3;
- (C) IC 28-1-29;
- (D) IC 28-7-5;
- (E) IC 28-8-4; or
- (F) IC 28-8-5.

(6) An order issued by the

- ~~(A) division of aging or the bureau of aging services; or~~
- ~~(B) division of disability and rehabilitative services or the bureau of developmental disabilities services;~~

secretary or the secretary's designee against providers regulated by the division of aging or the bureau of developmental disabilities services and not licensed by the state department of health under IC 16-27 or IC 16-28.

(b) When an agency issues an order described by subsection (a), the agency shall give notice to the following persons:

- (1) Each person to whom the order is specifically directed.
- (2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party in the record of the proceeding.

(c) The notice must include the following:

- (1) A brief description of the order.
- (2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.
- (3) Any other information required by law.

(d) An order described in subsection (a) is effective fifteen (15) days after the order is served, unless a statute other than this article specifies a different date or the agency specifies a later date in its order. This subsection does not preclude an agency from issuing, under IC 4-21.5-4, an emergency or other temporary order concerning the subject of an order described in subsection (a).

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 2. IC 4-24-6-4, AS AMENDED BY P.L.188-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section does not apply to a patient in an institution listed in IC 12-24-1-3 if the patient is in a unit that is a Medicaid certified intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities.**

(b) Any interest or income derived from the deposit or investment of funds held in trust for any patient or inmate shall be transferred from such trust fund to a special fund to be known as the "patients' recreation fund" or "inmates' recreation fund"; provided, that in the event a trust fund has been established in any institution, which trust fund is in existence on July 1, 1957, and there is a deficiency in the amount of money that properly belongs in such trust fund, the income derived from any trust fund established under the provisions of this chapter shall be paid into the trust fund until the deficiency has been fully paid.

SECTION 3. IC 7.1-3-1-29, AS ADDED BY P.L.196-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) For purposes of this section, "health facility" does not include an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities.**

(b) As used in this section, "senior residence facility" means a:

- (1) health facility licensed under IC 16-28; or
- (2) housing with services establishment (as defined in IC 12-10-15-3).

(c) For purposes of this section, "senior residence facility campus" means a senior residence facility and the property on which a senior residence facility is located.

(d) A senior residence facility may, without a permit issued under this title, possess and give or furnish an alcoholic beverage, by the bottle or by the glass, on the premises of the senior residence facility campus for consumption on the premises to any of the following:

- (1) A resident who:
 - (A) is not a minor; and
 - (B) resides on the premises of the senior residence facility.
- (2) A guest or family member of a resident described in subdivision (1) who:
 - (A) is not a minor; and
 - (B) is visiting the resident at the senior residence facility.

(e) Subject to subsection (f), this section may not be construed to authorize a senior residence facility to sell alcoholic beverages on the premises of the senior residence facility campus without a permit under this title.

(f) For purposes of this section, a senior residence facility that:

- (1) charges a:
 - (A) room and board fee to residents of the senior residence facility; or
 - (B) fee for organizing activities for:
 - (i) residents of the senior residence facility; and
 - (ii) guests or family members of the residents;
- (2) uses a portion of a fee described in subdivision (1) to:
 - (A) purchase alcoholic beverages; and
 - (B) furnish the alcoholic beverages to individuals described in subsection (d); and
- (3) does not purchase and furnish the alcoholic beverages for profit;

is not considered to be selling alcoholic beverages.

SECTION 4. IC 12-7-2-59 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 59. **(a) Except as provided in subsection (b), "designee" for purposes of IC 12-10-12, has the meaning set forth in IC 12-10-12-2. means an office director, division director, or other employee of the office of the secretary with expertise or knowledge concerning the area for which the**

individual is being designated.

(b) The definition set forth in subsection (a) does not apply to the following:

- (1) Designations for purposes of administrative proceedings under IC 4-21.5.**
- (2) IC 12-11-1.1-10.**
- (3) IC 12-15-11-2.5.**
- (4) IC 12-15-13-3.5.**
- (5) IC 12-15-13-4.**
- (6) Designations of superintendents under IC 12-21-2-3 or IC 12-24-2-2.**
- (7) IC 12-30-2-15.**

SECTION 5. IC 12-7-2-61, AS AMENDED BY P.L.229-2011, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 61. (a) Except as provided in subsection (b), "developmental disability" means a severe, chronic disability of an individual that meets all of the following conditions:

- (1) Is attributable to:
 - (A) intellectual disability, cerebral palsy, epilepsy, or autism; or
 - (B) any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability.
- (2) Is manifested before the individual is twenty-two (22) years of age.
- (3) Is likely to continue indefinitely.
- (4) Results in substantial functional limitations in at least three (3) of the following areas of major life activities:
 - (A) Self-care.
 - (B) Understanding and use of language.
 - (C) Learning.
 - (D) Mobility.
 - (E) Self-direction.
 - (F) Capacity for independent living.
 - (G) Economic self-sufficiency.

(b) The definition in subsection (a) does not apply and may not affect services provided to an individual receiving:

- (1) home and community based Medicaid waiver; or
- (2) ~~ICF/MR~~; **ICF/IID**;

services through the division on June 30, 2011.

SECTION 6. IC 12-7-2-134, AS AMENDED BY P.L.160-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 134. "Office" means the following:

- (1) Except as provided in subdivisions (2) through ~~(4)~~; **(5)**, the office of ~~Medicaid policy and planning~~ **the secretary** established by ~~IC 12-8-6.5-1~~; **IC 12-8-1.5-1**.
- (2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.
- (3) For purposes of IC 12-15-13, the meaning set forth in IC 12-15-13-0.4.
- (4) For purposes of IC 12-17.2-7.2, the meaning set forth in IC 12-17.2-7.2-3.**
- ~~(4)~~ **(5)** For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.

SECTION 7. IC 12-7-2-135, AS AMENDED BY P.L.160-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 135. "Office of the secretary" refers to the office of the secretary of family and social services established by IC 12-8-1.5-1, **its offices, or divisions**.

SECTION 8. IC 12-8-1.5-4, AS ADDED BY P.L.160-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** The secretary may hire personnel necessary to perform the duties of each office.

(b) Except as provided in subsection (c), the secretary is the appointing authority for the office of family and social services, including the divisions, offices, and institutions of the office of family and social services.

(c) The secretary may delegate the appointing authority for a division, office, institution, or other group of employees subject to IC 4-15-2.2.

(d) The delegation of the appointing authority under subsection (c) may affect the procedure and the division, office, institution, or other group of employees affected by actions under IC 4-15-2.2-40.

SECTION 9. IC 12-8-8.5-3, AS AMENDED BY P.L.39-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The secretary is the appointing authority for the division.

(b) The secretary may delegate a division director or other employee of the office of the secretary to make division appointments and decisions concerning current appointments.

(c) Except as provided in subsection (d), the secretary is the appointing authority for the office of family and social services, including the divisions, offices, and institutions of the office of family and social services.

(d) The secretary may delegate the appointing authority for a division, office, institution, or other group of employees subject to IC 4-15-2.2.

(e) The delegation of the appointing authority under subsection (d) may affect the procedure and the division, office, institution, or other group of employees affected by actions under IC 4-15-2.2-40.

SECTION 10. IC 12-8-8.5-5, AS AMENDED BY P.L.39-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** The secretary is the ultimate authority under IC 4-21.5 for purposes of the operation of the division and the programs of the division.

(b) The secretary may delegate an individual to serve as the ultimate authority.

SECTION 11. IC 12-9-2-3, AS AMENDED BY P.L.153-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The ~~director~~ **secretary or the secretary's designee** may do the following:

(1) Employ experts and consultants to assist the division in carrying out the division's functions.

(2) Issue orders under IC 4-21.5-3-6.

(3) Perform any other acts necessary to carry out the functions of the division.

(b) The director may do the following:

~~(1)~~ **(1)** Utilize, with their consent, the services and facilities of other state agencies without reimbursement.

~~(2)~~ **(2)** Accept in the name of the division, for use in carrying out the functions of the division, money or property received by gift,

bequest, or otherwise.

~~(4)~~ **(3)** Accept voluntary and uncompensated services.

~~(5)~~ **(4)** Expend money made available to the division according to policies enforced by the budget agency.

~~(6)~~ **Adopt rules under IC 4-22-2 necessary to carry out the functions of the division:**

~~(7)~~ **(5)** Establish and implement the policies and procedures necessary to carry out the functions of the division.

~~(8)~~ **Issue orders under IC 4-21.5-3-6.**

~~(9)~~ **(6)** Perform any other acts necessary to carry out the functions of the division **as delegated by the secretary or consistent with the director's duties.**

~~(b)~~ **(c)** The director shall compile information and statistics from each bureau concerning the ethnicity and gender of a program or service recipient. ~~The director may adopt rules under IC 4-22-2 necessary to implement this subsection:~~

SECTION 12. IC 12-9.1-2-3, AS AMENDED BY P.L.153-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The ~~director secretary or the secretary's designee~~ may do the following:

(1) Employ experts and consultants to assist the division in carrying out the division's functions.

(2) Issue orders under IC 4-21.5-3-6.

(3) Perform any other acts necessary to carry out the functions of the division.

(b) The director may do the following:

~~(2)~~ **(1)** Use, with their consent, the services and facilities of other state agencies without reimbursement.

~~(3)~~ **(2)** Accept in the name of the division, for use in carrying out the functions of the division, money or property received by gift, bequest, or otherwise.

~~(4)~~ **(3)** Accept voluntary and uncompensated services.

~~(5)~~ **(4)** Expend money made available to the division according to policies enforced by the budget agency.

~~(6)~~ **Adopt rules under IC 4-22-2 necessary to carry out the functions of the division:**

~~(7)~~ **(5)** Establish and implement the policies and procedures necessary to carry out the functions of the division.

~~(8) Issue orders under IC 4-21.5-3-6.~~

~~(9)~~ **(6)** Perform any other acts necessary to carry out the functions of the division **as delegated by the secretary or consistent with the director's statutory duties.**

~~(b)~~ **(c)** The director shall compile information and statistics from each bureau concerning the ethnicity and gender of a program or service recipient. ~~The director may adopt rules under IC 4-22-2 necessary to implement this subsection.~~

SECTION 13. IC 12-10-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The ~~director of the division~~ **secretary** shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 14. IC 12-10-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "institution" means any of the following:

- (1) A health facility licensed under IC 16-28.
- (2) An intermediate care facility for ~~the mentally retarded.~~ **individuals with intellectual disabilities.**

SECTION 15. IC 12-10-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Subject to sections 10 through 12 of this chapter, the ~~director of the division~~ **secretary or the secretary's designee** shall appoint the state long term care ombudsman to direct the office on a full-time basis.

SECTION 16. IC 12-10-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The ~~director~~ **secretary or the secretary's designee** shall appoint an acting state ombudsman within thirty (30) days of a vacancy in the position of state ombudsman. The acting state ombudsman has the powers and duties of the state ombudsman.

SECTION 17. IC 12-10-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The ~~director~~ **may not appoint** as state ombudsman ~~an individual who has~~ **may not have** been employed by a long term care facility or a home care service organization within one (1) year preceding the ~~director's~~ proposed appointment **by the secretary or the secretary's designee.**

SECTION 18. IC 12-10-13-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. The ~~director of the division~~ **secretary** shall adopt rules under IC 4-22-2 necessary to

carry out this chapter.

SECTION 19. IC 12-10-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "bill payer" means a person appointed by the ~~bureau~~ **secretary or the secretary's designee** under this chapter to provide one (1) or more of the following services in order to assist a low income individual who is able to make responsible decisions about financial matters but needs assistance:

- (1) Paying bills each month and keeping records.
- (2) Establishing a budget.
- (3) Opening, organizing, and sending out mail.
- (4) Assisting the individual in check writing, with all checks to be signed by the individual.
- (5) Balancing checkbooks.
- (6) Making referrals to other agencies when necessary.

SECTION 20. IC 12-10-15-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The ~~director~~ **secretary** shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The ~~director~~ **secretary** shall adopt rules concerning the following:

- (1) Procedures for the posting of notices at housing with services establishments, area agencies on aging, and centers for independent living (as defined by IC 12-12-8-1) that advise residents of their rights under this chapter.
- (2) Procedures for residents and their representatives to file complaints with the director concerning violations of this chapter.

SECTION 21. IC 12-11-1.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The ~~director of the division~~ **secretary** may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 22. IC 12-11-1.1-10, AS AMENDED BY P.L.246-2005, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The office may assess providers of community based services to individuals with a developmental disability who otherwise qualify to receive ~~ICF/MR~~ **ICF/IID** (as defined in IC 16-29-4-2) based services in an amount not to exceed six percent (6%) of all service revenue included on the

annual plan of care excluding resident living allowances.

(b) The assessments shall be paid to the office not later than the tenth day of the month for each month that the individual is in service. The office or the office's designee may withhold Medicaid payments to a provider described in subsection (a) that fails to pay an assessment within thirty (30) days after the due date. The amount withheld may not exceed the amount of the assessments due.

(c) The community services quality assurance fund is created. The fund shall be administered by the office.

(d) Revenue from the assessments under this section shall be deposited into the fund. Money in the fund must be used for community services for persons with developmental disabilities.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) If federal financial participation to match the assessments in subsection (a) becomes unavailable under federal law, the authority to impose the assessments terminates on the date that the federal statutory, regulatory, or interpretive change takes effect.

SECTION 23. IC 12-11-2.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The bureau may not approve the initial placement of a developmentally disabled individual in an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** serving more than eight (8) individuals or a nursing facility unless:

(1) the individual has medical needs; and

(2) the placement is appropriate to the individual's needs.

If the placement is in a nursing facility, that placement must be appropriate to an individual's needs based upon preadmission screening conducted under IC 12-10-12.

SECTION 24. IC 12-11-2.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The ~~director of the division~~ **secretary** may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 25. IC 12-11-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The ~~director~~ **secretary** may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 26. IC 12-11-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The ~~director~~

secretary or the secretary's designee shall appoint an acting ombudsman within thirty (30) days of a vacancy in the position of the ombudsman. The acting ombudsman has the powers and duties of the ombudsman.

SECTION 27. IC 12-11-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The **director of the division secretary** may adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 28. IC 12-12.5-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The **director of the division secretary** may adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 29. IC 12-13-2-3, AS AMENDED BY P.L.39-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The **director secretary** is responsible for the following:

- (1) The appointment of state investigators or boards of review provided by law that are necessary to ensure a fair hearing to an applicant or a recipient. A fair hearing shall be granted at the request of an aggrieved person who desires a hearing. The division shall review cases upon the request of an applicant, a recipient, or an aggrieved person.
- (2) The adoption of all policies for the division.
- (3) The administrative and executive duties and responsibilities of the division.
- (4) The establishment of salaries for the officers and employees of the division within the salary ranges of the pay plan adopted by the Indiana personnel advisory board and approved by the budget committee.
- (5) The establishment of minimum standards of assistance for old age and dependent children recipients. A standard established under this subdivision must apply to all individuals in Indiana.

SECTION 30. IC 12-13-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The **director secretary or the secretary's designee** shall appoint necessary eligible personnel for the efficient performance of the division's duties.

SECTION 31. IC 12-13-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The **director**

secretary or the secretary's designee shall appoint a bureau head or an employee who reports directly to the director.

(b) The bureau head shall, with the approval of the ~~director~~, **secretary or the secretary's designee**, appoint each employee who reports directly to the head.

SECTION 32. IC 12-13-7-6, AS AMENDED BY P.L.210-2015, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The ~~director of the division~~ **secretary** shall adopt rules under IC 4-22-2 necessary to administer and supervise SNAP.

SECTION 33. IC 12-15-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The secretary ~~and office~~ may:

- (1) take actions;
- (2) give directions; and
- (3) adopt procedures and rules under IC 4-22-2;

necessary to carry out the Medicaid program and the federal Social Security Act to provide Medicaid and ensure uniform equitable treatment of applicants for and recipients of Medicaid.

SECTION 34. IC 12-15-1-15, AS AMENDED BY P.L.210-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The office shall administer the program of assignment, enforcement, and collection of rights of payments for medical care that is provided for under 42 U.S.C. 1396k.

(b) The office may enter into contracts to administer the program described in subsection (a).

(c) The ~~office of the~~ secretary shall adopt rules under IC 4-22-2 to implement this section.

SECTION 35. IC 12-15-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Each:

- (1) school corporation; or
- (2) school corporation's employed, licensed, or qualified provider; must enroll in a program to use federal funds under the Medicaid program (IC 12-15-1 et seq.) with the intent to share the costs of services that are reimbursable under the Medicaid program and that are provided to eligible children by the school corporation. However, a school corporation or a school corporation's employed, licensed, or qualified provider is not required to file any claims or participate in the

program developed under this section.

(b) The **office of Medicaid policy and planning secretary** and the department of education may develop policies and adopt rules to administer the program developed under this section.

(c) Three percent (3%) of the federal reimbursement for paid claims that are submitted by the school corporation under the program required under this section must be:

(1) distributed to the state general fund for administration of the program; and

(2) used for consulting to encourage participation in the program.

The remainder of the federal reimbursement for services provided under this section must be distributed to the school corporation. The state shall retain the nonfederal share of the reimbursement for Medicaid services provided under this section.

(d) The office of Medicaid policy and planning, with the approval of the budget agency and after consultation with the department of education, shall establish procedures for the timely distribution of federal reimbursement due to the school corporations. The distribution procedures may provide for offsetting reductions to distributions of state tuition support or other state funds to school corporations in the amount of the nonfederal reimbursements required to be retained by the state under subsection (c).

SECTION 36. IC 12-15-1.3-15, AS ADDED BY P.L.229-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) As used in this section, "division" refers to the division of disability and rehabilitative services established by IC 12-9-1-1.

(b) As used in this section, "waiver" refers to any waiver administered by the office and the division under section 1915(c) of the federal Social Security Act.

(c) Before October 1, 2011, the office shall apply to the United States Department of Health and Human Services for approval to amend a waiver to set an emergency placement priority for individuals in the following situations:

(1) Death of a primary caregiver where alternative placement in a supervised group living setting:

(A) is not available; or

(B) is determined by the division to be an inappropriate option.

(2) A situation in which:

(A) the primary caregiver is at least eighty (80) years of age; and

(B) alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(3) There is evidence of abuse or neglect in the current institutional or home placement, and alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(4) There are other health and safety risks, as determined by the division director, and alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(d) The division shall report on a quarterly basis the following information to the division of disability and rehabilitative services advisory council established by IC 12-9-4-2 concerning each Medicaid waiver for which the office has been approved under this section to administer an emergency placement priority for individuals described in this section:

(1) The number of applications for emergency placement priority waivers.

(2) The number of individuals served on the waiver.

(3) The number of individuals on a wait list for the waiver.

(e) The office may adopt rules under IC 4-22-2 necessary to implement this section.

~~(f) This section expires July 1, 2016.~~

SECTION 37. IC 12-15-8.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "medical institution" means any of the following:

(1) A hospital.

(2) A nursing facility.

(3) An intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities.**

SECTION 38. IC 12-15-11-3, AS AMENDED BY P.L.197-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A provider agreement must do the following:

(1) Include information that the office determines necessary to facilitate carrying out of IC 12-15.

(2) Prohibit the provider from requiring payment from a recipient of Medicaid, except where a copayment is required by law.

(3) For providers categorized as high risk to the Medicaid program under 42 U.S.C. 1395cc(j)(2)(B) and 42 CFR 455.450, require the submission of necessary information, forms, or consents for the office to obtain a national criminal history background check **or, as allowed by the office, a fingerprint-based criminal history check**, through a contractor under IC 12-15-30 or the state police department under IC 10-13-3-39 of any person who:

(A) holds at least a five percent (5%) ownership interest in a facility or entity; or

(B) is a member of the board of directors of a nonprofit facility or entity;

in which the provider applicant plans to provide Medicaid services under the provider agreement. The provider applicant is responsible for the cost of the national criminal history background check **or fingerprint-based criminal history check**.

SECTION 39. IC 12-15-13-3.5, AS ADDED BY P.L.229-2011, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) As used in this section, "noninstitutional provider" means any Medicaid provider other than the following:

(1) A health facility licensed under IC 16-28.

(2) An ~~ICF/MR~~ **ICF/IID** (as defined in IC 16-29-4-2).

(b) If the office of the secretary or the office of the secretary's designee believes that an overpayment to a noninstitutional provider has occurred, the office of the secretary or the office of the secretary's designee may submit to the noninstitutional provider a preliminary review of draft audit findings.

(c) A noninstitutional provider that receives a preliminary review of draft audit findings under subsection (b) may request administrative reconsideration of the preliminary review of draft audit findings not later than forty-five (45) days after the issuance of the preliminary review of draft audit findings. The noninstitutional provider may submit comments along with the request for administrative

reconsideration. The noninstitutional provider must request administrative reconsideration before filing an appeal.

(d) Following administrative reconsideration of the preliminary review of draft audit findings and any comments submitted along with the noninstitutional provider's request for administrative consideration and if the office of the secretary or the office of the secretary's designee believes that an overpayment has occurred, the office of the secretary or the office of the secretary's designee shall notify the noninstitutional provider in writing that the office of the secretary or the office of the secretary's designee:

- (1) believes that the overpayment has occurred; and
- (2) is issuing a final calculation of the overpayment.

(e) A noninstitutional provider who receives a notice under subsection (d) may elect to do one (1) of the following:

(1) Repay the amount of the final calculation not later than three hundred (300) days after the provider received the notice under subsection (d), including interest:

- (A) due from the noninstitutional provider; and
- (B) accruing from the date of overpayment.

(2) Request a hearing by filing an administrative appeal not later than sixty (60) days after receiving the notice under subsection (d) and repay the amount of the final calculation of the overpayment under subsection (d) not later than three hundred (300) days after receiving the notice under subsection (d).

(f) If:

- (1) a noninstitutional provider elects to proceed under subsection (e)(2); and
- (2) the office of the secretary or the office of the secretary's designee determines after the hearing and any subsequent appeal that the noninstitutional provider does not owe the money that the office of the secretary or the office of the secretary's designee believed the noninstitutional provider owed;

the office of the secretary or the office of the secretary's designee shall return the amount of the alleged overpayment, and any interest paid by the noninstitutional provider, and pay the noninstitutional provider interest on the money from the date of the noninstitutional provider's repayment.

(g) Interest that is due under this section shall be paid at a rate that

is determined by the commissioner of the department of state revenue under IC 6-8.1-10-1(c) as follows:

(1) Interest due from a noninstitutional provider to the state shall be paid at the rate set by the commissioner for interest payments from the department of state revenue to a taxpayer.

(2) Interest due from the state to a noninstitutional provider shall be paid at the rate set by the commissioner for interest payments from the department of state revenue to a taxpayer.

(h) Interest on an overpayment to a noninstitutional provider is not due from the noninstitutional provider if the overpayment is the result of an error of:

(1) the office; or

(2) a contractor of the office;

as determined by the office of the secretary or the office of the secretary's designee.

(i) If interest on an overpayment to a noninstitutional provider is due from the noninstitutional provider, the secretary or the secretary's designee may, in the course of negotiations with the noninstitutional provider regarding an appeal filed under subsection (e), reduce the amount of interest due from the noninstitutional provider.

(j) Proceedings under this section are subject to IC 4-21.5.

SECTION 40. IC 12-15-13-4, AS ADDED BY P.L.229-2011, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this section, "institutional provider" means the following:

(1) A health facility that is licensed under IC 16-28.

(2) An ~~ICF/MR~~ **ICF/IID** (as defined in IC 16-29-4-2).

(b) If the office of the secretary or the office of the secretary's designee believes that an overpayment to an institutional provider has occurred, the office of the secretary or the office of the secretary's designee may do the following:

(1) Submit to the institutional provider a draft of the audit findings and accept comments from the institutional provider for consideration by the office of the secretary or the office of the secretary's designee before the audit findings are finalized.

(2) Finalize the audit findings and issue the preliminary recalculated Medicaid rate.

(c) An institutional provider that receives a preliminary recalculated

Medicaid rate under subsection (b)(2) may request administrative reconsideration of the preliminary recalculated Medicaid rate not later than forty-five (45) days after the issuance of the preliminary recalculated rate. The institutional provider must request administrative reconsideration before filing an appeal.

(d) Following reconsideration of an institutional provider's comments, and if the office of the secretary or the office of the secretary's designee believes that an overpayment has occurred, the office of the secretary or the office of the secretary's designee shall notify the institutional provider in writing that the office of the secretary or the office of the secretary's designee:

- (1) believes that the overpayment has occurred; and
- (2) is issuing a final recalculated Medicaid rate.

(e) Upon the next payment cycle, the office of the secretary or the office of the secretary's designee shall retroactively implement the final recalculated Medicaid rate.

(f) If the institutional provider is dissatisfied with the reconsideration response issued by the office of the secretary or the office of the secretary's designee, the institutional provider may request a hearing by filing an appeal with the office of the secretary not later than sixty (60) days after the issuance of the reconsideration response.

(g) If an institutional provider requests a hearing under subsection (f) and the office of the secretary or the office of the secretary's designee determines after the hearing and any subsequent appeal that the institutional provider does not owe the money that the office of the secretary or the office of the secretary's designee believed the institutional provider owed, the office of the secretary or the office of the secretary's designee shall repay the following to the institutional provider not later than thirty (30) days after the completion of the hearing:

- (1) The amount of the alleged overpayment.
- (2) Any interest paid by the institutional provider.
- (3) Interest on the money described in subdivisions (1) and (2) from the date of the institutional provider's repayment.

(h) Interest due under this section by either the institutional provider or the office of the secretary shall be paid at a rate that is determined by the commissioner of the department of state revenue under IC 6-8.1-10-1(c) at the rate set by the commissioner for interest

payments from the department of state revenue to a taxpayer.

(i) Interest on an overpayment to an institutional provider is not due from the institutional provider if the office of the secretary or the office of the secretary's designee determines that the overpayment is the result of an error by the following:

- (1) The office of the secretary.
- (2) A contractor of the office of the secretary.

(j) If interest on an overpayment to an institutional provider is due from the institutional provider, the office of the secretary or the office of the secretary's designee may, in the course of negotiations with the institutional provider concerning an appeal filed under this section, reduce the amount of interest due from the institutional provider.

SECTION 41. IC 12-15-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this section, "facility" refers to an intermediate care facility for ~~the mentally retarded (ICF/MR)~~ **individuals with intellectual disabilities (ICF/IID)** not operated by a state agency.

(b) The rules adopted by the secretary may not establish eligibility criteria for Medicaid reimbursement for placement or services in a facility, including services provided under a Medicaid waiver, that are more restrictive than federal requirements for Medicaid reimbursement in a facility or under a Medicaid waiver.

(c) The office may not implement a policy that may not be adopted as a rule under subsection (b).

SECTION 42. IC 12-15-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "facility" means a facility licensed under IC 12-28-5 and certified under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as an intermediate care facility for ~~the mentally retarded:~~ **individuals with intellectual disabilities.**

SECTION 43. IC 12-15-32-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The office may assess community residential facilities for the developmentally disabled (as defined in IC 12-7-2-61) and intermediate care facilities for ~~the mentally retarded (ICF/MR)~~ **individuals with intellectual disabilities (ICF/IID)** (as defined in IC 16-29-4-2) that are not operated by the state in an amount not to exceed ten percent (10%) of the total annual revenue of the facility for the facility's preceding fiscal

year.

(b) The assessments shall be paid to the office of Medicaid policy and planning in equal monthly amounts on or before the tenth day of each calendar month. The office may withhold Medicaid payments to a provider described in subsection (a) that fails to pay an assessment within thirty (30) days after the due date. The amount withheld may not exceed the amount of the assessments due.

(c) Revenue from the assessments shall be credited to a special account within the state general fund to be called the Medicaid assessment account. Money in the account may be used only for services for which federal financial participation under Medicaid is available to match state funds. An amount equivalent to the federal financial participation estimated to be received for services financed from assessments under subsection (a) shall be used to finance Medicaid services provided by facilities described in subsection (a).

(d) If federal financial participation to match the assessments in subsection (a) becomes unavailable under federal law, the authority to impose the assessments terminates on the date that the federal statutory, regulatory, or interpretive change takes effect.

SECTION 44. IC 12-15-33-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The committee shall be appointed as follows:

(1) One (1) member shall be appointed by the administrator of the office to represent each of the following organizations:

- (A) Indiana Council of Community Mental Health Centers.
- (B) Indiana State Medical Association.
- (C) Indiana State Chapter of the American Academy of Pediatrics.
- (D) Indiana Hospital Association.
- (E) Indiana Dental Association.
- (F) Indiana State Psychiatric Association.
- (G) Indiana State Osteopathic Association.
- (H) Indiana State Nurses Association.
- (I) Indiana State Licensed Practical Nurses Association.
- (J) Indiana State Podiatry Association.
- (K) Indiana Health Care Association.
- (L) Indiana Optometric Association.
- (M) Indiana Pharmaceutical Association.

- (N) Indiana Psychological Association.
- (O) Indiana State Chiropractic Association.
- (P) Indiana Ambulance Association.
- (Q) Indiana Association for Home Care.
- (R) Indiana Academy of Ophthalmology.
- (S) Indiana Speech and Hearing Association.

(T) Indiana Academy of Physician Assistants.

(2) Ten (10) members shall be appointed by the governor as follows:

- (A) One (1) member who represents agricultural interests.
- (B) One (1) member who represents business and industrial interests.
- (C) One (1) member who represents labor interests.
- (D) One (1) member who represents insurance interests.
- (E) One (1) member who represents a statewide taxpayer association.
- (F) Two (2) members who are parent advocates.
- (G) Three (3) members who represent Indiana citizens.

(3) One (1) member shall be appointed by the president pro tempore of the senate acting in the capacity as president pro tempore of the senate to represent the senate.

(4) One (1) member shall be appointed by the speaker of the house of representatives to represent the house of representatives.

SECTION 45. IC 12-15-39-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this section, "conversion" means:

- (1) the permanent closure of a Medicaid funded intermediate care facility for ~~the mentally retarded individuals with intellectual disabilities~~ **bed**, including intermediate care facilities for ~~the mentally retarded individuals with intellectual disabilities~~ licensed under IC 16-28-2, facilities licensed under IC 12-28-5 and certified under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as an intermediate care facility for ~~the mentally retarded; individuals with intellectual disabilities~~, and state institutions; and
- (2) the use of the state funds that paid the state share of Medicaid funding for the beds described in subdivision (1) to fund the expansion of the number of individuals receiving waiver services

under an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** Medicaid waiver.

SECTION 46. IC 12-15-39-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The division shall do the following:

(1) Assist providers who provide for the voluntary conversion of Medicaid funded intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** beds.

(2) Assist in securing appropriate placements for individuals who reside in the intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** beds that are converted. However, an individual may not be moved from an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** bed until an appropriate alternative placement is available.

SECTION 47. IC 12-15-39-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Any savings that may result from a conversion under this chapter of an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** licensed under IC 16-28-2 or a state institution must be used to expand waiver services under an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities** Medicaid waiver to individuals throughout Indiana.

SECTION 48. IC 12-17.2-2.5-3, AS ADDED BY P.L.126-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Each committee must consist of members appointed:

(1) by the ~~director~~ **secretary** or the ~~director's~~ **secretary's** designee; and

(2) to provide diversity in representing the types of child care that comprise the committee's category specified in section 1 of this chapter, including size, licensure status, accreditation status, and geographic location in Indiana.

SECTION 49. IC 12-17.2-7.2-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. The secretary may adopt rules under IC 4-22-2 concerning the implementation and the administration of the program.**

SECTION 50. IC 12-17.6-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "Office" refers to the office of ~~the children's health insurance program established by IC 12-17.6-2-1~~. **Medicaid policy and planning established by IC 12-8-6.5-1.**

SECTION 51. IC 12-17.6-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~The office of the children's health insurance program is established within the office of the secretary~~ **shall administer the children's health insurance program through the office of Medicaid policy and planning.**

SECTION 52. IC 12-17.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The ~~secretary,~~ **through the office,** shall design and administer a system to provide health benefits coverage for children eligible for the program.

SECTION 53. IC 12-17.6-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~The office secretary~~ shall adopt rules under IC 4-22-2 to implement the program.

(b) ~~The office secretary~~ may adopt emergency rules under IC 4-22-2-37.1 to implement the program on an emergency basis.

(c) **A rule adopted before April 15, 2016, by the office of children's health insurance program is transferred to the office of the secretary.**

SECTION 54. IC 12-17.6-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The ~~secretary,~~ **through the office,** shall administer the fund.

SECTION 55. IC 12-17.6-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The ~~secretary,~~ **through the office:**

(1) may make necessary additional investigations; and

(2) shall make decisions concerning the:

(A) granting of program services; and

(B) amount of program services to be granted;

to an applicant or a recipient that the office believes are justified and in conformity with the program.

SECTION 56. IC 12-21-2-3, AS AMENDED BY P.L.160-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~In addition to the general authority granted to the director under IC 12-8-8.5,~~ **The director secretary or the**

secretary's designee shall do the following:

- (1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.
- (2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.
- (3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.
- (4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.
- (5) Adopt rules under IC 4-22-2 for the following:
 - (A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.
 - (B) Licensing or certifying community residential programs described in IC 12-22-2-3.5 for individuals with serious mental illness (SMI), serious emotional disturbance (SED), or chronic addiction (CA) with the exception of psychiatric residential treatment facilities.
 - (C) Certifying community mental health centers to operate in Indiana.
 - (D) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:
 - (i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.
 - (ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.
 - (iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or

provider assignment.

(iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.

(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.

(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.

(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or other providers.

(12) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(13) Establish standards for services described in IC 12-7-2-40.6 for community mental health centers and other providers.

SECTION 57. IC 12-21-2-5, AS AMENDED BY P.L.99-2007, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to ~~subsection~~

subsections (b) and (c), the ~~director~~ **secretary** may delegate statutory duties or powers of the division, a bureau of the division, the director, or other statutorily created personnel.

(b) If the ~~director~~ **secretary** decides that a final decision is to be made concerning the placement of an individual with a mental illness in a mental health facility, the final decision must be made:

- (1) by the ~~director~~, **secretary**, if the ~~director~~ **secretary** is a licensed psychiatrist or licensed psychologist; or
- (2) by a licensed psychiatrist or licensed psychologist who is delegated the authority by the ~~director~~, **secretary**;

in consultation with the patient's psychiatrist or psychologist.

(c) Subsection (b) does not apply to an initial placement designation made under IC 12-24-12-10(b).

SECTION 58. IC 12-21-2-8, AS AMENDED BY P.L.143-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ~~director~~ **secretary or the secretary's designee** shall develop a comprehensive system of monitoring, evaluation, and quality assurance for the services required by this chapter.

(b) The ~~director~~ **secretary** shall determine to whom contracts are awarded, based on the following factors:

- (1) The continuity of services a contractor provides for patients.
- (2) The accessibility of a contractor's services to patients.
- (3) The acceptability of a contractor's services to patients.
- (4) A contractor's ability to focus services on building the self-sufficiency of the patient.

(c) This subsection applies to the reimbursement of contract payments to providers. Payments must be determined prospectively in accordance with generally accepted accounting principles and actuarial principles recognizing costs incurred by efficiently and economically operated programs that:

- (1) serve individuals with a mental illness or substance abuse patients; and
- (2) are subject to quality and safety standards and laws.

(d) Before entering into a contract under this section, the ~~director~~ **secretary or the secretary's designee** shall submit the contract to the attorney general for approval as to form and legality.

(e) A contract under this section must do the following:

- (1) Specify:
 - (A) the work to be performed; and
 - (B) the patient populations to whom services must be provided.
- (2) Provide for a reduction in funding or termination of the contract for failure to comply with terms of the contract.
- (3) Require that the contractor meet the standards set forth in rules adopted by the division of mental health and addiction under IC 4-22-2.
- (4) Require that the contractor participate in the division's evaluation process.
- (5) For any service for which the division chooses to contract on a per diem basis, the per diem reimbursement shall be determined under subsection (c) for the contractor's reasonable cost of providing services.
- (6) In contracts with capitated payment provisions, provide that the contractor's cost of purchasing stop-loss insurance for the patient populations to be served in amounts and with limits customarily purchased by prepaid health care plans must be:
 - (A) included in the actuarial determination of the capitated payment amounts; or
 - (B) separately paid to the contractor by the division.
- (7) Provide that a contract for enumerated services granted by the division under this section to an approved provider may not create or confer upon the provider liability or responsibility for care or services beyond those services supported by the contract.

SECTION 59. IC 12-24-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Subject to the approval of the governor, the ~~director of the division~~ **secretary or the secretary's designee** shall appoint the superintendent of a state institution.

SECTION 60. IC 12-24-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~director of the division~~ **secretary** may adopt rules under IC 4-22-2 to prescribe the qualifications of a superintendent of a state institution under the control of the division. A superintendent must possess the prescribed qualifications.

SECTION 61. IC 12-24-2-4, AS AMENDED BY P.L.28-2012,

SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A superintendent serves at the pleasure of the ~~director~~ **secretary**.

SECTION 62. IC 12-25-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The standards of treatment and care to be maintained must be appropriate under existing knowledge of the needs of the individuals, as determined by the ~~director~~ **secretary**. The ~~director~~ **secretary** shall prescribe minimum standards for the private institutions and for the care and treatment provided in the private institutions as set forth in IC 12-21-2-3(5).

SECTION 63. IC 12-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person must hold a license issued by the ~~director~~ **secretary or the secretary's designee** to establish, conduct, operate, or maintain a private institution under any name for the treatment and care of individuals with psychiatric disorders, developmental disabilities, convulsive disturbances, or other abnormal mental conditions.

SECTION 64. IC 12-25-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** The ~~director~~ **secretary or the secretary's designee** may:

- (1) issue a license upon an application without further evidence; or
- (2) ~~conduct a hearing on the application and conduct an investigation refer the license application for a hearing to determine whether a license should be granted.~~

(b) If the director refers the license application for a hearing under subsection (a)(2), the secretary shall:

- (1) serve as the administrative law judge; or**
- (2) appoint an administrative law judge to serve as the secretary's designee.**

The secretary or the secretary's designee shall conduct a hearing on the referred license application and conduct an investigation to determine whether the license should be granted.

SECTION 65. IC 12-25-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If after a hearing, the ~~director~~ **secretary or the secretary's designee** finds that a license should not be granted, the ~~director~~ **secretary or the secretary's designee** shall notify the applicant, giving the reason for the finding.

SECTION 66. IC 12-25-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. If after a hearing, the ~~director~~ **secretary or the secretary's designee** finds that an applicant complies and will in the future comply with this article and the rules adopted under IC 12-21-2-3(5), the director shall issue a license to the applicant to operate the institution.

SECTION 67. IC 12-25-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A licensee is entitled to notice of not less than thirty (30) days of the time and place for a hearing before the ~~director~~ **secretary or the secretary's designee** on the complaint. The notice shall be sent by registered mail to the licensee at the address shown in the licensee's application.

SECTION 68. IC 12-25-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The ~~director;~~ **secretary or the secretary's designee**, after a hearing, may suspend or revoke the license.

SECTION 69. IC 12-25-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If the ~~director~~ **secretary or the secretary's designee** suspends a license, the ~~director~~ **secretary or the secretary's designee** may also recommend the conditions to be met by the licensee during the period of suspension to entitle the licensee to resume operation of the institution on the existing license.

SECTION 70. IC 12-25-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If the ~~director~~ **secretary or the secretary's designee** suspends or revokes a license, the ~~director~~ **secretary or the secretary's designee** shall enter an order in accordance with the suspension or revocation in which the grounds of the suspension or revocation are set forth.

SECTION 71. IC 12-25-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ~~director~~ **secretary or the secretary's designee** may, after a hearing, hold a case under advisement and make a recommendation of the requirements to be met by the licensee to avoid suspension or revocation. The ~~director~~ **secretary or the secretary's designee** shall enter an order accordingly and notify the licensee of the finding by registered mail.

(b) If the licensee complies with the order and proves that fact to the satisfaction of the ~~director;~~ **secretary or the secretary's designee**, the

~~director secretary or the secretary's designee~~ shall enter an order showing satisfactory compliance and dismissing the case because of the compliance.

SECTION 72. IC 12-25-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A licensee or an applicant for a license aggrieved by an action of the ~~director secretary or the secretary's designee~~ may appeal the action to the circuit or superior court in the county in which the institution in question is located or is proposed to be located by filing a notice and bond in the amount of two hundred dollars (\$200) for the payment of costs in the office of the circuit court clerk of the county.

SECTION 73. IC 12-25-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The circuit court clerk shall notify the ~~director secretary~~ that the appeal has been taken.

SECTION 74. IC 12-25-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~director secretary or the secretary's designee~~ shall cause to be certified to the appropriate court a copy of:

- (1) the complaint and the order for a suspension or revocation; or
- (2) the application and order of refusal of a license.

SECTION 75. IC 12-25-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The case shall be docketed as a civil action, with the applicant or licensee as the plaintiff and the ~~director secretary~~ as the defendant.

(b) No further pleading is necessary.

SECTION 76. IC 12-25-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The court has jurisdiction to the extent that courts exercise jurisdiction over administrative bodies and may enter an order either sustaining the action of the ~~director secretary~~ or setting the action aside.

SECTION 77. IC 12-25-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The circuit court clerk shall certify to the ~~director secretary~~ a copy of the decision of the court.

SECTION 78. IC 12-26-11-1, AS AMENDED BY P.L.117-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The superintendent of a facility to which an individual was committed under IC 12-26-6 or IC 12-26-7 or to which

the individual's commitment was transferred under this chapter, may transfer the commitment of the individual to:

- (1) a state institution;
- (2) a community mental health center;
- (3) a community intellectual disability and other developmental disabilities center;
- (4) a federal facility;
- (5) a psychiatric unit of a hospital licensed under IC 16-21;
- (6) a private psychiatric facility licensed under IC 12-25;
- (7) a community residential program for the developmentally disabled described in IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2); or
- (8) an intermediate care facility for ~~the mentally retarded (ICF/MR)~~ **individuals with intellectual disabilities (ICF/IID)** that is licensed under IC 16-28 and is not owned by the state;

if the transfer is likely to be in the best interest of the individual or other patients.

SECTION 79. IC 12-26-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) After an individual has been returned to the facility to which the individual is committed under this article, the ~~director~~ **secretary** shall conduct a hearing under IC 4-21.5-3 to determine whether:

- (1) the individual has failed to comply with the requirements described in section 8 of this chapter;
- (2) the individual is in need of inpatient treatment; and
- (3) the individual's outpatient status should be revoked.

(b) A hearing required by subsection (a) may be conducted by a hearing officer appointed by the ~~director~~ **secretary**.

(c) An individual may appeal under IC 4-21.5-5 a determination of the hearing officer by filing a petition with the court that committed the individual under IC 12-26-6 or IC 12-26-7.

SECTION 80. IC 16-18-2-185 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. ~~"ICF/MR"~~ **"ICF/IID"**, for purposes of IC 16-29-4, has the meaning set forth in IC 16-29-4-2.

SECTION 81. IC 16-29-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

(1) The conversion of existing health facility beds to ~~ICF/MR~~ **ICF/IID** beds.

(2) The construction of new ~~ICF/MR~~ **ICF/IID** facilities after June 30, 1987.

SECTION 82. IC 16-29-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "~~ICF/MR~~" "**ICF/IID**" refers to an intermediate care facility for ~~the mentally retarded~~ **individuals with intellectual disabilities**.

(b) The term does not include a facility administered under IC 12-11-1.1 or IC 12-22-2.

SECTION 83. IC 16-29-4-3, AS AMENDED BY P.L.141-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Before the conversion of existing health facility beds to ~~ICF/MR~~ **ICF/IID** beds or the construction of a new ~~ICF/MR~~ **ICF/IID** facility, the state department may issue a preliminary approval of the proposed project, but only if the state department determines that there is an insufficient number of available beds to care for all the persons who are determined under IC 12-11-2.1 to be appropriate for placement in an ~~ICF/MR~~ **ICF/IID** facility.

SECTION 84. IC 16-29-4-4, AS AMENDED BY P.L.141-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A proposed project that receives preliminary approval under this chapter may not add more beds than the number determined by the state department to be necessary to provide an available bed for each person determined under IC 12-11-2.1 to be appropriate for placement in an ~~ICF/MR~~ **ICF/IID** facility. Upon completion of the proposed project and compliance with the other requirements for licensure under IC 16-28, the state department shall issue a license to the facility.

SECTION 85. IC 25-23-1-19.4, AS AMENDED BY P.L.58-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.4. (a) This section does not apply to certified registered nurse anesthetists.

(b) As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

- (1) A veterinarian.
- (2) An advanced practice nurse.

- (3) A physician assistant.
- (c) An advanced practice nurse shall operate:
- (1) in collaboration with a licensed practitioner as evidenced by a practice agreement; **or**
 - (2) by privileges granted by the governing board of a hospital licensed under IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients; **or**
 - (3) **by privileges granted by the governing body of a hospital operated under IC 12-24-1 that sets forth the manner in which an advanced practice nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients.**

SECTION 86. An emergency is declared for this act.

P.L.36-2016

[S.213. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-8-16.6-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "eligible telecommunications carrier" refers to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications**

Commission.

SECTION 2. IC 36-8-16.6-9, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a)** As used in this chapter, "retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(b) The term does not include a transaction in which an eligible telecommunications carrier receives Lifeline reimbursement from the universal service fund.

SECTION 3. IC 36-8-16.6-11, AS AMENDED BY P.L.157-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The board shall impose an enhanced prepaid wireless charge on each retail transaction. ~~Except as provided in subsection (e);~~ **The charge is not required to be paid by an eligible telecommunications carrier that is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32 for the same transaction.** The amount of the charge is one dollar (\$1). ~~(b)~~ The board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7. The following apply to an increase in the enhanced prepaid wireless charge:

- (1) The board may increase the charge only one (1) time after June 30, 2015, and before July 1, 2020.
- (2) The board may increase the charge only after review by the budget committee.
- (3) If the board increases the charge, the amount of the increase must be ten cents (\$0.10).

~~(e)~~ **(b)** A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

~~(d)~~ **(c)** This subsection applies to a ~~provider that is designated by the Indiana utility regulatory commission~~ as an eligible telecommunications carrier for purposes of receiving **Lifeline** reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. ~~A provider:~~ **An eligible telecommunications carrier:**

- (1) is not considered an agency of the federal government for

purposes of the exemption set forth in subsection ~~(c)~~; **(b)**; and (2) with respect to prepaid wireless telecommunications service provided to end users by the **provider eligible telecommunications carrier** in its capacity as an eligible telecommunications carrier, is liable for the **enhanced prepaid wireless** charge imposed under subsection ~~(c)~~: **(d)**.

~~(c)~~ A provider described in subsection ~~(d)~~ shall pay to the board the following charges: (1) Not later than August 1, 2015, a one (1) time charge equal to the product of the following factors: (A) The enhanced prepaid wireless charge established under subsection (a); (B) The number of unique end users for which the provider received reimbursement from the universal service fund during the immediately preceding month; (C) The number of months under the current service agreement between each end user described in clause (B) and the provider for which the provider has received reimbursement from the universal service fund before August 1, 2015; (2) **(d)** Beginning September 1, 2015, and on the first day of each month thereafter, **an eligible telecommunications carrier described in subsection (c) shall pay to the board** a charge equal to the product of the following factors:

~~(A)~~ **(1)** The enhanced prepaid wireless charge established under subsection (a).

~~(B)~~ **(2)** The number of unique end users for which the **provider eligible telecommunications carrier** received reimbursement from the universal service fund during the immediately preceding month.

The **provider eligible telecommunications carrier** may bill and collect from each end user the charges calculated under this ~~subsection~~ **subsection** with respect to the end user. The **provider eligible telecommunications carrier** shall determine the manner in which the **provider eligible telecommunications carrier** bills and collects the charges. ~~A provider~~ **Except as provided in section 15 of this chapter, an eligible telecommunications carrier** may not bill and collect from an end user an amount greater than the charges paid by the ~~provider~~ **eligible telecommunications carrier** to the board with respect to the end user.

SECTION 4. IC 36-8-16.6-13, AS AMENDED BY P.L.132-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 13. The enhanced prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, **except as provided in section 15 of this chapter**, a seller is liable to remit to the department all enhanced prepaid wireless charges that the seller collects from consumers under section 12 of this chapter, including all charges that the seller is considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

SECTION 5. IC 36-8-16.6-15, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A seller **or an eligible telecommunications carrier** may deduct and retain one percent (1%) of ~~enhanced prepaid wireless~~ charges that the seller **or eligible telecommunications carrier** collects from consumers **under section 11 or 12 of this chapter**, to reimburse the direct costs incurred by the seller **or eligible telecommunications carrier** in collecting and remitting ~~enhanced prepaid wireless~~ the charges.

SECTION 6. IC 36-8-16.7-8.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.7. As used in this chapter, "eligible telecommunications carrier" refers to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission.**

SECTION 7. IC 36-8-16.7-24, AS AMENDED BY P.L.157-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) The statewide 911 board is established to develop, implement, and oversee the statewide 911 system. The board is a body corporate and politic, and though it is separate from the state, the exercise by the board of its powers constitutes an essential governmental function.

(b) The following recommendations must be made to the governor concerning the membership of the board:

(1) The executive committees of:

(A) the Indiana chapter of the National Emergency Number

- Association (NENA); and
- (B) the Indiana chapter of the Association of Public Safety Communication Officials International (APCO);
- shall jointly recommend three (3) individuals, at least one (1) of whom must have budget experience at the local level.
- (2) The facilities based CMRS providers authorized to provide CMRS in Indiana shall jointly recommend one (1) individual.
- (3) The Indiana Association of County Commissioners shall recommend one (1) individual who is a county commissioner in Indiana.
- (4) The Indiana Sheriffs' Association shall recommend one (1) individual who is a county sheriff in Indiana.
- (5) The Indiana Telecommunications Association, **or any successor organization**, shall recommend two (2) individuals as follows:
- (A) One (1) individual representing a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.
- (B) One (1) individual representing a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana.
- (6) The Indiana Cable Telecommunications Association shall recommend one (1) individual representing a VOIP provider.
- (7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.
- (c) The board consists of the following fifteen (15) members:
- (1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.
- (2) Three (3) members for a term of three (3) years who are appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. At least one (1) member appointed under this subdivision must have budget experience at the local level.
- (3) One (1) facilities based CMRS member who is appointed by the governor after considering the recommendation submitted

under subsection (b)(2) by the facilities based CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6), (7), or (8).

(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.

(5) One (1) county sheriff member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.

(6) One (1) member who represents a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana and who is appointed by the governor after considering the recommendation of the Indiana Telecommunications Association, **or any successor organization**, under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (7), or (8).

(7) One (1) member who represents a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana and who is appointed by the governor after considering the recommendation of the Indiana Telecommunications Association, **or any successor organization**, under subsection (b)(5)(B). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (8).

(8) One (1) member who represents a VOIP provider and who is appointed by the governor after considering the recommendation of the Indiana Cable Telecommunications Association under subsection (b)(6). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (7).

(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under

subsection (b)(7).

(10) The state fire marshal or the state fire marshal's designee.

(11) The superintendent of the state police department or the superintendent's designee.

(12) The executive director of the department of homeland security, or the executive director's designee. The executive director of the department of homeland security or the executive director's designee is a nonvoting member of the board.

(13) The state GIS officer. The state GIS officer is a nonvoting member of the board.

(d) This subsection applies to a member appointed by the governor under subsection (c)(2) through (c)(9). The governor shall ensure that the terms of the initial members appointed by the governor are staggered so that the terms of not more than five (5) members expire in a single calendar year. After the initial appointments, subsequent appointments shall be for three (3) year terms. A vacancy on the board shall be filled for the vacating member's unexpired term in the same manner as the original appointment, and a member of the board is eligible for reappointment. In making an appointment under subsection (c)(2) through (c)(9), the governor shall take into account the various geographical areas of Indiana, including rural and urban areas. A member appointed by the governor serves at the pleasure of the governor.

(e) A member must be a resident of Indiana.

(f) A member may not vote by proxy.

SECTION 8. IC 36-8-16.7-32, AS AMENDED BY P.L.157-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections ~~(c)~~ **(b)** and ~~(e)~~ **(d)**, and subject to ~~subsection (b) and~~ section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that ~~(1)~~ ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter and ~~(2)~~ **that** provides for the proper development, operation, and maintenance of a statewide 911 system. ~~Except as provided in subsection (g)~~; The amount of the fee assessed under this subsection is one dollar (\$1). ~~(b)~~ The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and

obligations under this chapter, subject to the following:

(1) The following apply to an increase in the fee:

(A) The board may increase the fee only one (1) time after June 30, 2015, and before July 1, 2020.

(B) The board may increase the fee only after review by the budget committee.

(C) If the board increases the fee, the amount of the increase must be ten cents (\$0.10).

(2) The fee may not be lowered more than one (1) time in a calendar year.

(3) The fee may not be lowered by an amount that is more than ten cents (\$0.10) without legislative approval.

~~(e)~~ (b) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

~~(d)~~ (c) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

~~(e)~~ (d) A user is exempt from the fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through a wireless data only service plan.

~~(f)~~ (e) This subsection applies to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission.

~~A provider. An eligible telecommunications carrier:~~

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection ~~(e)~~; (d); and

(2) with respect to communications service provided to end users by the provider eligible telecommunications carrier in its

capacity as an eligible telecommunications carrier, is liable for the statewide 911 fee assessed under subsection ~~(g)~~: **(f)**.

~~(g)~~ A provider described in subsection (f) shall pay to the board the following fees: ~~(1)~~ Not later than August 1, 2015, a fee equal to the product of the following factors: ~~(A)~~ The monthly statewide 911 fee established under subsection (a); ~~(B)~~ The number of unique end users for which the provider received reimbursement from the universal service fund during the immediately preceding month; ~~(C)~~ The number of months under the current service agreement between each end user described in clause ~~(B)~~ and the provider for which the provider has received reimbursement from the universal service fund before August 1, 2015. ~~(2)~~ **(f)** Beginning September 1, 2015, and on the first day of each month thereafter, **an eligible telecommunications carrier described in subsection (e) shall pay to the board a monthly statewide 911 fee equal to the product of the following factors:**

~~(A)~~ **(1)** The monthly statewide 911 fee established under subsection (a).

~~(B)~~ **(2)** The number of unique end users for which the **provider eligible telecommunications carrier** received reimbursement from the universal service fund during the immediately preceding month.

The **provider eligible telecommunications carrier** may bill and collect from each end user the fees calculated under this ~~subdivision subsection~~ with respect to the end user. The **provider eligible telecommunications carrier** shall determine the manner in which the provider bills and collects the fees. ~~A provider~~ **Except as provided in section 33(c) of this chapter, an eligible telecommunications carrier** may not bill and collect from an end user an amount greater than the fees paid by the **provider eligible telecommunications carrier** to the board with respect to the end user.

SECTION 9. IC 36-8-16.7-33, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) As part of the provider's normal monthly billing process, a provider:

(1) shall collect the fee from each standard user that is a customer having a place of primary use in Indiana; and

(2) may list the fee as a separate line item on each bill.

If a provider receives a partial payment for a monthly bill from a

standard user, the provider shall apply the payment against the amount the standard user owes to the provider before applying the payment against the fee. A provider may not prorate the monthly 911 fee collected from a user.

(b) Subject to subsection (c), a provider shall remit statewide 911 fees collected under this section to the board at the time and in the manner prescribed by the board. However, the board shall require a provider to report to the board, no less frequently than on an annual basis, the amount of fees collected from all of the provider's customers described in subsection (a)(1) and remitted to the board under this section. The board may require a provider to submit a report required under this subsection at the same time that the provider remits fees to the board under this section. The board shall deposit all remitted statewide 911 fees in the fund.

(c) A provider, **including an eligible telecommunications carrier under section 32(f) of this chapter**, may deduct and retain an amount not to exceed one percent (1%) of ~~statewide 911~~ fees that the provider collects from users **under this section or section 32 of this chapter**, to reimburse the direct costs incurred by the provider in collecting and remitting ~~statewide 911~~ the fees.

SECTION 10. IC 36-8-16.7-34, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. The statewide 911 fee is the liability of the user and not of a provider. However, **except as provided in section 33(c) of this chapter**, a provider is liable to remit to the board all statewide 911 fees that the provider collects from users.

SECTION 11. **An emergency is declared for this act.**

P.L.37-2016

[S.214. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-35-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. (a) **Except as provided in IC 12-15-35.5-9**, before the board develops a program to place a single source drug on prior approval, restrict the drug in its use, or establish a drug monitoring process or program to measure or restrict utilization of single source drugs other than in the SURS program, the board must meet the following conditions:

(1) Make a determination, after considering evidence and credible information provided to the board by the office and the public, that placing a single source drug on prior approval or restricting the drug's use will not:

(A) impede the quality of patient care in the Medicaid program; or

(B) increase costs in other parts of the Medicaid program, including hospital costs and physician costs.

(2) Meet to review a formulary or a restriction on a single source drug after the office provides at least fifteen (15) days notification to the public that the board will review the formulary or restriction on a single source drug at a particular board meeting.

The notification shall contain the following information:

(A) A statement of the date, time, and place at which the board meeting will be convened.

(B) A general description of the subject matter of the board meeting.

(C) An explanation of how a copy of the formulary to be discussed at the meeting may be obtained.

The board shall meet to review the formulary or the restriction on

a single source drug at least fifteen (15) days but not more than sixty (60) days after the notification.

(3) Ensure that:

(A) there is access to at least two (2) alternative drugs within each therapeutic classification, if available, on the formulary; and

(B) a process is in place through which a Medicaid recipient has access to medically necessary drugs.

(4) Reconsider the drug's removal from its restricted status or from prior approval not later than six (6) months after the single source drug is placed on prior approval or restricted in its use.

(5) Ensure that the program provides either telephone or FAX approval or denial Monday through Friday, twenty-four (24) hours a day. The office must provide the approval or denial within twenty-four (24) hours after receipt of a prior approval request. The program must provide for the dispensing of at least a seventy-two (72) hour supply of the drug in an emergency situation or on weekends.

(6) Ensure that any prior approval program or restriction on the use of a single source drug is not applied to prevent acceptable medical use for appropriate off-label indications.

(b) The board shall advise the office on the implementation of any program to restrict the use of brand name multisource drugs.

(c) The board shall consider:

(1) health economic data;

(2) cost data; and

(3) the use of formularies in the non-Medicaid markets;

in developing its recommendations to the office.

SECTION 2. IC 12-15-35.5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9. (a) The office may not reimburse under Medicaid for Subutex, Suboxone, or a similar trade name or generic of the drug if the drug is only indicated for addiction treatment and was prescribed for the treatment of pain or pain management.**

SECTION 3. IC 12-23-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 20. Opioid Treatment Providers

Sec. 1. (a) This section applies to an office based opioid treatment provider who:

- (1) has obtained a waiver from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) and meets the qualifying standards required to treat opioid addicted patients in an office based setting; and
- (2) has a valid federal Drug Enforcement Administration registration number and identification number that specifically authorizes treatment in an office based setting.

(b) The office of the secretary and the division shall develop a treatment protocol containing best practice guidelines for the treatment of opiate dependent patients. The treatment protocol must require the minimal clinically necessary medication dose that includes, when appropriate, the goal of opioid abstinence, and the following:

- (1) Require an opioid treatment provider to periodically and randomly test a patient for the following before and during the patient's treatment by the provider:
 - (A) Methadone.
 - (B) Cocaine.
 - (C) Opiates.
 - (D) Amphetamines.
 - (E) Barbiturates.
 - (F) Tetrahydrocannabinol.
 - (G) Benzodiazepines.
 - (H) Any other suspected or known drug that may have been abused by the patient.

(2) Require that if a patient tests positive under a test described in subdivision (1) for:

- (A) a controlled substance other than a drug for which the patient has a prescription or that is part of the patient's treatment plan with the provider; or
- (B) an illegal drug other than the drug that is part of the patient's treatment plan with the provider;

the opioid treatment provider and the patient shall review the treatment plan and consider changes with the goal of opioid abstinence.

(3) Require that an opioid treatment provider must determine

that the benefit to the patient in receiving the take home opioid treatment medication outweighs the potential risk of diversion of the take home opioid treatment medication.

(4) Develop clinical standards for:

(A) the appropriate tapering of a patient on and off an opioid treatment medication;

(B) relapse; and

(C) overdose prevention.

(5) Develop standards and protocols for an opioid treatment provider to do the following:

(A) Assess new opioid treatment patients to determine the most effective opioid treatment medications to start the patient's opioid treatment.

(B) Ensure that each patient voluntarily chooses maintenance treatment and that relevant facts concerning the use of opioid treatment medications, including nonaddictive medication options, are clearly and adequately explained to the patient.

(C) Have appropriate opioid treatment patients who are receiving maintenance medications for opioid treatment move to receiving other approved opioid treatment medications.

(c) Before December 31, 2016, the office of the secretary shall recommend the best practice guidelines required under subsection (b) to:

(1) the Indiana professional licensing agency established under IC 25-1-5;

(2) the office; and

(3) a managed care organization that has contracted with the office.

P.L.38-2016

[S.216. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 9-21-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to privately owned real property on which the public is invited to travel for business **or, before January 1, 2021, residential** purposes.

SECTION 2. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) As used in this section, "electronic traffic ticket" has the meaning set forth in IC 9-30-3-2.5.**

(b) As used in this section, "legislative body" has the meaning set forth in IC 36-1-2-9.

(c) As used in this section, "moving traffic ordinance" refers to an ordinance regulating the operation of a motor vehicle only while the motor vehicle is in motion.

(d) As used in this section, "residential complex traffic ordinance" refers to an ordinance adopted under subsection (e).

(e) A unit may enforce a residential complex traffic ordinance on the property of a residential complex if all the following conditions are met:

(1) The unit's legislative body adopts the ordinance under this section.

(2) The owner of the residential complex requests in writing from the unit's executive that the unit enforce the residential complex traffic ordinance adopted under subdivision (1) on the property of the residential complex.

(3) The owner of the residential complex enters into an enforcement contract with the unit.

(f) A residential complex traffic ordinance must satisfy the

following:

- (1) The ordinance must be a moving traffic ordinance.**
- (2) The ordinance may not duplicate or conflict with Indiana law that is otherwise enforceable on the property of a residential complex.**
- (3) The ordinance must be reasonably consistent with other ordinances adopted by the unit.**
- (4) The ordinance must require the owner of the residential complex to enter into an enforcement contract with the unit as provided in subsection (h).**
- (5) If the unit's law enforcement agency (as defined in IC 35-47-15-2) issues electronic traffic tickets, the ordinance must require the unit's law enforcement agency to issue an electronic traffic ticket for a violation of the unit's ordinance on the property of a residential complex.**

(g) A residential complex traffic ordinance may do the following:

- (1) Incorporate by reference other moving traffic ordinances of the unit if those other ordinances do not conflict with this section.**
- (2) Define the term "residential complex" for purposes of the ordinance.**
- (3) Require the unit's executive to report to the legislative body regarding enforcement contracts entered into with the unit and any other information required by the legislative body regarding the residential complex traffic ordinance.**

(h) An enforcement contract must satisfy the following:

- (1) The contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant provisions of the residential complex traffic ordinance. Signs installed under this subdivision must be placed in a sufficient number of locations to clearly mark where the relevant provisions of the ordinance applies. A sign placed at the entrance to the residential complex does not satisfy this subdivision.**
- (2) The unit may not charge the owner of the residential complex a fee for enforcing the residential complex traffic ordinance on the property of the residential complex.**
- (3) Enforcement of the residential complex traffic ordinance**

in the residential complex may not begin until both of the following have occurred:

(A) The enforcement contract is signed by the unit and the residential complex.

(B) The residential complex has complied with subdivision (1), as determined by the unit.

(i) If the owner of a residential complex enters into an enforcement contract with a unit, then neither the owner nor the residential complex is subject to or incurs any liability, sanction, or adverse legal consequence for any loss or injury resulting from the manner in which the unit's law enforcement agency discharged its duties under the enforcement contract.

(j) Neither a residential complex nor its owner is subject to or incurs any liability, sanction, or adverse legal consequence for the owner's decision not to enter into an enforcement contract with a unit. The failure to enter into an enforcement contract with a unit is not admissible in any legal proceeding brought against a residential complex or its owner.

(k) This section expires December 31, 2020.

SECTION 3. IC 33-24-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Beginning in 2018, not later than March 1 of each year, the division of state court administration shall submit a report to the legislative council in an electronic format under IC 5-14-6 providing the following information relating to the enforcement of residential complex traffic ordinances on the property of residential complexes under contracts entered into under IC 9-21-18-4.1:

(1) The number of traffic stops.

(2) The number of citations issued.

(3) The number of traffic stops and citations issued.

(b) The report must set forth information required under subsection (a) by:

(1) each unit that has adopted a residential complex traffic ordinance:

(A) under IC 9-21-18-4.1; and

(B) through issuance of electronic traffic tickets (as defined in IC 9-30-3-2.5); and

(2) the totals for all units described in subdivision (1).

(c) The division of state court administration must issue a report under this section for each of the following years:

- (1) 2017.**
- (2) 2018.**
- (3) 2019.**
- (4) 2020.**

(d) This section expires July 1, 2021.

SECTION 4. IC 34-30-2-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 28.5. (a) IC 9-21-18-4.1 (Concerning residential complexes and enforcement contracts for enforcement of moving traffic ordinances).**

(b) This section expires December 31, 2020.

P.L.39-2016

[S.221. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-19-4.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4.1. Senior Savings Protection

Sec. 1. As used in this chapter, "financial exploitation" means the wrongful or unauthorized taking, withholding, appropriation, or use of money, real property, or personal property of a financially endangered adult.

Sec. 2. As used in this chapter, "financially endangered adult" means an individual to whom one (1) or more of the following apply:

- (1) The individual is at least sixty-five (65) years of age.**
- (2) The individual is:**
 - (A) at least eighteen (18) years of age; and**
 - (B) incapable, by reason of:**
 - (i) mental illness;**
 - (ii) intellectual disability;**
 - (iii) dementia; or**
 - (iv) other physical or mental incapacity;****of managing or directing the management of the individual's property.**

Sec. 3. As used in this chapter, "immediate family member" means a spouse, child, parent, or sibling.

Sec. 4. As used in this chapter, "protective agencies" refers to both of the following:

- (1) The adult protective services unit described in IC 12-10-3-1.**
- (2) The commissioner.**

Sec. 5. As used in this chapter, "qualified individual" means an individual associated with a broker-dealer who serves in a supervisory, compliance, or legal capacity as part of the individual's job.

Sec. 6. (a) If a qualified individual has reason to believe that financial exploitation of a financially endangered adult has occurred, has been attempted, or is being attempted, the qualified individual shall, as required by IC 12-10-3-9(a):

- (1) make a report to an entity listed in IC 12-10-3-10(a); and**
- (2) notify the commissioner.**

(b) After a qualified individual makes a report and provides notification under subsection (a), the qualified individual may, to the extent permitted under federal law, notify any of the following concerning the qualified individual's belief:

- (1) An immediate family member of the financially endangered adult.**
- (2) A legal guardian of the financially endangered adult.**
- (3) A conservator of the financially endangered adult.**
- (4) A trustee, cotrustee, or successor trustee of the account of the financially endangered adult.**
- (5) An agent under a power of attorney of the financially endangered adult.**

(6) Any other person permitted under existing laws, rules, regulations, or customer agreement.

Sec. 7. (a) A qualified individual may refuse a request for disbursement of funds from an account:

- (1) owned by a financially endangered adult; or
- (2) of which a financially endangered adult is a beneficiary or beneficial owner;

if the qualified individual has reason to believe that the requested disbursement may result in financial exploitation of the financially endangered adult.

(b) If a qualified individual refuses a request for disbursement under subsection (a), a broker-dealer involved in the transaction or the qualified individual shall:

- (1) subject to subsection (c), make a reasonable effort to notify all parties authorized to transact business on the account:
 - (A) orally; or
 - (B) in writing by:
 - (i) electronic communication; or
 - (ii) mail postmarked;

not more than two (2) business days after the qualified individual refuses the request for disbursement; and

- (2) notify the protective agencies:
 - (A) orally; or
 - (B) in writing by:
 - (i) electronic communication; or
 - (ii) mail postmarked;

not more than three (3) business days after the qualified individual refuses the request for disbursement.

(c) A broker-dealer or the qualified individual described in subsection (b) is not required to contact a party authorized to transact business on the account if the broker-dealer or qualified individual has reason to believe that the party has engaged in suspected or attempted financial exploitation of the financially endangered adult.

(d) Unless a court or the commissioner enters an order extending the refusal of disbursement or providing any other applicable protective relief, any refusal of disbursement under this section expires upon the earlier of the following:

- (1) The date that the qualified individual has reason to believe

that the disbursement will not result in financial exploitation of the financially endangered adult.

(2) Fifteen (15) business days after the date of the initial refusal of disbursement by the qualified individual. However, if a broker-dealer's internal review of the facts and circumstances supports the broker-dealer's reasonable belief that the financial exploitation of the financially endangered adult has occurred, is occurring, has been attempted, or will be attempted, the commissioner shall extend the refusal of disbursement for an additional fifteen (15) business days after the expiration date that would otherwise apply under this subdivision.

(e) A court with jurisdiction may enter an order that:

- (1) extends a refusal of disbursement; or
- (2) provides for any other protective relief.

(f) After:

- (1) a broker-dealer or qualified individual provides notice under subsection (b); and
- (2) the refusal of disbursement has expired or a court or the commissioner has entered an order as described in subsection (d) or (e)(1);

the broker-dealer or qualified individual shall notify, in writing, the protective agencies of the expiration or the order, as applicable.

Sec. 8. Notwithstanding any other provision of law, a broker-dealer or a qualified individual who, in good faith, complies with section 6 or 7 of this chapter, is immune from any administrative or civil liability for actions taken in accordance with those sections. A broker-dealer or qualified individual who, in good faith, releases or does not release copies of records under section 9 of this chapter is immune from any civil liability for release of such records or failing to release such records. This chapter does not limit or otherwise impede the authority of the commissioner to access or examine books and records of broker-dealers as otherwise provided by law.

Sec. 9. (a) A broker-dealer may provide to protective agencies or law enforcement access to or copies of records that are relevant to the suspected financial exploitation of a financially endangered adult. The records may include records relating to:

- (1) disbursement of any funds from an account of the

financially endangered adult; and

(2) disbursements of funds that comprise the suspected financial exploitation of a financially endangered adult.

(b) All records made available to the protective agencies under this section are confidential under IC 5-14-3.

Sec. 10. Not later than September 1, 2017, the commissioner shall develop and make available on the secretary of state's Internet web site information that includes training resources to assist broker-dealers and qualified individuals in the prevention and detection of financial exploitation of financially endangered adults. The training resources must include information on:

(1) indicators of financial exploitation of financially endangered adults; and

(2) the potential steps broker-dealers and qualified individuals can take, under Indiana law, to prevent suspected financial exploitation of financially endangered adults.

Sec. 11. The commissioner may adopt rules under IC 23-19-6-5 to implement this chapter.

SECTION 2. IC 23-19-6-1, AS AMENDED BY P.L.160-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This article shall be administered by a division of the office of the secretary of state. The secretary of state shall appoint a securities commissioner who shall be responsible for the direction and supervision of the division and the administration of this article under the direction and control of the secretary of state. The salary of the securities commissioner shall be paid out of the funds appropriated for the administration of this article. The commissioner shall serve at the will of the secretary of state.

(b) The secretary of state:

(1) shall employ a chief deputy, attorneys, a senior investigator, a senior accountant, and other deputies, investigators, accountants, clerks, stenographers, and other employees necessary for the administration of this article; and

(2) shall fix their compensation with the approval of the budget agency.

(c) It is unlawful for the commissioner or an officer, employee, or designee of the commissioner to use for personal benefit or the benefit of others records or other information obtained by or filed with the

commissioner that is not public under section 7(b) of this chapter. This article does not authorize the commissioner or an officer, employee, or designee of the commissioner to disclose the record or information, except in accordance with section 2, 7(c), or 8 of this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) Subject to IC 4-2-6-15, the commissioner may develop and implement investor education initiatives to inform the public about investing in securities, with particular emphasis on the prevention and detection of securities fraud. In developing and implementing these initiatives, the commissioner may collaborate with public and nonprofit organizations with an interest in investor education. The commissioner may accept a grant or donation from a person that is not affiliated with the securities industry or from a nonprofit organization, regardless of whether the organization is affiliated with the securities industry, to develop and implement investor education initiatives. This subsection does not authorize the commissioner to require participation or monetary contributions of a registrant in an investor education program.

(f) The securities division enforcement account is established. Fees and funds of whatever character accruing from the administration of this article shall be accounted for by the secretary of state and shall be deposited with the treasurer of state to be deposited by the treasurer of the state in either the state general fund or the securities division enforcement account. Subject to IC 4-2-6-15, expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. The following shall be deposited by the treasurer of state in the securities division enforcement account:

- (1) Grants and donations received under subsection (e).
- (2) Costs of investigations recovered under section 4(e) of this chapter.
- (3) Fifty percent (50%) of the first ~~two~~ **four** million dollars ~~(\$2,000,000):~~ **(\$4,000,000):**
 - (A) of a civil penalty recovered under section 3(b) or 4(d) of this chapter;
 - (B) recovered in a settlement of an action initiated to enforce

this article; or

(C) awarded as a judgment in an action to enforce this article.

(g) The following shall be deposited by the treasurer of state in the state general fund:

(1) Fifty percent (50%) of the first ~~two~~ **four** million dollars ~~(\$2,000,000): (\$4,000,000):~~

(A) of a civil penalty recovered under section 3(b) or 4(d) of this chapter;

(B) recovered in a settlement of an action initiated to enforce this article; or

(C) awarded as a judgment in an action to enforce this article.

(2) Any amount exceeding ~~two~~ **four** million dollars ~~(\$2,000,000): (\$4,000,000):~~

(A) of a civil penalty recovered under section 3(b) or 4(d) of this chapter;

(B) recovered in a settlement of an action initiated to enforce this article; or

(C) awarded as a judgment in an action to enforce this article.

(3) Other fees and revenues that are not designated for deposit in the securities division enforcement account or the securities restitution fund.

(h) Notwithstanding IC 23-2-2.5-34, IC 23-2-2.5-43, IC 23-2-5-7, IC 23-19-4-12, IC 25-11-1-15, and this chapter, five percent (5%) of funds received for deposit in the securities division enforcement account shall instead be deposited in the securities restitution fund established by IC 23-20-1-25. Subject to IC 4-2-6-15, the funds deposited in the enforcement account shall be available, with the approval of the budget agency:

(1) to augment and supplement the funds appropriated for the administration of this article; and

(2) for grants and awards to nonprofit entities for programs and activities that will further investor education and financial literacy in the state.

The funds in the enforcement account do not revert to the state general fund at the end of any state fiscal year.

(i) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the commissioner upon the commissioner's request, and to that end, the

attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the commissioner as the demands of the securities division shall require. Expenses incurred by the attorney general for the purposes stated in this subsection shall be chargeable against and paid out of funds appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the commissioner and the commissioner's designee to represent the commissioner and the securities division in any proceeding involving enforcement or defense of this article.

(j) Neither the secretary of state, the commissioner, nor an employee of the securities division shall be liable in their individual capacity, except to the state, for an act done or omitted in connection with the performance of their respective duties under this article.

(k) The commissioner shall take, prescribe, and file the oath of office prescribed by law. The commissioner, chief deputy commissioner, and each attorney or investigator designated by the commissioner are police officers of the state and shall have all the powers and duties of police officers in making arrests for violations of this article, or in serving any process, notice, or order connected with the enforcement of this article by whatever officer, authority, or court issued and shall comprise the enforcement department of the division and are considered a criminal justice agency for purposes of IC 5-2-4 and IC 10-13-3.

(l) The provisions of this article delegating and granting power to the secretary of state, the securities division, and the commissioner shall be liberally construed to the end that:

- (1) the practice or commission of fraud may be prohibited and prevented;
- (2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured; and
- (3) the qualifications may be prescribed to assure availability of reliable broker-dealers, investment advisers, and agents engaged in and in connection with the issuance, barter, sale, purchase, transfer, or disposition of securities in this state.

It is the intent and purpose of this article to delegate and grant to and vest in the secretary of state, the securities division, and the

commissioner full and complete power to carry into effect and accomplish the purpose of this article and to charge them with full and complete responsibility for its effective administration.

(m) Copies of any statement and documents filed in the office of the secretary of state and of any records of the secretary of state certified by the commissioner shall be admissible in any prosecution, action, suit, or proceeding based upon, arising out of, or under this article to the same effect as the original of such statement, document, or record would be if actually produced.

(n) IC 4-21.5 and any rules of practice adopted by the securities division are applicable to administrative proceedings under this article.

SECTION 3. IC 34-30-2-96.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 96.1. IC 23-19-4.1-8 (Concerning acts by broker-dealers and qualified individuals regarding financially endangered adults).**

P.L.40-2016

[S.242. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning financial institutions.

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

SECTION 1. IC 28-7-1-17.2, AS ADDED BY P.L.90-2008, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. (a) A credit union may make a loan to the credit union's individual officers under the following terms and conditions:

(1) The loan must comply with all requirements under this chapter that apply to loans made to other borrowers.

(2) The loan may not be on terms more favorable than those extended to other borrowers unless the loan is made in connection with a benefit or compensation plan that:

- (A) is widely available to employees of the credit union; and
- (B) does not give preference to any officers of the credit union over other employees of the credit union.

(3) The loan must be promptly reported to the credit union's board of directors.

(4) A loan to the officer, the officer's immediate family, or the officer's related interests either by itself or when added to the amounts of all other loans made under this section to the officer, the officer's immediate family, or the officer's related interests, for any purpose, may not exceed, at any given time, the greater of:

- (A) two and one-half percent (2.5%) of the credit union's capital and unimpaired surplus; or
- (B) twenty-five thousand dollars (\$25,000);

but in no event more than one hundred thousand dollars (\$100,000). **must be made in accordance with 12 CFR 215.5 (Regulation O).**

(b) The limits set forth in subsection (a)(4) do not apply to any of the following:

(1) An extension of credit made under a line of credit approved under this section if the extension of credit is made not later than fourteen (14) months after the line of credit was approved.

(2) A loan, in any amount, to finance the education of an officer's child.

(3) A loan, in any amount, to finance or refinance the purchase, construction, maintenance, or improvement of a residence of an officer, if:

(A) the loan is secured by a first lien on the residence and the residence is owned, or will be owned after the loan is made, by the officer; and

(B) in the case of a refinancing, the loan includes only the amount used to repay the original loan, plus any closing costs and any additional amount used for any purpose described in this subdivision.

(4) A loan, in any amount, secured by a perfected security interest in bonds, notes, certificates of indebtedness, or treasury bills of

~~the United States or in other obligations fully guaranteed as to principal and interest by the United States:~~

~~(5) A loan, in any amount, secured by a perfected security interest in a segregated deposit account in the lending credit union.~~

~~(c)~~ **(b)** A credit union may not make a loan under this section to an officer, the officer's immediate family, or the officer's related interests if the amount of the loan, either by itself or when added to the amounts of all other loans made under this section to the officer, the officer's immediate family, or the officer's related interests, exceeds the lending limits set forth in IC 28-7-1-39.

~~(d)~~ **(c)** The department may apply the provisions of 12 CFR 215 (Regulation O) in applying and administering this section.

SECTION 2. An emergency is declared for this act.

P.L.41-2016

[S.248. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 9-21-5-11, AS AMENDED BY P.L.188-2015, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Subject to subsection (b), the Indiana department of transportation, the Indiana finance authority, or a local authority may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under this article. The establishing authority shall post signs notifying the traveling public of the temporary maximum speed limits established under this section.

(b) Worksite speed limits set under this section must be at least ten

(10) miles per hour below the maximum established speed limit.

(c) A worksite speed limit set under this section may be enforced only if:

- (1) workers are present in the immediate vicinity of the worksite;
or
- (2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit.

(d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit set under this section must be entered as follows:

- (1) If the person has not previously committed the infraction of violating a speed limit set under this section, a judgment for a Class B infraction and a fine of at least three hundred dollars (\$300) shall be imposed.
- (2) If the person has committed one (1) infraction of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of at least five hundred dollars (\$500) shall be imposed.
- (3) If the person has committed two (2) or more infractions of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of one thousand dollars (\$1,000) shall be imposed.

(e) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

(f) If judgment has been imposed for committing two (2) infractions under this section within one (1) year, an additional penalty of the suspension of the driving privileges of the person who committed the infractions may be imposed by the court imposing the sentence for the second violation. If the court suspends a person's driving privileges under this subsection, the court shall issue an order to the bureau:

- (1) stating that judgment against the person has been entered for committing the infraction of exceeding a worksite speed**

limit under this section for the second time in one (1) year;
and

(2) ordering the suspension of the person's driving privileges by the bureau under IC 9-30-13-9.

The suspension of a person's driving privileges under this section is in addition to any other penalties imposed under this section and any fee imposed under IC 33-37-5-14.

SECTION 2. IC 9-30-13-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9. (a) Upon receiving an order issued by a court under IC 9-21-5-11(f) concerning a person who has committed the infraction of violating a worksite speed limit for the second time within one (1) year, the bureau shall do the following:**

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for a second or subsequent offense of exceeding a worksite speed limit within one (1) year;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates;
and

(C) stating that the person may be granted specialized driving privileges under IC 9-30-16 if the person meets the conditions for obtaining specialized driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 9-21-5-11(f):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2);
and

(2) terminates sixty (60) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by specialized driving privileges granted to the person under IC 9-30-16.

(d) The bureau shall, upon receiving a record of conviction of a

person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the order of the court.

SECTION 3. IC 9-30-16-1, AS AMENDED BY P.L.188-2015, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:

- (1) A person who has never been an Indiana resident.
- (2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.

(b) This chapter applies to the following:

- (1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

- (A) the criminal conviction for which the operation of a motor vehicle is an element of the offense; ~~or at the time of~~
- (B) any criminal conviction for an offense under IC 9-30-5; **or**
- (C) **committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).**

(2) A person who:

- (A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and
- (B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, or any criminal conviction for an offense under IC 9-30-5, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) **Except as provided in section 3.5 of this chapter**, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be

served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

SECTION 4. IC 9-30-16-3, AS AMENDED BY P.L.188-2015, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter.** If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

- (1) requiring the use of certified ignition interlock devices; and
- (2) restricting a person to being allowed to operate a motor vehicle:
 - (A) during certain hours of the day; or
 - (B) between specific locations and the person's residence.

(d) A stay of a suspension and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving

privileges or have the order in the vehicle being operated by the person;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued state identification card or driver's license.

(f) A person who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the person to hold a commercial driver's license to operate the vehicle.

(g) A person may independently file a petition for specialized driving privileges in the court from which the ordered suspension originated.

SECTION 5. IC 9-30-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.**

(b) Specialized driving privileges granted under this section shall be granted for sixty (60) days, or the remainder of the sixty (60) period of suspension as set forth in IC 9-30-13-9(b)(2) if a petition for specialized driving privileges is filed as set forth in section 3(g) of this chapter.

(c) Specialized driving privileges granted under this section:

(1) must be determined by a court; and

(2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued driver's license.

(e) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate a motor vehicle that requires the individual to hold a commercial driver's license to operate the motor vehicle.

(f) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;**
- (2) state the petitioner's age, date of birth, and address;**
- (3) state the grounds for relief and the relief sought;**
- (4) be filed in a circuit or superior court; and**
- (5) be served on the bureau and the prosecuting attorney.**

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

SECTION 6. IC 9-30-16-5, AS AMENDED BY P.L.188-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, **3.5**, or 4 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension.

P.L.42-2016
[S.250. Approved March 21, 2016.]

AN ACT concerning family law and juvenile law.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

(c) The legislative council is urged to assign to the appropriate study committee the topic of the use of parenting coordinators in resolving disputes in custody and parenting matters.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

SECTION 2. An emergency is declared for this act.

P.L.43-2016

[S.272. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-9.3, AS ADDED BY P.L.102-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9.3. "Advisory council", for purposes of ~~IC 16-41-39.4~~, refers to the ~~lead-safe housing advisory council established by IC 16-41-39.4-6~~. **IC 16-19-17, refers to the palliative care and quality of life advisory council established by IC 16-19-17-3.**

SECTION 2. IC 16-18-2-265.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 265.5. "Palliative care", for purposes of IC 16-19-17, has the meaning set forth in IC 16-19-17-2.**

SECTION 3. IC 16-19-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 17. Palliative Care and Quality of Life Advisory Council

Sec. 1. As used in this chapter, "advisory council" refers to the palliative care and quality of life advisory council established by section 3 of this chapter.

Sec. 2. As used in this chapter, "palliative care" means patient centered and family focused medical care that optimizes quality of life by anticipating, preventing, and treating suffering caused by a medical illness or a physical injury or condition that substantially affects a patient's quality of life. The term includes the following:

- (1) Addressing physical, emotional, social, and spiritual needs.**
- (2) Facilitating patient autonomy and choice of care.**

- (3) Providing access to information.**
- (4) Discussing the patient's goals for treatment and treatment options, including hospice care when appropriate.**
- (5) Comprehensively managing pain and symptoms.**

Sec. 3. (a) The palliative care and quality of life advisory council is established.

(b) The state health commissioner shall appoint the members of the advisory council. The advisory council must be comprised of persons with an expertise in and a knowledge of palliative care issues in Indiana as follows:

- (1) One (1) member representing interdisciplinary medical palliative care.**
- (2) One (1) member representing nursing.**
- (3) One (1) member representing social work.**
- (4) One (1) member representing pharmacy.**
- (5) One (1) member with spiritual or religious professional expertise.**
- (6) One (1) member representing a patient or family caregiver advocacy group.**
- (7) Two (2) or more members who:**
 - (A) are either:**
 - (i) licensed as a physician under IC 25-22.5; or**
 - (ii) licensed as a registered nurse under IC 25-23; and**
 - (B) specialize in hospice and palliative care medicine.**

The commissioner may include other representatives that the commissioner considers appropriate. The advisory council membership as a whole must represent health professionals that have palliative care work experience in a variety of settings, including inpatient, outpatient, and community settings for a variety of populations, including pediatric and adults. The commissioner shall appoint a member of the advisory council as chairperson.

(c) An individual appointed to the advisory council under this section serves a three (3) year term at the will of the state health commissioner and without compensation or reimbursement for any expense that the member may incur.

(d) The state department shall staff the advisory council.

(e) The affirmative vote of a majority of the members appointed to the advisory council is required for the advisory council to take

action on any measure.

Sec. 4. (a) The advisory council is established for the following purposes:

(1) To educate and advocate for quality palliative care by requesting that the state department, either on its own or in partnership with other entities, establish appropriate:

(A) forums;

(B) programs; or

(C) initiatives;

designed to educate the public, health care providers, and health care facilities through comprehensive and accurate information and education on palliative care and quality of life for individuals with serious illnesses.

(2) To collect, analyze, advise on, and develop state initiatives concerning the establishment, maintenance, operation, and evaluation of palliative care in Indiana.

(3) To make policy recommendations to improve palliative care and the quality of life of individuals with serious illnesses.

(4) To prepare a report not later than January 1 of each year concerning the office's findings under subdivisions (1) through (3).

(b) The report required under subsection (a)(4) must be submitted to the general assembly in an electronic format under IC 5-14-6.

Sec. 5. This chapter expires June 30, 2019.

P.L.44-2016
[S.290. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 16-41-7.5-9, AS ADDED BY P.L.208-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A law enforcement officer may not stop, search, or seize an individual based on the fact the individual has attended a program under this chapter.

(b) The fact an individual has attended a program under this chapter may not be the basis, **in whole or in part**, for a **determination of** probable cause **or reasonable suspicion** by a law enforcement officer.

SECTION 2. IC 35-48-4-1, AS AMENDED BY P.L.226-2014(ts), SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

- (A) manufactures;
- (B) finances the manufacture of;
- (C) delivers; or
- (D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine or a narcotic drug, a Level 5 felony, except

as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; **or**

(2) **the amount of the drug involved is at least twenty-eight (28) grams.**

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; **or**

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams; **or**

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams; **or**

(2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies.

SECTION 3. IC 35-48-4-1.1, AS AMENDED BY P.L.226-2014(ts), SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; **or**

(D) finances the delivery of;

methamphetamine, pure or adulterated; **or**

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; **or**

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Level 5 felony, except as

provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; **or**

(2) **the amount of the drug involved is at least twenty-eight (28) grams.**

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; **or**

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams; **or**

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams;

(2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies;

or

(3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.

SECTION 4. IC 35-48-4-2, AS AMENDED BY P.L.226-2014(ts), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; **or**

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug; **or**

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug;

commits dealing in a schedule I, II, or III controlled substance, a Level 6 felony, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; **or**

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) **grams** but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) **grams** but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 5. IC 35-48-4-3, AS AMENDED BY P.L.226-2014(ts),

SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule IV; or

(2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV;

commits dealing in a schedule IV controlled substance, a Class A misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture or deliver the controlled substance; **or**

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) **grams** but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) **grams** but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 6. IC 35-48-4-4, AS AMENDED BY P.L.226-2014(ts), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A person who:

(1) knowingly or intentionally:

- (A) manufactures;
- (B) finances the manufacture of;
- (C) delivers; or
- (D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a Class B misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; **or**

(2) **the amount of the drug involved is at least twenty-eight (28) grams.**

(c) The offense is a Class A misdemeanor if:

- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 6 felony if:

- (1) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams; or
- (2) the amount of the drug involved is at least one (1) gram but

- less than five (5) grams and an enhancing circumstance applies.
- (e) The offense is a Level 5 felony if:
- (1) the amount of the drug involved is at least ten (10) **grams** but less than twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies.
- (f) The offense is a Level 4 felony if:
- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least ten (10) **grams** but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 7. IC 35-48-4-4.6, AS AMENDED BY P.L.168-2014, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.6. (a) A person who knowingly or intentionally:

- (1) manufactures;
- (2) finances the manufacture of;
- (3) advertises;
- (4) distributes; or
- (5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;

a substance described in section 4.5 of this chapter commits a Level 5 felony.

(b) A person may be convicted of an offense under subsection (a)(5) only if:

- (1) there is evidence in addition to the weight of the substance that the person intended to manufacture, finance the manufacture of, advertise, or distribute the substance; or**
- (2) the amount of the substance involved is at least twenty-eight (28) grams.**

(c) A person who knowingly or intentionally possesses a substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

(d) In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

(e) This section does not apply to the following:

- (1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.
- (2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.
- (3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

SECTION 8. IC 35-48-4-10, AS AMENDED BY P.L.168-2014, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A person who:

- (1) knowingly or intentionally:

- (A) manufactures;
- (B) finances the manufacture of;
- (C) delivers; or
- (D) finances the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated; or

- (2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

- (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; **or**

- (2) **the amount of the drug involved is at least:**

- (A) **ten (10) pounds, if the drug is marijuana; or**
- (B) **three hundred (300) grams, if the drug is hash oil, hashish, or salvia.**

(c) The offense is a Level 6 felony if:

- (1) the person has a prior conviction for a drug offense and the amount of the drug involved is:

- (A) less than thirty (30) grams of marijuana; or
- (B) less than five (5) grams of hash oil, hashish, or salvia; or
- (2) the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.
- (d) The offense is a Level 5 felony if:
 - (1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia; or
 - (2) the:
 - (A) amount of the drug involved is:
 - (i) at least ten (10) pounds of marijuana; or
 - (ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or
 - (B) offense involved a sale to a minor.

SECTION 9. IC 35-50-6-3.1, AS AMENDED BY P.L.74-2015, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of good time credit for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(e) A person assigned to Class D earns no good time credit.

(f) A person assigned to Class P earns one (1) day of good time credit for every four (4) days the person serves on pretrial home detention awaiting trial.

SECTION 10. IC 35-50-6-4, AS AMENDED BY P.L.168-2014,

SECTION 123, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A person:

- (1) who is not a credit restricted felon; and
- (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor;

is initially assigned to Class A.

(b) A person:

- (1) who is not a credit restricted felon; and
- (2) who is imprisoned for a crime other than a Level 6 felony or misdemeanor or imprisoned awaiting trial or sentencing for a crime other than a Level 6 felony or misdemeanor;

is initially assigned to Class B.

(c) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class C. A credit restricted felon may not be assigned to Class A or Class B.

(d) A person who is not a credit restricted felon may be reassigned to Class C or Class D if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(e) A person who is a credit restricted felon may be reassigned to Class D and a person who is assigned to Class IV may be assigned to Class III if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III or Class D, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment

is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(f) In connection with the hearing granted under subsection (d) or (e), the person is entitled to:

- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the **alleged** misconduct is alleged to have violated;
- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decisionmaker;
- (4) appear and speak in the person's own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;
- (7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);
- (8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
- (9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and
- (10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(g) Except for a credit restricted felon, a person may be reassigned from:

- (1) Class III to Class I, Class II or Class IV;
- (2) Class II to Class I;
- (3) Class D to Class A, Class B, or Class C;
- (4) Class C to Class A or Class B.

A person's assignment to Class III, Class II, Class C, or Class D shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II or to Class

A, Class B, or Class C.

(h) This subsection applies only to a person imprisoned awaiting trial. A person imprisoned awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged. If all the offenses of which a person is convicted have a higher credit time class than the most serious offense with which the person is charged, the person earns credit time for the time imprisoned awaiting trial at the credit time class of the most serious offense of which the person was convicted. However, this section does not apply to any period during which the person is reassigned to a lower credit time class for a disciplinary violation.

(i) This subsection applies only to a person placed on pretrial home detention awaiting trial. This subsection does not apply to any other person placed on home detention. A person placed on pretrial home detention awaiting trial is assigned to Class P. A person assigned to Class P may not be reassigned to another credit time class while the person is on pretrial home detention awaiting trial.

SECTION 11. IC 35-50-6-8, AS AMENDED BY P.L.74-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A person serving a sentence of life imprisonment without parole does not earn credit time under this chapter.

(b) This subsection does not apply to a person confined on home detention as a condition of probation under IC 35-38-2.5. A person spending time in pretrial home detention does not earn any credit time under this chapter.

P.L.45-2016

[S.300. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 25-34.1-3-2, AS AMENDED BY P.L.127-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in:

- (1) subsection (b);
- (2) section 8(i) of this chapter; and
- (3) section 11 of this chapter;

no person shall, for consideration, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana, without a license.

(b) This article does not apply to:

- (1) acts of an attorney which constitute the practice of law;
- (2) performance by a public official of acts authorized by law;
- (3) acts of a receiver, executor, administrator, commissioner, trustee, or guardian, respecting real estate owned or leased by the person represented, performed pursuant to court order or a will;
- (4) rental, for periods of less than thirty (30) days, of rooms, lodging, or other accommodations, by any commercial hotel, motel, tourist facility, or similar establishment which regularly furnishes such accommodations for consideration;
- (5) rental of residential apartment units by an individual employed or supervised by a licensed broker;
- (6) rental of apartment units which are owned and managed by a person whose only activities regulated by this article are in relation to a maximum of twelve (12) apartment units which are located on a single parcel of real estate or on contiguous parcels of real estate;

- (7) referral of real estate business by a broker or referral company which is licensed under the laws of another state, to or from brokers licensed by this state;
- (8) acts performed by a person in relation to real estate owned by that person unless that person is licensed under this article, in which case the article does apply to ~~him~~; **that person**;
- (9) acts performed by a regular, full-time, salaried employee of a person in relation to real estate owned or leased by that person unless the employee is licensed under this article, in which case the article does apply to ~~him~~; **that person**;
- (10) conduct of a sale at public auction by a licensed auctioneer pursuant to IC 25-6.1;
- (11) sale, lease, or other transfer of interests in cemetery lots; ~~and~~
- (12) acts of a broker, who is licensed under the laws of another state, which are performed pursuant to, and under restrictions provided by, written permission that is granted by the commission in its sole discretion, except that such a person shall comply with the requirements of section 5(c) of this chapter; ~~and~~
- (13) the performance of an evaluation of real property by an employee, an officer, a director, or a member of a credit or loan committee of a financial institution, or by any other person engaged by a financial institution, in a transaction for which the financial institution would not be required to use the services of a state licensed appraiser under regulations adopted under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.).**

SECTION 2. IC 32-17-4-2.5, AS AMENDED BY P.L.94-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) Not later than forty-five (45) days after the court has acquired jurisdiction over all the parties who have an interest in the property that is the subject of the action, the court shall refer the matter to mediation in accordance with the Indiana rules of alternative dispute resolution.

(b) Except as provided in subsection (c), mediation of the case may not begin until an appraiser files an appraisal report with the court.

(c) If each party waives the appraisal of the property, the case may move to mediation without the filing of an appraisal report.

(d) In its order referring the matter for mediation, the court shall advise the parties:

(1) that the real or personal property will be sold if the parties are unable to reach an agreement not later than sixty (60) days after the order is issued; and

(2) that the parties may agree upon a method of the sale of the property, and if the parties do not agree upon a method of the sale of the property, the property may be sold at public auction or by the sheriff under subsection (g).

(e) Except if the parties agree to waive the appraisal of the property, not later than thirty (30) days after the court acquires jurisdiction under subsection (a), the court shall appoint a licensed real estate appraiser to appraise the property. The appraiser shall file the appraisal with the court.

(f) After receiving the appraisal, the court shall notify the parties of the appraised value of the property.

(g) If an agreed settlement is not reached in mediation or if the parties agree upon a method of sale, the court shall not later than thirty (30) days after the date the mediator files a report with the court that the mediation was not successful, or the parties file their agreement establishing the method of sale:

(1) order the property to be sold using the method that all the parties agree upon; or

(2) order the parties to select an auctioneer to sell the property. If the parties fail to select an auctioneer not later than thirty (30) days after the court's order to select an auctioneer, the court shall order the sheriff to sell the property in the same manner that property is sold at execution under IC 34-55-6. ~~The manner of appraising property described in this section satisfies the appraisal requirement under IC 34-55-4 or any other statute. However, if the parties waive appraisal of the property:~~

~~(A) the court shall order the sale to proceed without relief from valuation or appraisal under IC 34-55-4 or any other statute; and~~

~~(B) IC 34-55-4-1 does not apply to the sale.~~

(h) At the time the court orders the property to be sold, the court shall notify all lienholders and other persons with an interest in the lien or property, as identified in the title search or lien search required

under IC 29-1-17-11 or section 2 of this chapter, of the sale. The property must be sold free and clear of all liens and special assessments except prescriptive easements, easements of record, and irrevocable licenses, with any sum secured by a lien or special assessment to be satisfied from the proceeds of the sale.

(i) The person who causes a title search to be conducted under section 2 of this chapter or a title or lien search to be conducted under IC 29-1-17-11 is entitled to reimbursement from the proceeds of the sale.

(j) Any person who has paid a tax or special assessment on the property is entitled to pro rata reimbursement from the proceeds of the sale.

(k) Any person may advertise a sale under this section at the person's own expense, but is not entitled to reimbursement for these expenses.

(l) After deduction of the amounts described in subsections (h), (i), and (j) and the reasonable expenses of the sale, the court shall divide the proceeds of the sale among the remaining property owners in proportion to their ownership interest.

(m) If a party having an ownership interest in the property becomes the successful purchaser of the property either through agreed settlement or through auction, that person shall be given a full credit based on the percentage of the person's interest in the property before the purchase.

(n) As used in this subsection, "real estate professional" has the meaning set forth in IC 23-1.5-1-13.5. If the court has ordered that some or all of the property be sold at auction and, at any time before the property is sold at auction, all parties inform the court in writing that they:

- (1) wish to sell some or all of the property through a real estate professional;
- (2) have jointly selected a real estate professional; and
- (3) have agreed upon a listing price for the property;

the court shall rescind its order that the property, or a part of the property, be sold at auction and permit the property to be sold through a real estate professional. If some or all of the property has not been sold at the expiration of the listing agreement with the real estate professional, upon petition by any party, the court shall order the

property to be sold at auction in accordance with subsection (h).

SECTION 3. IC 32-26-5-2, AS AMENDED BY P.L.201-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Upon receiving a complaint in writing signed by an owner of land adjoining a hedge or fence to which this chapter applies alleging that the owner of the fence has neglected to cut and trim the hedge or fence, the township trustee shall examine, within five (5) days after receiving the complaint, the hedge or other live fence.

(b) If the hedge or other live fence that is the subject of the complaint under subsection (a) has not been cut and trimmed, the township trustee shall give the owner of the hedge or other live fence written notice to cut and trim the hedge or other live fence and to remove the brush to the owner's property within thirty (30) days after receiving the notice.

(c) The notice required under subsection (b) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence. If the owner of properties divided by the hedge or other live fence is not a resident of the township where the hedge or other live fence is located, the notice shall be served by mailing a copy of the notice to the owner directed to the owner's last known post office address.

(d) If the owner or the owner's agents or tenants do not cut and trim the fences and remove the brush, the trustee shall, immediately after the expiration of thirty (30) days, cause the hedge or other live fence to be cut and trimmed and the brush removed to the owner's property.

(e) The trustee shall recover all expenses incurred under subsection (d) by bringing a suit against the owner of the property on which the hedge or live fence is situated before the circuit court or the superior court of the county in which the hedge or other live fence is situated. ~~Collection of the expenses and any judgment recovered shall be without relief from valuation or appraisal laws.~~

SECTION 4. IC 32-28-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A person may enforce a lien by filing a complaint in the circuit or superior court of the county where the real estate or property that is the subject of the lien is situated. The complaint must be filed not later than one (1) year after:

- (1) the date the statement and notice of intention to hold a lien was recorded under section 3 of this chapter; or
- (2) subject to subsection (c), the expiration of the credit, if a credit is given.

(b) Except as provided in subsection (c), if a lien is not enforced within the time set forth in subsection (a), the lien is void.

(c) A credit does not extend the time for filing an action to enforce the lien under subsection (a)(2) unless:

- (1) the terms of the credit are in writing;
- (2) the credit was executed by:
 - (A) the lienholder; and
 - (B) all owners of record; and
- (3) the credit was recorded:
 - (A) in the same manner as the original statement and notice of intention to hold a lien; and
 - (B) not later than one (1) year after the date the statement and notice of intention to hold a lien was recorded.

(d) If the lien is foreclosed under this chapter, the court rendering judgment shall order a sale to be made of the property subject to the lien. The officers making the sale shall sell the property ~~without any relief from valuation or appraisal laws.~~ **in accordance with IC 34-55-6.**

SECTION 5. IC 32-28-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person employed and working in and about a strip mine has a lien on:

- (1) the strip mine;
- (2) all machinery and fixtures connected with the strip mine; and
- (3) everything used in and about the strip mine;

for labor performed within a two (2) month period preceding the lien. Except as provided in subdivision (b), this lien is superior to and has priority over all other liens. As against each other, these liens have priority in the order in which they accrued.

(b) A state tax lien is superior to and has priority over a lien described in subsection (a).

(c) A person desiring to acquire an employee lien as described in subsection (a) shall file within sixty (60) days after the time the payment became due in the recorder's office of the county where the mine is situated a notice of intention to hold a lien upon property for

the amount of the claim. The person filing a lien shall state in the lien notice the amount of the claim and the name of the coal works, if known. If the person filing the lien does not know the name of the coal works, the person shall include in the notice any other designation describing the location of the mine. The recorder shall immediately record the notice in the location used for recording mechanic's liens. The recorder shall receive a fee in accordance with IC 36-2-7-10. If the mine is located in more than one (1) county, the notice of intention to hold a lien may be filed in any county where any part of the mine is located.

(d) Suits brought to enforce a lien created under this section must be brought within one (1) year after the date of filing notice of the lien in the recorder's office. All judgments rendered on the foreclosure of the liens must include:

- (1) the amount of the claim found to be due;
- (2) the interest on the claim from the time due; and
- (3) reasonable attorney's fees.

~~The judgment shall be collected without relief from valuation, appraisal, or state laws.~~

SECTION 6. IC 32-28-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An employee having acquired a lien under this chapter may enforce the lien by filing a complaint in the circuit or superior court in the county where the lien was acquired at any time within six (6) months after the date of acquiring the lien, or if a credit is given, after the date of the credit.

(b) The court rendering judgment for the claim shall declare the claim a lien upon the corporation's property and order the property sold to pay and satisfy the judgment and costs, as other lands are sold on execution or decree. ~~without relief from valuation or appraisal laws.~~

(c) In an action brought under this section, the court shall make orders as to the application of the earnings of the corporation that are just and equitable, whether or not the the relief is asked for in the complaint.

SECTION 7. IC 32-28-14-8, AS AMENDED BY P.L.99-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A homeowners association may enforce a homeowners association lien by filing a complaint in the circuit or

superior court of the county where the real estate that is the subject of the lien is located. The complaint:

- (1) may not be filed earlier than ninety (90) days, unless:
 - (A) another person files a foreclosure action on the property that is the subject of the lien; or
 - (B) a person files written notice to file an action to foreclose the lien under section 9(a)(1) of this chapter; and
- (2) must be filed not later than five (5) years;

after the date the statement and notice of intention to hold a lien was recorded under section 6 of this chapter.

(b) If a lien is not enforced within the time set forth in subsection (a), the lien is void.

(c) If a lien is foreclosed under this chapter, the court rendering judgment shall order a sale to be made of the real estate subject to the lien. ~~The officers making the sale shall sell the real estate without any relief from valuation or appraisement laws.~~

SECTION 8. IC 32-29-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A sheriff or an agent of the sheriff making a foreclosure sale under this chapter may not directly or indirectly purchase property sold by the sheriff or the sheriff's agent. If the purchaser of property sold on foreclosure fails to immediately pay the purchase money, the sheriff shall resell the property either on the same day without advertisement or on a subsequent day after again advertising in accordance with this chapter, as the judgment creditor directs. If the amount bid at the second sale does not equal the amount bid at the first sale, including the costs of the second sale, the first purchaser shall be liable for:

- (1) the deficiency;
- (2) damages not exceeding ten percent (10%); and
- (3) interest and costs;

all of which may be recovered in a court of proper jurisdiction by the sheriff.

(b) If the property is sold, the sheriff shall pay the proceeds as provided in IC 32-30-10-14. Every sale made under this chapter ~~must be without relief from valuation or appraisement laws and is made~~ without any right of redemption.

SECTION 9. IC 32-30-3.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Any defendant in

the main court action for possession of real property may file a complaint setting forth the sale and title under it and any other matter allowed under this chapter. The court proceedings must assess the values, damages, and other amounts of which assessment is required under section 3 of this chapter. If after the main court action the plaintiff has not paid the amount assessed by the court, the court shall set a reasonable time for the plaintiff to pay the defendant. If the plaintiff does not pay the amount within the time set by the court, the court shall order the land sold. ~~without relief from valuation or appraisal laws.~~ If the premises are sold, the defendant is entitled to receive from the proceeds of the sale the amount the defendant is due, with interest, and court costs. The plaintiff is entitled to the remainder of the proceeds of the sale.

SECTION 10. IC 32-33-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A person that has a lien under this chapter may enforce the lien by filing the person's complaint in the circuit or superior court of the county in which the lien is filed, at any time within one (1) year after the notice is received for record under section 2(a) of this chapter by the recorder of the county.

(b) If the lien is not enforced within the time prescribed by this section, the lien is void. If the lien is enforced as provided in this chapter, the court rendering judgment shall order the sale to be made, and the officers making the sale shall sell the property ~~without relief whatever from valuation or appraisal laws.~~ **in accordance with IC 34-55-6.**

SECTION 11. IC 34-54-1-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1: When a judgment is to be executed without relief from appraisal laws, it shall be so ordered in the judgment.~~

SECTION 12. IC 34-54-1-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2: When a plaintiff has included in one (1) action demands subject to the appraisal laws, with demands made payable without any relief from appraisal laws, the court may render separate judgments upon each demand.~~

SECTION 13. IC 34-54-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A judgment recovered against a sheriff, constable, other public officer, administrator, executor, or other person or corporation, or the sureties of any or all of those persons:

(1) for money collected or received in a fiduciary capacity;
(2) for a breach of any official duty; or
(3) for money or other articles of value held in trust for another;
is collectible without stay of execution. ~~or benefit of the valuation or appraisal laws of Indiana.~~

SECTION 14. IC 34-54-6-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2: All judgments recovered upon bonds, written undertakings, or recognizances executed in any legal proceeding, civil or criminal, are collectible without relief from valuation or appraisements laws of the state of Indiana.~~

SECTION 15. IC 34-55-4-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1: Property shall not be sold on any execution or order of sale issued out of any court for less than two-thirds (2/3) of the appraised cash value of the property, exclusive of liens and encumbrances, except where otherwise provided by law.~~

SECTION 16. IC 34-55-4-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2: The sheriff, immediately upon levying an execution, shall proceed to ascertain the cash value of the property levied upon.~~

SECTION 17. IC 34-55-4-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: (a) For the purpose of appraising the cash value of property:~~

- ~~(1) two (2) disinterested householders of the neighborhood where the levy is made shall be selected as appraisers, one (1) of whom shall be selected by each of the parties or their agents; or~~
- ~~(2) in the absence of either party or the party's agent, or upon the failure or refusal of either party after three (3) days notice by the sheriff, to make the selection, the sheriff shall proceed to select the appraisers.~~

~~(b) The appraisers shall immediately proceed to appraise the property according to its cash value at the time, deducting liens and encumbrances. In case of their disagreement as to the value, the sheriff shall select a like disinterested appraiser, and, with the disinterested appraiser's assistance, shall complete the valuation. The appraisalment of any two (2) of them shall be considered the cash value.~~

SECTION 18. IC 34-55-4-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 4: If an appraiser fails to act or to complete the valuation, another appraiser shall be chosen, as provided in this chapter.~~

SECTION 19. IC 34-55-4-5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. It is not the duty of the sheriff or the appraisers to ascertain the amount of liens and encumbrances. However, either party may furnish the sheriff with a list of liens and encumbrances, with the amount and nature of each.

SECTION 20. IC 34-55-4-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6. ~~The sheriff shall furnish the appraisers a schedule of the property levied on, with the encumbrances made known to the sheriff. The appraisers shall proceed to fix and set down opposite to each tract, lot, or parcel of real estate, and of the several articles of personal property, the cash value, deducting liens and encumbrances. The appraisers shall return the schedule to the sheriff.~~

SECTION 21. IC 34-55-4-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7. (a) The appraisers shall take and subscribe an oath, annexed to the appraisal, to the effect that:

- (1) the property mentioned in the schedule is, to the best of their judgment, worth the sums specified in the appraisal; and
- (2) the appraisal is the fair cash value of the property at the time, exclusive of liens and encumbrances.

(b) The sheriff may administer and attest the oath described in subsection (a):

SECTION 22. IC 34-55-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. When any property levied on remains unsold, the sheriff shall ~~when the sheriff returns the execution, return the appraisal with the execution, return the execution,~~ stating in the sheriff's return the failure to sell and the cause of the failure.

SECTION 23. IC 34-55-4-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~12~~. ~~Property conveyed by a debtor with intent to hinder, delay, or defraud creditors shall be sold without appraisal.~~

SECTION 24. IC 34-55-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Any personal property taken in execution may be returned to the execution defendant by the sheriff, upon the delivery by the defendant to the sheriff of a written undertaking described in subsection (b).

(b) The written undertaking must be:

- (1) payable to the execution plaintiff, with sufficient surety to be approved by the sheriff; and
- (2) to the effect that the property shall be delivered to the sheriff

at a time and place named in the undertaking, to be sold:

- (A) according to law; or
- (B) for the payment to the sheriff of
 - (i) the appraised value of the property; or
 - (ii) if the property has not been appraised, the fair value of the property.

SECTION 25. IC 34-55-5-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: (a) Before the sheriff delivers any part of the property to the defendant, the sheriff shall cause the property to be appraised in the manner prescribed by law when an appraisal of the property is required:

(b) The defendant may sell or dispose of the property, paying the officer the full appraised value of the property.

SECTION 26. IC 34-55-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Rents and profits may be sold as other property. the appraisers setting down the value of each year separately.

P.L.46-2016

[S.305. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 20-26-11-9, AS AMENDED BY P.L.131-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This section applies to each student:

- (1) described in section 8(a) of this chapter;
- (2) who is placed in a home or facility in Indiana that is outside the school corporation where the student has legal settlement; and

(3) for which the state is not obligated to pay transfer tuition.

(b) Not later than ten (10) days after the department of child services or a probation department places or changes the placement of a student, the department of child services or probation department that placed the student shall notify the school corporation where the student has legal settlement and the school corporation where the student will attend school of the placement or change of placement. Before ~~June 30~~ **September 1** of each year, the department of child services or a probation department that places a student in a home or facility shall notify the school corporation where a student has legal settlement and the school corporation in which a student will attend school if a student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

- (1) the department of child services, if the child is a child in need of services; or
- (2) if subdivision (1) does not apply, the court or other agency making the placement.

SECTION 2. IC 20-50-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. As used in this chapter, "foster care" has the meaning set forth in IC 31-9-2-46.7.**

SECTION 3. IC 20-50-3-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. As used in this chapter, "foster care" has the meaning set forth in IC 31-9-2-46.7.**

SECTION 4. IC 31-9-2-14, AS AMENDED BY P.L.48-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child described in IC 31-34-1-1 through IC 31-34-1-5 and **IC 31-34-1-8 through IC 31-34-1-11**, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts, regardless of whether the child needs care,

treatment, rehabilitation, or the coercive intervention of a court.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through ~~IC 31-34-1-9~~, **IC 31-34-1-11**, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

SECTION 5. IC 31-9-2-133.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 133.1. "Victim of human or sexual trafficking", for purposes of IC 31-34-1-3.5, refers to a child who is recruited, harbored, transported, or engaged in:**

- (1) forced labor;**
- (2) involuntary servitude;**
- (3) prostitution;**
- (4) child exploitation, as defined in IC 35-42-4-4(b);**
- (5) marriage, unless authorized by a court under IC 31-11-1-6; or**
- (6) trafficking for the purpose of prostitution or participation in sexual conduct as defined in IC 35-42-4-4(a)(4).**

SECTION 6. IC 31-33-18-2, AS AMENDED BY P.L.123-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:
 - (A) A police officer or other law enforcement agency.
 - (B) A prosecuting attorney.
 - (C) A coroner, in the case of the death of a child.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective

custody if:

- (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.
- (10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.
- (11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.
- (12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's

~~purpose under IC 31-34-21.~~

~~(13)~~ **(12)** The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

~~(14)~~ **(13)** A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

~~(15)~~ **(14)** An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

~~(16)~~ **(15)** A local child fatality review team established under IC 16-49-2.

~~(17)~~ **(16)** The statewide child fatality review committee established by IC 16-49-4.

~~(18)~~ **(17)** The department.

~~(19)~~ **(18)** The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

~~(20)~~ **(19)** A citizen review panel established under IC 31-25-2-20.4.

- ~~(21)~~ **(20)** The department of child services ombudsman established by IC 4-13-19-3.
- ~~(22)~~ **(21)** The state superintendent of public instruction with protection for the identity of:
- (A) any person reporting known or suspected child abuse or neglect; and
 - (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
- ~~(23)~~ **(22)** The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.
- ~~(24)~~ **(23)** A person who operates a child caring institution, group home, or secure private facility if all the following apply:
- (A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.
 - (B) The report or other materials concern:
 - (i) an employee of;
 - (ii) a volunteer providing services at; or
 - (iii) a child placed at;the child caring institution, group home, or secure private facility.
 - (C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.
- ~~(25)~~ **(24)** A person who operates a child placing agency if all the following apply:
- (A) The child placing agency is licensed under IC 31-27.
 - (B) The report or other materials concern:
 - (i) a child placed in a foster home licensed by the child placing agency;
 - (ii) a person licensed by the child placing agency to operate a foster family home;
 - (iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or
 - (iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.
 - (C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the

child placing agency or foster family home.

(25) The National Center for Missing and Exploited Children.

SECTION 7. IC 31-34-1-3, AS AMENDED BY SEA 26-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of an offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 (before its repeal);

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;

(E) IC 35-42-4-5;

(F) IC 35-42-4-6;

~~(G)~~ **(G)** IC 35-42-4-7;

(H) IC 35-42-4-8;

~~(I)~~ **(I)** IC 35-42-4-9;

~~(J)~~ **(J)** IC 35-45-4-1;

~~(K)~~ **(K)** IC 35-45-4-2;

(L) IC 35-45-4-3;

(M) IC 35-45-4-4;

~~(N)~~ **(N)** IC 35-46-1-3; or

~~(O)~~ **(O)** the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through ~~(F)~~; **(N)**; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) **years of age**, the child:

(1) lives in the same household as an adult who:

(A) committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or

(B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial; and

(2) needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child lives in the same household as an adult who:

(A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 or the law of another jurisdiction, including federal law, that resulted in a conviction or a judgment under IC 31-34-11-2; or

(B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 or the law of another jurisdiction, including federal law, and is awaiting trial; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 8. IC 31-34-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:**

(1) the child is the victim of:

(A) human or sexual trafficking (as defined in IC 31-9-2-133.1); or

(B) a human or sexual trafficking offense under the law of another jurisdiction, including federal law, that is substantially equivalent to the act described in clause (A); and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct described in subsection (a)(1).

SECTION 9. IC 31-34-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. A person who is accused of committing child abuse or neglect is entitled under**

~~IC 31-33-18-2(14)~~ **IC 31-33-18-2(13)** to access to a report relevant to an alleged accusation.

SECTION 10. IC 31-34-10-3, AS AMENDED BY P.L.234-2005, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Before complying with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

- (1) If the child is alleged to be a child in need of services:
 - (A) under IC 31-34-1-6;
 - (B) under IC 31-34-1-10 or IC 31-34-1-11;
 - (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
 - (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.

- (2) If the child is alleged to be a child in need of services under:
 - (A) IC 31-34-1-1;
 - (B) IC 31-34-1-2;
 - (C) IC 31-34-1-3;
 - (D) IC 31-34-1-3.5;**
 - ~~(D)~~ **(E)** IC 31-34-1-4;
 - ~~(E)~~ **(F)** IC 31-34-1-5;
 - ~~(F)~~ **(G)** IC 31-34-1-7; or
 - ~~(G)~~ **(H)** IC 31-34-1-8;

the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

- (3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

SECTION 11. IC 31-34-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Except if a petition is filed under IC 31-34-1-6 **or IC 31-34-1-3.5**, the juvenile court shall determine whether the parent, guardian, or custodian admits or denies

the allegations of the petition. A failure to respond constitutes a denial.

SECTION 12. IC 31-34-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. If a petition alleges that the child is a child in need of services under IC 31-34-1-6 **or IC 31-34-1-3.5**, the juvenile court shall determine whether the child admits or denies the allegations. A failure to respond constitutes a denial.

SECTION 13. IC 31-34-12-4.5, AS AMENDED BY SEA 26-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) There is a rebuttable presumption that a child is a child in need of services if the state establishes that the child lives in the same household as an adult who:

- (1) committed an offense described in IC 31-34-1-3 **or IC 31-34-1-3.5** against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
- (2) has been charged with an offense described in IC 31-34-1-3 **or IC 31-34-1-3.5** against a child and is awaiting trial.

(b) The following may not be used as grounds to rebut the presumption under subsection (a):

- (1) The child who is the victim of the offense described in IC 31-34-1-3 is not genetically related to the adult who committed the act, but the child presumed to be the child in need of services under this section is genetically related to the adult who committed the act.
- (2) The child who is the victim of the offense described in IC 31-34-1-3 differs in age from the child presumed to be the child in need of services under this section.

(c) This section does not affect the ability to take a child into custody or emergency custody under IC 31-34-2 if the act of taking the child into custody or emergency custody is not based upon a presumption established under this section. However, if the presumption established under this section is the sole basis for taking a child into custody or emergency custody under IC 31-34-2, the court first must find cause to take the child into custody or emergency custody following a hearing in which the parent, guardian, or custodian of the child is accorded the rights described in IC 31-34-4-6(a)(2) through IC 31-34-4-6(a)(5).

SECTION 14. IC 31-34-20-1, AS AMENDED BY P.L.104-2015,

SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Subject to this section and section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the department.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and authorize the department to place the child in another home, shelter care facility, child caring institution, group home, or secure private facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship of the child to the department for supervision, care, and placement.
- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order the child's parent, guardian, or custodian to complete services recommended by the department and approved by the court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.
- (8) Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence.

(b) A juvenile court may not place a child in a home or facility that is located outside Indiana unless:

- (1) the placement is recommended or approved by the director of the department or the director's designee; or
- (2) the juvenile court makes written findings based on clear and convincing evidence that:
 - (A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana;
 - (B) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship;**
or
 - ~~(B)~~ (C) the location of the home or facility is within a distance

not greater than fifty (50) miles from the county of residence of the child.

(c) If a dispositional decree under this section:

- (1) orders or approves removal of a child from the child's home or awards wardship of the child to the department; and
- (2) is the first juvenile court order in the child in need of services proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the juvenile court shall include in the decree the appropriate findings and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).

SECTION 15. IC 31-34-21-5.6, AS AMENDED BY P.L.158-2013, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.6. **Except as provided in subsection (c)**, a court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

- (1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:
 - (A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:
 - (i) a child described in IC 31-35-3-4(2); or
 - (ii) a parent of the child; or
 - (B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.
- (2) A parent, guardian, or custodian of a child who is a child in need of services:
 - (A) has been convicted of:
 - (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or
 - (ii) a comparable offense described in item (i) in any other state, territory, or country; or
 - (B) has been convicted of:

- (i) aiding, inducing, or causing another person;
- (ii) attempting; or
- (iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery as a Class A felony (for a crime committed before July 1, 2014) or Level 2 felony (for a crime committed after June 30, 2014);

(B) battery as a Class B felony (for a crime committed before July 1, 2014) or Level 3 or Level 4 felony (for a crime committed after June 30, 2014);

(C) battery as a Class C felony (for a crime committed before July 1, 2014) or Level 5 felony (for a crime committed after June 30, 2014);

(D) aggravated battery (IC 35-42-2-1.5);

(E) criminal recklessness (IC 35-42-2-2) as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(F) neglect of a dependent (IC 35-46-1-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3 felony (for a crime committed after June 30, 2014); ~~or~~

(G) promotion of human trafficking, promotion of human trafficking of a minor, sexual trafficking of a minor, or human trafficking (IC 35-42-3.5-1) as a felony; or

~~(H)~~ **(H)** a comparable offense described in clauses (A) through ~~(F)~~ **(G) under federal law or** in another state, territory, or country;

against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

- (5) The child is an abandoned infant, provided that the court:
- (A) has appointed a guardian ad litem or court appointed special advocate for the child; and
 - (B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.

(c) During or at any time after the first periodic case review under IC 31-34-21-2 of a child in need of services proceeding, if the court finds that a parent, guardian, or custodian of the child has been charged with an offense described in subsection (b)(3) and is awaiting trial, the court may make a finding that reasonable efforts to reunify the child with the child's parent, guardian, or custodian or preserve the child's family as described in section 5.5 of this chapter may be suspended pending the disposition of the parent's, guardian's, or custodian's criminal charge.

SECTION 16. IC 31-34-21-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: (a) The juvenile court may assign cases to a foster care review board established by the court to assist the court in reviewing foster care placements:

(b) The foster care review board shall review a foster care placement at the juvenile court's request and shall file a report, including findings and recommendations with the court:

(c) If the juvenile court believes the contents of a confidential report or document would benefit the review board, the court may provide the review board with an order authorizing disclosure of the document to the review board. The review board may not disclose the contents of a confidential report or document to any person who is not allowed disclosure by the court or by statute:

SECTION 17. IC 31-37-9-1, AS AMENDED BY P.L.146-2008, SECTION 629, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child. ~~and the child is not removed from the child's home:~~

(b) If the program of informal adjustment includes services

requiring payment by the department under IC 31-40-1, the intake officer shall submit a copy of the proposed program to the department before submitting it to the juvenile court for approval. Upon receipt of the proposed program, the department may submit its comments and recommendations, if any, to the intake officer and the juvenile court.

SECTION 18. IC 31-37-19-3, AS AMENDED BY P.L.146-2008, SECTION 649, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A juvenile court may not place a child who is a delinquent child under IC 31-37-2 in a shelter care facility that is located outside the child's county of residence unless:

- (1) placement of the child in a shelter care facility with adequate services located in the child's county of residence is unavailable; or
- (2) the child's county of residence does not have an appropriate shelter care facility with adequate services.

(b) A juvenile court may not place a child in a home or facility that is not a secure detention facility and that is located outside Indiana unless:

- (1) the placement is recommended or approved by the director of the department or the director's designee; or
- (2) the court makes written findings based on clear and convincing evidence that:
 - (A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana;
 - (B) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship;**
 - or
 - ~~(B)~~ (C) the location of the home or facility is within a distance not more than fifty (50) miles from the county of residence of the child.

SECTION 19. IC 31-37-20-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: (a) ~~The juvenile court may assign cases to a foster care review board established by the court to assist the court in reviewing foster care placements. The board shall:~~

- ~~(1) review a foster care placement at the juvenile court's request;~~
- ~~and~~

~~(2) file a report, including findings and recommendations, with the court.~~

~~(b) If the juvenile court believes the contents of a confidential report or document would benefit the review board, the court may provide the review board with an order authorizing disclosure of the document to the review board. The review board may not disclose the contents of a confidential report or document to a person who is not allowed disclosure by the court or by statute.~~

SECTION 20. IC 35-46-1-9, AS AMENDED BY P.L.158-2013, SECTION 555, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in subsection (b), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a Level 6 felony.

(b) This section does not apply to the transfer or receipt of:

- (1) reasonable attorney's fees;
- (2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;
- (3) reasonable charges and fees levied by a child placing agency licensed under IC 31-27 or the department of child services;
- (4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;
- (5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;
- (6) reasonable costs of maternity clothing for the adopted person's birth mother;
- (7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;
- (8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars (\$1,000); or
- (9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages

lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition, if:

- (A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and
- (B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted person's birth mother under subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(c) Except as provided in this subsection, payments made under subsection (b)(5) through (b)(9) may not exceed three thousand dollars (\$3,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (b)(5) through (b)(9) may exceed three thousand dollars (\$3,000) to the extent that a court in Indiana with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:

- (1) the expenses are not being offered as an inducement to proceed with an adoption; and
- (2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(d) The payment limitation under subsection (c) applies to the total amount paid under subsection (b)(5) through (b)(9) in connection with an adoption from all prospective adoptive parents, attorneys, and licensed child placing agencies.

(e) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under section 9.5 of this chapter before the attorney or agency transfers a

payment for adoption related expenses under subsection (b) in relation to the birth mother.

(f) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

P.L.47-2016

[S.306. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-1.5-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** Notwithstanding any other provision of law, to the extent that any department or agency of the state, including the treasurer of state, is the custodian of money payable to the qualified entity (other than for goods or services provided by the qualified entity), at any time after written notice to the department or agency head from the bank that the qualified entity is in default on the payment of principal or interest on the securities of the qualified entity then held or owned by or arising from an agreement with the bank, the department or agency shall withhold the payment of that money from that qualified entity and pay over the money to the bank for the purpose of paying principal of and interest on bonds of the bank. However, the withholding of payment from the qualified entity and payment to the bank under this section must not adversely affect the validity of the security in default.

(b) This subsection applies to securities of a qualified entity acquired by the bank, or arising from an agreement entered into with the bank, on or after March 1, 2016. Upon receiving notice from the bank that a qualified entity has failed to pay when due the

principal or interest on the securities of the qualified entity then held or owned by or arising from an agreement with the bank, the fiscal officer (as defined in IC 36-1-2-7) of the county, for any county in which the qualified entity is wholly or partially located, shall do the following:

(1) Reduce the amount of any revenues or other money or property that:

(A) is held, possessed, maintained, controlled, or otherwise in the custody of the county or a department, an agency, or an instrumentality of the county; and

(B) would otherwise be available for distribution to the qualified entity under any other law;

by an amount equal to the amount of the qualified entity's unpaid securities.

(2) Pay the amount by which the revenues or other money or property is reduced under subdivision (1) to the bank to pay the principal of and interest on bonds or other obligations of the bank.

(3) Notify the qualified entity that the revenues or other money or property, which would otherwise be available for distribution to the qualified entity, has been reduced by an amount necessary to satisfy all or part of the qualified entity's unpaid securities to the bank.

(c) This subsection applies to securities of a qualified entity acquired by the bank, or arising from an agreement with the bank, that is covered by subsection (b). A reduction under subsection (b) must be made as follows:

(1) First, from local income tax distributions under IC 6-3.6-9 that would otherwise be distributed to the qualified entity under the schedules in IC 6-3.6-9-12 and IC 6-3.6-9-16.

(2) Second, from any other revenues or other money or property that:

(A) is held, possessed, maintained, or controlled by, or otherwise in the custody of, the county or a department, an agency, or an instrumentality of the county; and

(B) would otherwise be available for distribution to the qualified entity under any other law.

SECTION 2. IC 5-13-9-2, AS AMENDED BY P.L.102-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 2. (a) Each officer designated in section 1 of this chapter may invest or reinvest any funds that are held by the officer and available for investment in any of the following:

(1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:

- (A) The United States Treasury.
- (B) A federal agency.
- (C) A federal instrumentality.
- (D) A federal government sponsored enterprise.

(2) Securities fully guaranteed and issued by any of the following:

- (A) A federal agency.
- (B) A federal instrumentality.
- (C) A federal government sponsored enterprise.

(3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase. A security purchased by the treasurer of state under this subdivision must have a stated final maturity of not more than ~~five (5)~~ **ten (10)** years after the date of purchase.

(b) If an investment under subsection (a) is made at a cost in excess of the par value of the securities purchased, any premium paid for the securities shall be deducted from the first interest received and returned to the fund from which the investment was purchased, and only the net amount is considered interest income.

(c) The officer making the investment may sell any securities acquired and may do anything necessary to protect the interests of the funds invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial investment.

(d) The investing officers of the political subdivisions are the legal custodians of securities under this chapter. They shall accept safekeeping receipts or other reporting for securities from:

- (1) a duly designated depository as prescribed in this article; or
- (2) a financial institution located either in or out of Indiana having

custody of securities with a combined capital and surplus of at least ten million dollars (\$10,000,000) according to the last statement of condition filed by the financial institution with its governmental supervisory body.

(e) The state board of accounts may rely on safekeeping receipts or other reporting from any depository or financial institution.

(f) In addition to any other investments allowed under this chapter, an officer of a conservancy district located in a city having a population of more than five thousand (5,000) but less than five thousand one hundred (5,100) may also invest in:

- (1) municipal securities; and
- (2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the officer of a conservancy district. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the officer of a conservancy district causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

(g) In addition to any other investments allowed under this chapter, a clerk-treasurer of a town with a population of more than five thousand (5,000) but less than ten thousand (10,000) located in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000) may also invest money in a host community agreement future fund established by ordinance of the town in:

- (1) municipal securities; and
- (2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the clerk-treasurer of a town. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total

portfolio invested by the clerk-treasurer of a town causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

SECTION 3. An emergency is declared for this act.

P.L.48-2016

[S.315. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-21-11.2-4, AS ADDED BY P.L.138-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The postnatal donation initiative must include the dissemination of the following information:

- (1) Information concerning the option that is available to pregnant women to make a postnatal donation upon the birth of a newborn infant.
- (2) An explanation of the benefits and risks of using postnatal fluid and postnatal tissue in accordance with the National Marrow Donor Program or another federal Food and Drug Administration approved protocol, and the use of postnatal fluid and postnatal tissue for medical treatment, including the following:
 - (A) A list of the diseases or conditions that have been treated through the use of postnatal donations.
 - (B) A list of the diseases or conditions for which scientific research indicates that treatment through the use of postnatal donations are promising.
- (3) Information concerning the process by which postnatal fluid and postnatal tissue are collected and the steps that a pregnant woman must take to arrange to have the postnatal fluid or

postnatal tissue, or both, collected and donated.

(b) The state department shall:

- (1) update the material described in subsection (a); and
- (2) provide for the distribution of the information to at least the following persons that treat pregnant women:
 - (A) Physicians licensed under IC 25-22.5.
 - (B) Health care facilities.
 - (C) Ambulatory surgical centers.
 - (D) Health clinics.
 - (E) Maternity homes registered under IC 16-26-1.
 - (F) Nurse midwives licensed under IC 25-23-1-13.1.
 - (G) Birthing centers licensed under IC 16-21-2.

(c) A person described in subsection (b)(2) shall provide the information distributed under subsection (b) to women who:

- (1) are pregnant and receive prenatal services from the person; or**
- (2) give birth at the person's facility.**

P.L.49-2016

[S.324. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 16-19-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

Chapter 3.5. Construction Permits and Plan Review

Sec. 1. As used in this chapter, "applicant" means a person that applies for a construction permit under this chapter.

Sec. 2. As used in this chapter, "application" means an

application for a construction permit and any supporting plans and specifications.

Sec. 3. As used in this chapter, "division" means the division of fire and building safety established by IC 10-19-7-1.

Sec. 4. As used in this chapter, "plan review" means a review of plans for construction, modification, or installation of a project to determine if the plans comply with the state department's rules.

Sec. 5. As used in this chapter, "project" means a project:

- (1) that involves an improvement to real property; and
- (2) for which a construction permit is required to be obtained from the state department before the start of construction, installation, or modification of improvements to the real property.

The term includes only project types regulated under 410 IAC 6-12.

Sec. 6. The state department shall provide notice under this chapter by:

- (1) first class mail; or
- (2) electronic mail.

Sec. 7. The state department shall accept an application for a construction permit that is submitted by an applicant by either of the following methods:

- (1) The applicant may submit an application to the division that is a combined application for:
 - (A) a construction permit under this chapter; and
 - (B) a design release under IC 22-15-3.
- (2) The applicant may submit separate applications for:
 - (A) a construction permit to the state department; and
 - (B) a design release under IC 22-15-3 to the division.

Not later than the next business day, the division shall provide a copy of the application submitted under subdivision (1) to the state department to initiate processing of the construction permit under this chapter.

Sec. 8. (a) Upon receiving a complete application for a construction permit, the state department shall notify the applicant not later than the next business day of all the following:

- (1) The assigned project number.
- (2) Instructions on submitting any required documentation.
- (3) The contact information for the person performing the

plan review, including any person, entity, or local health department that is delegated a plan review as provided in section 12 of this chapter.

(b) Not later than thirty (30) business days after the date a complete application is received by the state department, the state department shall:

(1) conduct a plan review; and

(2) notify the applicant that:

(A) the plans and specifications have been approved; or

(B) a construction permit will not be issued until the applicant submits corrections to the plans or specifications.

If the plans and specifications are approved, the state department shall issue the construction permit to the applicant not later than the thirty-first business day after the application is received.

Sec. 9. If the state department does not notify an applicant under section 8 of this chapter within thirty (30) business days after the application is received:

(1) the application is approved as submitted; and

(2) the state department shall, not later than the thirty-first business day after the date the application is received, provide the construction permit to the applicant.

Sec. 10. (a) If the state department receives corrections to a plan in response to a notice sent under section 8(b)(2)(B) of this chapter, and any time the state department receives corrections to a notice under subdivision (2) thereafter, the state department shall do one (1) of the following:

(1) Not later than ten (10) business days, or fifteen (15) business days if agreed upon by the applicant and the state department, after receiving the corrections, send notice to the applicant that the corrected plans as submitted have been approved for a construction permit. The state department shall, not later than the next business day after the date that notice is sent to the applicant, provide the applicant with a construction permit.

(2) Not later than ten (10) business days, or fifteen (15) business days if agreed upon by the applicant and the state department, after receiving the corrections, send notice to the applicant that a construction permit will not be issued until the applicant submits additional corrections. However, if the

applicant does not receive the notice within the period specified in this subdivision:

- (A) the application is approved as submitted; and**
- (B) the state department shall, not later than the eleventh or sixteenth business day after the date that the corrections were received by the state department, whichever is applicable, provide the applicant with a construction permit.**

(b) A review under this section is limited to:

- (1) the corrections required by the state department under the notice sent under section 8(b)(2)(B) of this chapter or subsection (a)(2); and**
- (2) any revisions made to the plan that have not been reviewed, regardless of whether those revisions were requested under section 8(b)(2)(B) of this chapter or subsection (a)(2).**

All other parts of a project not directly related to corrections or revisions described in subdivision (1) or (2), including previously completed corrections or revisions that the state department has already accepted, are considered approved for a construction permit and may not be included in subsequent notice requests sent under this section.

Sec. 11. The state department may not deny a construction permit based upon noncompliance or suspected noncompliance with a rule adopted under the authority of the fire prevention and building safety commission established by IC 22-12-2-1.

Sec. 12. (a) The state department may:

- (1) contract with a person to perform the state department's plan review responsibilities under this chapter; or**
- (2) refer the plan review to a local health department.**

(b) A person, entity, or local health department under subsection (a) that performs a plan review delegated by the state department under this chapter is subject to this chapter to the same extent as the state department. If the person, entity, or local health department fails to meet the required plan review and notification deadlines under this chapter, the state department shall approve the application as submitted and issue the applicant a construction permit.

SECTION 2. IC 16-41-26-15 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 15. A construction permit issued by the state department for an agricultural labor camp under 410 IAC 6-9 is issued in accordance with IC 16-19-3.5.**

SECTION 3. IC 16-41-27-22, AS AMENDED BY P.L.113-2014, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 22. (a) The construction of a new mobile home community or alteration of an existing mobile home community shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department **in accordance with IC 16-19-3.5.**

(b) A public water system may not be constructed or altered in a new or existing mobile home community until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the environmental rules board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home community until:

- (1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and
- (2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the environmental rules board.

SECTION 4. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 4.1. (a) This section applies only to a plan review for a design release performed:**

- (1) before construction of a Class 1 structure; and**
- (2) to determine compliance with the rules of the commission.**

(b) This section does not apply to a plan review for the issuance of a building permit, an improvement permit, a fire protection system permit, or any other permit issued by a state agency or a city, town, or county.

(c) A plan review for a design release must be:

- (1) authorized under IC 22-15-3; and**

(2) performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.

(d) If the commission has certified that a city, town, or county is qualified to perform a plan review for a design release under IC 22-15-3, both of the following may perform the plan review for a design release:

(1) The division of fire and building safety.

(2) The city, town, or county.

However, only the entity described in subdivision (1) or (2) that performs the initial plan review for a design release may charge a fee for the plan review for a design release. The other entity shall not charge a fee for the plan review for a design release.

SECTION 5. IC 22-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall adopt building rules that allow a person to convert a building or other structure, in whole or in part, from one (1) class of occupancy and use established under the commission's rules to another without complying with all of the commission's rules governing new construction.

(b) The rules adopted under this section must protect the public from significant health hazards and safety hazards.

(c) Subject to subsection (b), the rules must promote the following:

(1) The preservation of architecturally significant and historically significant parts of buildings and other structures.

(2) The economically efficient reuse of buildings and other structures.

(3) The preservation and use of commercial buildings located within:

(A) the downtown of a local unit; and

(B) a designated historic district.

Before the effective date of the commission's rules, the commission's policies must promote the preservation and use of commercial buildings as set forth in subdivision (3).

(d) The rules adopted under this section may condition an exemption upon:

(1) passing an inspection conducted by the department; and

(2) paying the fee set under IC 22-12-6-6.

SECTION 6. IC 22-13-5-2, AS AMENDED BY P.L.218-2014,

SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) **Except as provided under subsection (c)**, upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

(1) an interested person submits a written request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and

(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 7. IC 22-15-3-1, AS AMENDED BY P.L.218-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The state building commissioner **or a city, town, or county certified under subsection (d)** shall issue a design release for ~~(1)~~ the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter. ~~and (2)~~

(b) The state building commissioner shall issue a design release for the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(b) The state building commissioner may issue a design release based on a plan review performed by a city, town, or county if:

~~(1) the state building commissioner has certified that the city, town, or county is competent; and~~

~~(2) the city, town, or county has adopted the rules of the~~

~~commission under IC 22-13-2-3.~~

(c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

~~(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b).~~

(d) The commission may certify a city, town, or county as qualified to issue design releases, if the city, town, or county:

- (1) is competent under the commission's objective criteria; and**
- (2) has adopted the rules of the commission under IC 22-13-2-3.**

(e) A city, town, or county that is certified by the commission under subsection (d) may issue design releases. A design release issued by a certified city, town, or county must be:

- (1) in accordance with the commission's objective criteria; and**
- (2) for a construction type for which the city, town, or county is certified.**

All records held by a certified city, town, or county that pertain to the design release must be submitted to the division to be held in a central repository.

SECTION 8. IC 22-15-3.2-6, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. **(a)** An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the division.

(b) This subsection applies only to an applicant for a design release for a project listed in 410 IAC 6-12-7 for which the applicant must obtain a construction permit from the state department of health under IC 16-19-3.5. After December 31, 2016, an applicant may submit a combined application to the division that is an application for:

- (1) a construction permit under IC 16-19-3.5; and**
- (2) a design release under this chapter.**

Not later than the next business day after receiving the combined application, the division shall provide a copy of the application to the state department of health.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" means the state department of health established by IC 16-19-1-1.

(b) As used in this SECTION, "division" means the division of fire and building safety established by IC 10-19-7-1.

(c) Not later than December 31, 2016, the department and the division shall do the following:

(1) Create a combined application form so that a person may concurrently apply for:

(A) a design release under IC 22-15-3; and

(B) a construction permit under IC 16-19-3.5, as added by this act.

(2) Create, implement, and maintain a process, system, or agreement that enables the division to:

(A) transfer to the department; or

(B) make accessible to the department;

within one (1) business day of receipt, applications for construction permits and design releases and any relevant data and documents;

in accordance with IC 16-19-3.5, as added by this act, and IC 22-15-3.2, as amended by this act.

(d) This SECTION expires July 1, 2017.

SECTION 10. An emergency is declared for this act.

P.L.50-2016

[S.325. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-4-28-5, AS AMENDED BY P.L.150-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 5. As used in this chapter, "individual development account" means an account in a financial institution administered by a community development corporation that allows a qualifying individual to deposit money:

(1) to be matched by the state, financial institutions, corporations, and other entities; and

(2) that will be used by the qualifying individual for one (1) or more of the following:

(A) To pay for costs (including tuition, laboratory costs, books, computer costs, and other costs associated with attendance) at an accredited postsecondary educational institution or a vocational school that is not a postsecondary educational institution, for the individual or for a dependent of the individual.

(B) To pay for the costs (including tuition, laboratory costs, books, computer costs, and other costs) associated with an accredited or a licensed training program that may lead to employment for the individual or for a dependent of the individual.

(C) To purchase a primary residence **located in Indiana** for the individual or for a dependent of the individual or to reduce the principal amount owed on a primary residence **located in Indiana** that was purchased by the individual or a dependent of the individual with money from an individual development

account.

(D) To pay for the rehabilitation (as defined in IC 6-3.1-11-11) of the individual's primary residence **located in Indiana**.

(E) To begin or to purchase part or all of a business **based in Indiana** or to expand an existing small business **based in Indiana**.

(F) Subject to section 8(b) of this chapter, to purchase a motor vehicle.

SECTION 2. IC 4-4-28-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 5.5. As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).**

SECTION 3. IC 4-4-28-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 6. As used in this chapter, "qualifying individual" means an individual or a member of an individual's household who may establish an individual development account because the individual:

(1) is an Indiana resident; and

(2) either:

~~(1)~~ **(A)** receives or is a member of a household that receives assistance under IC 12-14-2; or

~~(2)~~ **(B)** is a member of a household with an annual household income that is less than ~~one two hundred seventy-five percent~~ ~~(175%)~~ **(200%)** of the federal income poverty level.

SECTION 4. IC 4-4-28-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 7. (a) A qualifying individual, including an individual who:

(1) established an individual development account under this chapter before July 1, 2001; and

(2) held the account described in subdivision (1) for less than four (4) years;

may establish an account by applying at a community development corporation after June 30, 2001.

(b) At the time of establishing an account under this section, the qualifying individual must name a beneficiary to replace the qualifying individual as the holder of the account if the qualifying individual dies. If the beneficiary:

(1) is a member of the qualifying individual's family, all funds in the account remain in the account; and

(2) is not a member of the qualifying individual's family, all funds in the account provided by the state revert to the state.

The qualifying individual may change the name of the beneficiary at the qualifying individual's discretion. A beneficiary who becomes the holder of an account under this subsection is subject to this chapter and rules adopted under this chapter regarding withdrawals from the account.

(c) Only one (1) member of a qualifying individual's household may establish an account.

(d) A qualifying individual shall maintain residency in Indiana until the individual development account is closed.

SECTION 5. IC 4-4-28-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 8. (a) A community development corporation shall do the following:

(1) Determine whether an individual who wants to establish an account is a qualifying individual.

(2) Administer, through a financial institution, and act as trustee for each account established through the community development corporation.

(3) Approve or deny an individual's request to make a withdrawal from the individual's account.

(4) Provide or arrange for training in money management, budgeting, and related topics for each individual who establishes an account.

(b) A community development corporation may approve a qualifying individual's request to make a withdrawal from an account to purchase a motor vehicle if the purpose of the purchase is primarily to transport the individual to and from work, postsecondary education, or an accredited or licensed training program intended to lead to employment of the individual or a dependent of the individual.

SECTION 6. IC 4-4-28-12, AS AMENDED BY P.L.150-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 12. (a) The authority shall allocate, for each account that has been established, for not more than ~~four~~ (4) **five** (5) years, three dollars (\$3) for each one dollar (\$1)

of the first four hundred dollars (\$400) an individual deposited into the individual's account during the preceding twelve (12) months. However, if the amount appropriated by the general assembly is insufficient to make the deposits required by this section for accounts that have been established, the authority shall proportionately reduce the amounts allocated to and deposited into each account. The authority may allocate three dollars (\$3) for each one dollar (\$1) of any part of an amount above four hundred dollars (\$400) an individual deposited into the individual's account during the preceding twelve (12) months. However, the authority's allocation under this subsection may not exceed two thousand four hundred dollars (\$2,400) for each account described in this subsection.

(b) ~~Not later than June 30 of each year,~~ The authority shall deposit into each account established under this chapter the appropriate amount of money determined under this section. ~~However, if the individual deposits the maximum amount allowed under this chapter on or before December 31 of each year, the individual may request in writing that the authority allocate and deposit the matched funds under subsection (a) into the individual's account not later than forty-five (45) days after the authority receives the written request.~~

(c) Money from a federal block grant program under Title IV-A of the federal Social Security Act may be used by the state to provide money under this section for deposit into an account held by an individual who receives assistance under IC 12-14-2.

SECTION 7. IC 4-4-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:
Sec. 13. (a) Each community development corporation ~~shall~~ **may apply to the authority for an allocation of tax credits under IC 6-3.1-18 for the contributors to a fund established under this section. A community development corporation may** establish an individual development account fund to provide money to be used to finance additional accounts to be administered by the community development corporation under this chapter and to help pay for the community development corporation's expenses related to the administration of accounts.

(b) Each community development corporation shall encourage individuals, financial institutions, corporations, and other entities to contribute to the fund. A contributor to the fund may qualify for a tax

credit as provided under IC 6-3.1-18.

(c) Each community development corporation may use up to twenty percent (20%) of the first one hundred thousand dollars (\$100,000) deposited each calendar year in the fund under subsection (b) to help pay for the community development corporation's expenses related to the administration of accounts established under this chapter. All deposits in the fund under subsection (b) of more than one hundred thousand dollars (\$100,000) during each calendar year may be used only to fund accounts administered by the community development corporation under this chapter.

(d) A community development corporation may allow an individual to establish a new account as adequate funding becomes available.

(e) Only money from the fund may be used to make the deposit described in subsection (f) into an account established under this section.

(f) The community development corporation shall annually deposit at least three dollars (\$3) into each account for each one dollar (\$1) an individual has deposited into the individual's account as of June 30.

(g) A community development corporation may not allow a qualifying individual to establish an account if the community development corporation does not have adequate funds to deposit into the account under subsection (f).

SECTION 8. IC 4-4-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 14. (a) An account must earn interest at a rate that is competitive in the county where the account is located.

(b) Interest earned on an account during a taxable year is not subject to taxation under IC 6-3 or IC 6-5.5.

(c) An account is a custodial account and is not subject to fees.

SECTION 9. IC 4-4-28-16, AS AMENDED BY P.L.150-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 16. (a) Money withdrawn from an individual's account is not subject to taxation under IC 6-3-1 through IC 6-3-7 if the money is used for at least one (1) of the following:

(1) To pay for costs (including tuition, laboratory costs, books, computer costs, and other costs) at an accredited postsecondary educational institution or a vocational school that is not a

postsecondary educational institution for the individual or for a dependent of the individual.

(2) To pay for the costs (including tuition, laboratory costs, books, computer costs, and other costs) associated with an accredited or a licensed training program that may lead to employment for the individual or for a dependent of the individual.

(3) To purchase a primary residence **located in Indiana** for the individual or for a dependent of the individual or to reduce the principal amount owed on a primary residence **located in Indiana** that was purchased by the individual or a dependent of the individual with money from an individual development account.

(4) To pay for the rehabilitation (as defined in IC 6-3.1-11-11) of the individual's primary residence **located in Indiana**.

(5) To begin or to purchase part or all of a business **based in Indiana** or to expand an existing small business **based in Indiana**.

(6) Subject to section 8(b) of this chapter, to purchase a motor vehicle.

(b) At the time of requesting authorization under section 15 of this chapter to withdraw money from an individual's account under subsection (a)(5), the individual must provide the community development corporation with a business plan that:

(1) **is has been** approved by

~~(A) a financial institution or~~

~~(B) a nonprofit loan fund that has demonstrated fiduciary stability;~~ **is approved by the community development corporation;**

(2) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

(3) may require the individual to obtain the assistance of an experienced business advisor.

SECTION 10. IC 6-3.1-18-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 4.5. As used in this chapter, "qualified contribution" means a contribution to a fund for which a community development corporation has received an allocation of tax credits under IC 4-4-28-13.**

SECTION 11. IC 6-3.1-18-6 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:
Sec. 6. (a) Subject to the limitations provided in subsection (b) and sections 7, 8, 9, 10, and 11 of this chapter, the department shall grant a tax credit against any state tax liability due equal to fifty percent (50%) of the amount ~~contributed to a fund~~ **of a qualified contribution made in a taxable year** by a person or an individual ~~to a fund~~ if the **qualified contribution** is not less than one hundred dollars (\$100) and not more than fifty thousand dollars (\$50,000).

(b) The credit provided by this chapter shall only be applied against any state tax liability owed by the taxpayer after the application of any credits that under IC 6-3.1-1-2 must be applied before the credit provided by this chapter.

SECTION 12. IC 6-3.1-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:
Sec. 9. (a) A person that or an individual who desires to claim a tax credit as provided in this chapter shall file with the department, in the form approved by the department, an application stating the amount of the **qualified contribution** that the person or individual proposes to make ~~that would qualify for a tax credit~~ and the amount sought to be claimed as a credit.

(b) The department shall promptly notify an applicant whether, or the extent to which, the tax credit is allowable in the state fiscal year in which the application is filed, as provided in section 6 of this chapter. If the credit is allowable in that state fiscal year, the applicant shall within thirty (30) days after receipt of the notice file with the department a statement, in the form and accompanied by the proof of payment **of the qualified contribution** as the department may prescribe, setting forth that the amount to be claimed as a credit under this chapter has been paid ~~to a fund~~ **through a qualified contribution** as provided in section 6 of this chapter.

(c) The department may disallow any credit claimed under this chapter for which the statement or proof of payment is not filed within the thirty (30) day period.

SECTION 13. [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)] **(a) IC 6-3.1-18-4.5, as added by this act, applies to taxable years beginning after December 31, 2015.**

(b) IC 4-4-28-13, IC 6-3.1-18-6, and IC 6-3.1-18-9, each as

amended by this act, apply to taxable years beginning after December 31, 2015.

(c) This SECTION expires January 1, 2018.

SECTION 14. An emergency is declared for this act.

P.L.51-2016

[S.350. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.117-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

(1) that has been in existence for at least ten (10) years; and

(2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

~~(B) is a home health agency licensed under IC 16-27-1;~~

~~(C) (B) is a community intellectual disability and other developmental disabilities center (as defined in IC 12-7-2-39);~~

~~(D) (C) is a supervised group living facility licensed under IC 12-28-5;~~

~~(E) (D) is an area agency on aging designated under IC 12-10-1;~~

~~(F) (E) is a community action agency (as defined in IC 12-14-23-2);~~

~~(F)~~ (F) is the owner or operator of a hospice program licensed under IC 16-25-3; or

~~(H)~~ (G) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the department of child services or the division of family resources if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 31-27.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution. The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the Indiana professional licensing agency established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the office of technology; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as

defined in IC 25-1-9-1).

(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal history record if:

- (1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;
- (2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and
- (3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a child care ministry registered under IC 12-17.2-6.

(g) The department may not charge the school of education of a public or private postsecondary educational institution a fee for responding to a request for the release of a limited criminal history record if the request is made as part of a background investigation of a student before or after the student begins the student's field or classroom experience. However, the department may charge the student a fee for responding to a request for the release of a limited criminal history record.

SECTION 2. IC 16-18-2-204.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 204.5. "~~Limited criminal history~~", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-1.5.

SECTION 3. IC 16-27-2-0.5, AS ADDED BY P.L.84-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. As used in this chapter, "~~expanded criminal history check~~" means a ~~criminal history check of an individual~~, obtained through a private agency; that includes the following:

- (1) ~~A search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided.~~
- (2) ~~A search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state.~~

has the meaning set forth in IC 20-26-2-1.5.

SECTION 4. IC 16-27-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1.5. As used in this chapter, "~~limited criminal history~~"

means the limited criminal history from the Indiana central repository for criminal history information under IC 10-13-3.

SECTION 5. IC 16-27-2-4, AS AMENDED BY P.L.84-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a copy of the employee's **limited national criminal history unless the person is required to obtain a national criminal history background check or an expanded criminal history check under subsection (b) or (c): background check or expanded criminal history check.**

(b) If a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 determines an employee lived outside Indiana at any time during the two (2) years immediately before the date the individual was hired by the home health agency or personal services agency, the home health agency or personal services agency shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for the employee's national criminal history background check or expanded criminal history check.

(c) If, more than three (3) days after an employee begins providing services in a patient's temporary or permanent residence, a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 discovers the employee lived outside Indiana during the two (2) years immediately before the date the individual was hired, the agency shall apply, not more than three (3) business days after the date the agency learns the employee lived outside Indiana, for the employee's national criminal history background check or expanded criminal history check.

(d) **(b)** A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for

- (1) a national criminal history background check or an expanded criminal history check, as required under subsection (b) or (c); or
- (2) a limited criminal history as required by subsection (a):

SECTION 6. IC 16-27-2-5, AS AMENDED BY P.L.214-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's ~~limited criminal history~~, national criminal history background check or expanded criminal history check indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.
- (6) A felony that is substantially equivalent to a felony listed in:
 - (A) subdivisions (1) through (4); or
 - (B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's ~~limited criminal history~~, national criminal history background check or expanded criminal history check required by section 4 of this chapter, unless the state police department, the Federal Bureau of Investigation under IC 10-13-3-39, or the private agency providing the expanded criminal history check is responsible for failing to provide the person's ~~limited criminal history~~, national criminal history background check or expanded criminal history check to the home health agency or personal services agency within the time required under this subsection.

P.L.52-2016

[S.357. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 5-2-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 22. Child Abuse Registry

Sec. 1. The following definitions apply throughout this chapter:

(1) "Crime of child abuse" means:

(A) neglect of a dependent (IC 35-46-1-4) if the dependent is a child and the offense is committed under:

- (i) IC 35-46-1-4(a)(1);**
- (ii) IC 35-46-1-4(a)(2); or**
- (iii) IC 35-46-1-4(a)(3);**

(B) child selling (IC 35-46-1-4(d));

(C) a sex offense (as defined in IC 11-8-8-5.2) committed against a child; or

(D) battery against a child under:

- (i) IC 35-42-2-1(d)(3) (battery on a child);**
- (ii) IC 35-42-2-1(f)(5)(B) (battery causing bodily injury to a child);**
- (iii) IC 35-42-2-1(i) (battery causing serious bodily injury to a child); or**
- (iv) IC 35-42-2-1(j) (battery resulting in the death of a child).**

(2) "Division" refers to the division of state court administration created under IC 33-24-6-1(b)(2).

(3) "Registry" means the child abuse registry established under section 2 of this chapter.

Sec. 2. Not later than July 1, 2017, the division shall establish and maintain a child abuse registry.

Sec. 3. The registry must contain:

- (1) the name;**
- (2) the age;**
- (3) the last known city of residence;**
- (4) a photograph, if available;**
- (5) a description of the crime of child abuse conviction; and**
- (6) any other identifying information, as determined by the division;**

of every person convicted of a crime of child abuse.

Sec. 4. (a) The division shall publish the registry on the division's Internet web site. The registry must be searchable and available to the public.

(b) The division shall ensure that the registry is updated at least one (1) time every thirty (30) days.

(c) The division shall ensure that the registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a crime of child abuse. However, information on the registry may not be complete."

P.L.53-2016

[S.364. Approved March 21, 2016.]

AN ACT concerning health.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

- (b) The office shall establish a work group consisting of:**
- (1) office employees; and**
 - (2) multiple Indiana Medicaid providers, representing various Medicaid reimbursable health care services;**
- to discuss the policies and procedures used in the performance of Medicaid provider audits and possible improvements to the audit process.**
- (c) Before December 1, 2016, the office shall submit a written report of the work group's findings and any statutory recommendations to the legislative council in an electronic format under IC 5-14-6.**
- (d) This SECTION expires December 31, 2016.**
- SECTION 2. An emergency is declared for this act.**

P.L.54-2016

[S.372. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-4.4-2-201, AS AMENDED BY P.L.27-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 201. (1) A creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for a first lien mortgage transaction to the debtor not later than seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A

creditor or mortgage servicer who fails to provide an accurate payoff amount is liable for:

(a) one hundred dollars (\$100) if an accurate payoff amount is not provided by the creditor or mortgage servicer not later than seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and

(b) the greater of:

(i) one hundred dollars (\$100); or

(ii) the loan finance charge that accrues on the first lien mortgage transaction from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate payoff amount is provided;

if an accurate payoff amount is not provided by the creditor or mortgage servicer not later than seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer fails to comply with subdivision (a).

(2) This subsection applies to a first lien mortgage transaction, or the refinancing or consolidation of a first lien mortgage transaction, that:

(a) is closed after June 30, 2009; and

(b) has an interest rate that is subject to change at one (1) or more times during the term of the first lien mortgage transaction.

A creditor in a transaction to which this subsection applies may not contract for and may not charge the debtor a prepayment fee or penalty.

(3) This subsection applies to a first lien mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written

authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the first lien mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the first lien mortgage transaction."; or
- (b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that is the subject of a first lien mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the first lien mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(4) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 2. IC 24-4.5-2-209, AS AMENDED BY P.L.27-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 209. (1) Subject to the provisions on rebate upon prepayment (section 210 of this chapter), the buyer may prepay in full the unpaid balance of a consumer credit sale, refinancing, or consolidation at any time without penalty.

(2) At the time of prepayment of a credit sale not subject to the provisions of rebate upon prepayment (section 210 of this chapter), the total credit service charge, including the prepaid credit service charge, may not exceed the maximum charge allowed under this chapter for the period the credit sale was in effect.

(3) The creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for the consumer credit sale to the debtor within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate consumer credit sale payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A creditor or mortgage servicer who fails to provide the accurate consumer credit sale payoff amount is liable for:

(A) one hundred dollars (\$100) if an accurate consumer credit sale payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and

(B) the greater of:

(i) one hundred dollars (\$100); or

(ii) the credit service charge that accrues on the sale from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate consumer credit sale payoff amount is provided;

if an accurate consumer credit sale payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer failed to comply with clause (A).

A liability under this subsection is an excess charge under

IC 24-4.5-5-202.

(4) As used in this subsection, "mortgage transaction" means a consumer credit sale in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes. This subsection applies to a mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or
- (b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that

is the subject of a mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(5) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 3. IC 24-4.5-3-209, AS AMENDED BY P.L.27-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 209. Right to Prepay - (1) Subject to the provisions on rebate upon prepayment (section 210 of this chapter), the debtor may prepay in full the unpaid balance of a consumer loan, refinancing, or consolidation at any time without penalty. With respect to a consumer loan that is primarily secured by an interest in land, a lender may contract for a penalty for prepayment of the loan in full, not to exceed two percent (2%) of any amount prepaid within sixty (60) days of the date of the prepayment in full, after deducting all refunds and rebates as of the date of the prepayment. However, the penalty may not be imposed:

- (a) if the loan is refinanced or consolidated with the same creditor;
- (b) for prepayment by proceeds of any insurance or acceleration after default; or
- (c) after three (3) years from the contract date.

(2) At the time of prepayment of a consumer loan not subject to the provisions of rebate upon prepayment (section 210 of this chapter), the total finance charge, including the prepaid finance charge but excluding the loan origination fee allowed under ~~section 201~~ of this chapter, may not exceed the maximum charge allowed under this

chapter for the period the loan was in effect. For the purposes of determining compliance with this subsection, the total finance charge does not include the following:

(a) The loan origination fee allowed under ~~section 201~~ of this chapter.

(b) The debtor paid mortgage broker fee, if any, paid to a person who does not control, is not controlled by, or is not under common control with, the creditor holding the loan at the time a consumer loan is prepaid.

(3) The creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for the consumer loan to the debtor within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate consumer loan payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A creditor or mortgage servicer who fails to provide the accurate consumer loan payoff amount is liable for:

(a) one hundred dollars (\$100) if an accurate consumer loan payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and

(b) the greater of:

(i) one hundred dollars (\$100); or

(ii) the loan finance charge that accrues on the loan from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate consumer loan payoff amount is provided;

if an accurate consumer loan payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer failed to comply with subdivision (a).

A liability under this subsection is an excess charge under

IC 24-4.5-5-202.

(4) As used in this subsection, "mortgage transaction" means a consumer loan in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes. This subsection applies to a mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or
- (b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that

is the subject of a mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(5) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 4. IC 32-29-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** The owner of the real estate subject to the issuance of process under a judgment or decree of foreclosure may, with the consent of the judgment holder endorsed on the judgment or decree of foreclosure, file with the clerk of the court a waiver of the time limitations on issuance of process set out in section 3 of this chapter. If the owner files a waiver under this section, process shall issue immediately. The consideration for waiver, whether or not expressed by its terms, shall be the waiver and release by the judgment holder of any deficiency judgment against the owner.

(b) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 5. An emergency is declared for this act.

P.L.55-2016

[S.380. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-14-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.1. The commission may conduct meetings electronically as provided in IC 36-7-14.5-9.5.**

SECTION 2. IC 36-7-14-6.1, AS AMENDED BY P.L.146-2008, SECTION 723, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.1. (a) The five (5) commissioners for a municipal redevelopment commission shall be appointed as follows:

(1) Three (3) shall be appointed by the municipal executive.

(2) Two (2) shall be appointed by the municipal legislative body.

The municipal executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(b) The commissioners for a county redevelopment commission that has five (5) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint three (3) members, and the county fiscal body shall appoint two (2) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(c) The commissioners for a county redevelopment commission that has seven (7) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose

terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint four (4) members, and the county fiscal body shall appoint three (3) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(d) A nonvoting adviser appointed under this section:

(1) must also be a member of the school board of a school corporation that includes all or part of the territory served by the redevelopment commission **or an individual recommended by the school board to the entity that appoints the nonvoting adviser;**

(2) is not considered a member of the redevelopment commission for purposes of this chapter but is entitled to attend and participate in the proceedings of all meetings of the redevelopment commission;

(3) is not entitled to a salary, per diem, or reimbursement of expenses;

(4) serves for a term of two (2) years and until a successor is appointed; and

(5) serves at the pleasure of the entity that appointed the nonvoting adviser.

SECTION 3. IC 36-7-14.5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies to meetings under IC 5-14-1.5 of members of:**

(1) the commission; or

(2) the board.

(b) The definitions in IC 5-14-1.5 apply to this section.

(c) A member may participate in a meeting by an electronic means that allows:

(1) all participating members; and

(2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

- (d) Both of the following apply to a meeting under this section:**
- (1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.**
 - (2) All votes during the meeting must be taken by roll call vote.**

This section does not affect the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

(e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the board is required to physically attend at least one (1) meeting of the board annually.

(f) The commission may adopt a policy to govern participation in the meetings of the commission or the board by electronic communication. The policy may do any of the following:

- (1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.**
- (2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.**
- (3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this chapter, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:
 - (A) the member votes with the majority; and**
 - (B) the official action is adopted or defeated by one (1) vote.****

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by

electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

(g) This section does not affect the right of the commission or board to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 4. IC 36-7-15.3-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.6. (a) This section applies to meetings under IC 5-14-1.5 of members of:

(1) the commission; or

(2) the board.

(b) The definitions in IC 5-14-1.5 apply to this section.

(c) A member may participate in a meeting by an electronic means that allows:

(1) all participating members; and

(2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

(d) Both of the following apply to a meeting under this section:

(1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.

(2) All votes during the meeting must be taken by roll call vote.

This section does not affect the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

(e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the board is required to physically attend at least one (1) meeting of the board annually.

(f) The commission may adopt a policy to govern participation in the meetings of the commission or the board by electronic communication. The policy may do any of the following:

(1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.

(3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this chapter, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

(A) the member votes with the majority; and

(B) the official action is adopted or defeated by one (1) vote.

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by

electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

(g) This section does not affect the right of the commission or board to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 5. IC 36-7-30-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6.5. The board may conduct meetings electronically as provided in IC 36-7-14.5-9.5.**

P.L.56-2016

[H.1012. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-30.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 30.2. "Autism spectrum disorder", for purposes of IC 16-32-4, has the meaning set forth in IC 16-32-4-1.**

SECTION 2. IC 16-32-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]:

Chapter 4. Developmental Disability Bracelet and Identification Card

Sec. 1. As used in this chapter, "autism spectrum disorder" has the meaning set forth in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

Sec. 2. As used in this chapter, "developmental disability" has the meaning set forth in IC 12-7-2-61.

Sec. 3. (a) Upon the request of:

- (1) an individual who has been medically diagnosed with a developmental disability, including autism spectrum disorder;
- (2) the parent or guardian acting on behalf of an individual who is described in subdivision (1) and is a minor; or
- (3) the parent or guardian acting on behalf of an individual who is described in subdivision (1) and is an incapacitated person (as defined in IC 29-3-1-7.5);

the state department shall issue a bracelet or an identification card indicating that the individual has been medically diagnosed with a developmental disability. An individual described in this subsection may request, and the state department shall issue, both a bracelet and the identification card.

(b) The:

- (1) bracelet or identification card issued under this chapter; and
- (2) individual's driver's license (as defined in IC 9-28-2-4) or identification card (as defined in IC 9-13-2-74.5);

may be presented to a law enforcement officer, as necessary.

(c) The state department shall adopt rules under IC 4-22-2 concerning the information that must be submitted to obtain a bracelet or an identification card under subsection (a).

Sec. 4. (a) The state department may charge a reasonable fee, as determined by the state department, for a bracelet and an identification card issued under this chapter.

(b) The state department shall adopt rules under IC 4-22-2 concerning the information that appears on a bracelet or an identification card, including information that identifies an individual's specific developmental disability.

Sec. 5. (a) Except as provided in subsection (c), information

collected under this chapter:

- (1) is confidential; and
- (2) is exempt from disclosure.

(b) Information collected under this chapter may not be released under a subpoena, search warrant, or any civil discovery proceedings.

(c) A court, acting on a pleading or motion, may issue an order directing the release of specific information collected under this chapter after all the following have occurred:

(1) The person requesting the court order has sent the state department a pleading or motion:

(A) stating that an emergency exists and that the information cannot be collected through any other means; and

(B) requesting that the information be released.

(2) The state department has been allowed to respond to the pleading or motion requesting the release of information.

(3) The court has conducted an in camera review of the requested information.

(4) After considering the response of the state department and reviewing the information submitted to the court, the court finds by clear and convincing evidence that:

(A) an emergency exists and that the information cannot be collected through any other means; and

(B) the reasons for ordering release of the information outweigh the reasons for not disclosing the information.

(d) This section shall be construed liberally to protect the confidentiality and prevent the disclosure of the information collected by the state department under this chapter.

P.L.57-2016

[H.1013. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 34-30-2-146.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 146.5. IC 35-33-5-15(d) (Concerning the provision of geolocation information to a law enforcement agency by a provider of electronic communications services).**

SECTION 2. IC 35-33-5-9, AS ADDED BY P.L.170-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (b), a law enforcement officer must obtain a search warrant in order to use an unmanned aerial vehicle.

(b) A law enforcement officer or governmental entity may use an unmanned aerial vehicle without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle:

- (1) is required due to:
 - (A) the existence of exigent circumstances necessitating a warrantless search;
 - (B) the substantial likelihood of a terrorist attack;
 - (C) the need to conduct a search and rescue or recovery operation;
 - (D) the need to conduct efforts:
 - (i) in response to; or
 - (ii) to mitigate;the results of a natural disaster or any other disaster; or
 - (E) the need to perform a geographical, an environmental, or

any other survey for a purpose that is not a criminal justice purpose; or

(2) is required to obtain aerial photographs or video images of a motor vehicle accident site on a public street or public highway; or

~~(2)~~ **(3) will be conducted with the consent of any affected property owner.**

SECTION 3. IC 35-33-5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) As used in this section, "geolocation information" means data generated by an electronic device that can be used to determine the location of the electronic device or the owner or user of the electronic device. The term:**

(1) includes geolocation information generated by a:

(A) cellular telephone;

(B) wireless fidelity (wi-fi) equipped computer;

(C) GPS navigation or tracking unit; or

(D) similar electronic device; and

(2) does not include the contents of a communication sent or received by an electronic device.

(b) Upon the request of a law enforcement agency, a provider of electronic communications services used by an electronic device shall provide geolocation information in its possession concerning the electronic device or the owner or user of the electronic device to the law enforcement agency:

(1) to allow a law enforcement agency to respond to a call for emergency services; or

(2) in an emergency situation that involves the risk of:

(A) death; or

(B) serious bodily injury;

to the owner or user or another individual.

A law enforcement agency may make a request for geolocation information under this subsection without first obtaining a search warrant or another judicial order that would otherwise be required to obtain the geolocation information, if obtaining the search warrant or other judicial order would cause an unreasonable delay in responding to a call for emergency services or an emergency situation. If a law enforcement agency makes a request for geolocation information under this subsection without

first obtaining a search warrant or another judicial order, the law enforcement agency shall seek to obtain the search warrant or other judicial order issued by a court based upon a finding of probable cause that would otherwise be required to obtain the geolocation information not later than seventy-two (72) hours after making the request for the geolocation information.

(c) Notwithstanding any other law, a provider of electronic communications services may establish protocols to respond to a law enforcement agency request for geolocation information made under this section.

(d) A provider of electronic communications services or an officer, an employee, or an agent of a provider of electronic communications services that provides geolocation information to a law enforcement agency while responding to a request for geolocation information made under this section is not liable for civil damages arising from:

- (1) the provision of the geolocation information if the provision of the information is done in compliance with this section; or
- (2) any loss, damage, or other injury to person or property resulting from a disruption or loss of communications services during an emergency situation.

(e) A provider of electronic communications services used by an electronic device that is qualified or registered to do business in Indiana and a person that resells or otherwise makes available the electronic communications services of the provider in Indiana shall submit emergency contact information to the state police department to facilitate a request for geolocation information made by a law enforcement agency under this section. The emergency contact information must be submitted to the state police department:

- (1) before January 1, 2017, and before January 1 of each year thereafter; and
- (2) as soon as possible any time a change occurs to the emergency contact information most recently submitted to the state police department.

(f) The state police department shall:

- (1) maintain the emergency contact information submitted to the state police department under subsection (e); and

(2) make the information immediately available to a state or local law enforcement agency.

(g) The superintendent of the state police department may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 4. An emergency is declared for this act.

P.L.58-2016

[H.1019. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-14-3-2, AS AMENDED BY HEA 1022-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

(1) the identification of; and

(2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(d) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output; for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(e) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(f) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(h) "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(i) "Investigatory record" means information compiled in the course of the investigation of a crime.

(j) "**Law enforcement activity**" means:

(1) a traffic stop;

(2) a pedestrian stop;

(3) an arrest;

(4) a search;

- (5) an investigation;**
- (6) a pursuit;**
- (7) crowd control;**
- (8) traffic control; or**
- (9) any other instance in which a law enforcement officer is enforcing the law.**

The term does not include an administrative activity, including the completion of paperwork related to a law enforcement activity, or a custodial interrogation conducted in a place of detention as described in Indiana Evidence Rule 617, regardless of the ultimate admissibility of a statement made during the custodial interrogation.

(k) "Law enforcement recording" means an audio, visual, or audiovisual recording of a law enforcement activity captured by a camera or other device that is:

- (1) provided to or used by a law enforcement officer in the scope of the officer's duties; and**
- (2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.**

~~(j)~~ **(l) "Offender"** means a person confined in a penal institution as the result of the conviction for a crime.

~~(k)~~ **(m) "Patient"** has the meaning set out in IC 16-18-2-272(d).

~~(h)~~ **(n) "Person"** means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(m)~~ **(o) "Private university police department"** means the police officers appointed by the governing board of a private university under IC 21-17-5.

~~(n)~~ **(p) "Provider"** has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(o)~~ **(q) "Public agency"**, except as provided in section 2.1 of this chapter, means the following:

- (1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by

whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1,

including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(11) A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.

~~(p)~~ **(r)** "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(q)~~ **(s)** "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(r)~~ **(t)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(s)~~ **(u)** "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 2. IC 5-14-3-3, AS AMENDED BY P.L.134-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

- (1) identify with reasonable particularity the record being

requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute. **If a request is for inspection or copying of a law enforcement recording, the request must provide the information required under subsection (i).**

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). Within a reasonable time after the request is received by the agency, the public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or

(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

(1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of

merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses), it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
 - (A) with respect to disclosure related to a commercial purpose,

prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

(i) A request to inspect or copy a law enforcement recording must be in writing. A request identifies a law enforcement recording with reasonable particularity as required by this section only if the request provides the following information regarding the law enforcement activity depicted in the recording:

(1) The date and approximate time of the law enforcement activity.

(2) The specific location where the law enforcement activity occurred.

(3) The name of at least one (1) individual, other than a law enforcement officer, who was directly involved in the law

enforcement activity.

SECTION 3. IC 5-14-3-4, AS AMENDED BY SEA 378-2016, SECTION 3, AND AS AMENDED BY HEA 1022-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.
- (13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. **For purposes of this chapter, a law enforcement recording is not an investigatory record.** Law enforcement agencies or private university police departments may share investigatory records with a person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim, without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for

employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

- (i) the Indiana economic development corporation;
- (ii) the ports of Indiana;
- (iii) the Indiana state department of agriculture;
- (iv) the Indiana finance authority;
- (v) an economic development commission;
- (vi) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
- (vii) a governing body of a political subdivision with industrial, research, or commercial prospects;

if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after

that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

- (13) The work product of the legislative services agency under personnel rules approved by the legislative council.
- (14) The work product of individual members and the partisan staffs of the general assembly.
- (15) The identity of a donor of a gift made to a public agency if:
 - (A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or
 - (B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.
- (16) Library or archival records:
 - (A) which can be used to identify any library patron; or
 - (B) deposited with or acquired by a library upon a condition that the records be disclosed only:
 - (i) to qualified researchers;
 - (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
 - (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes **the following**:

- (A) A record assembled, prepared, or maintained to prevent,

mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2.

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, **or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems**. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. **Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:**

(i) **The public agency** is responsible for determining whether the public disclosure of a record or a part of a record, **including a law enforcement recording**, has a reasonable likelihood of threatening public safety by exposing a **security procedure, area, system, or vulnerability to terrorist attack.** ~~and~~

(ii) **The public agency** must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of

submitting public agency)". ~~and~~ **However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".**

(L) The home address, home telephone number, and emergency contact information for any:

- (i) emergency management worker (as defined in IC 10-14-3-3);
- (ii) public safety officer (as defined in IC 35-47-4.5-3);
- (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
- (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background,

previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

- (i) a correctional officer (as defined in IC 5-10-10-1.5);
- (ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
- (iii) a judge (as defined in IC 33-38-12-3);
- (iv) the victim of a crime; or
- (v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

- (A) Name.
- (B) Address.
- (C) Telephone number.
- (D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

- (A) Date of birth.
- (B) Driver's license number.
- (C) Taxpayer identification number.
- (D) Employer identification number. ~~or~~
- (E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(c) Nothing contained in subsection (b) shall limit or affect the right

of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 4. IC 5-14-3-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.1. (a) As used in this section, "requestor" means the following:**

- (1) An individual who is depicted in a law enforcement recording.**
- (2) If the individual described in subdivision (1) is deceased:**
 - (A) the surviving spouse, father, mother, brother, sister, son, or daughter of the individual; or**
 - (B) the personal representative (as defined in IC 6-4.1-1-9) of or an attorney representing the deceased individual's estate.**
- (3) If the individual described in subdivision (1) is an incapacitated person (as defined in IC 29-3-1-7.5), the legal guardian, attorney, or attorney in fact of the incapacitated person.**

(4) A person that is an owner, tenant, lessee, or occupant of real property, if the interior of the real property is depicted in the recording.

(5) A person who:

(A) is the victim of a crime; or

(B) suffers a loss due to personal injury or property damage;

if the events depicted in the law enforcement recording are relevant to the person's loss or to the crime committed against the person.

(b) A public agency shall allow a requestor to inspect a law enforcement recording at least twice, if:

(1) the requestor submits a written request under section 3 of this chapter for inspection of the recording; and

(2) if section 4(b)(19) of this chapter applies, the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.

The public agency shall allow the requestor to inspect the recording in the company of the requestor's attorney. A law enforcement recording may not be copied or recorded by the requestor or the requestor's attorney during an inspection.

(c) Before an inspection under subsection (b), the public agency:

(1) shall obscure in the recording information described in section 4(a) of this chapter; and

(2) may obscure any information identifying:

(A) a law enforcement officer operating in an undercover capacity; or

(B) a confidential informant.

(d) Before an inspection under subsection (b), only the information in the recording described in subsection (c) may be obscured by the public agency.

(e) If a person is denied access to inspect a recording under this section, the person may appeal the denial under section 9 of this chapter.

SECTION 5. IC 5-14-3-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.2. (a) A public agency shall permit any person to inspect or copy a law enforcement recording unless one (1) or more of the following circumstances apply:**

(1) Section 4(b)(19) of this chapter applies and the person has not demonstrated that the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.

(2) The public agency finds, after due consideration of the facts of the particular case, that access to or dissemination of the recording:

(A) creates a significant risk of substantial harm to any person or to the general public;

(B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;

(C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency as defined in section 2 of this chapter and notwithstanding its exclusion under section 4(b)(1) of this chapter; or

(D) would not serve the public interest.

However, before permitting a person to inspect or copy the recording, the public agency must comply with the obscuring provisions of subsection (f), if applicable.

(b) If a public agency denies a person the opportunity to inspect or copy a law enforcement recording under subsection (a), the person may petition the circuit or superior court of the county in which the law enforcement recording was made for an order permitting inspection or copying of a law enforcement recording. The court shall review the decision of the public agency de novo and grant the order unless one (1) or more of the following apply:

(1) If section 4(b)(19) of this chapter applies, the petitioner fails to establish by a preponderance of the evidence that the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.

(2) The public agency establishes by a preponderance of the evidence in light of the facts of the particular case, that access to or dissemination of the recording:

(A) creates a significant risk of substantial harm to any person or to the general public;

(B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;

(C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency, as defined in section 2 of this chapter, notwithstanding its exclusion under section 4; or

(D) would not serve the public interest.

(c) Notwithstanding section 9(i) of this chapter, a person that obtains an order for inspection of or to copy a law enforcement recording under this section may not be awarded attorney's fees, court costs, and other reasonable expenses of litigation. The penalty provisions of section 9.5 of this chapter do not apply to a petition filed under this section.

(d) If the court grants a petition for inspection of or to copy the law enforcement recording, the public agency shall disclose the recording. However, before disclosing the recording, the public agency must comply with the obscuring provisions of subsection (e), if applicable.

(e) A public agency that discloses a law enforcement recording under this section:

(1) shall obscure:

(A) any information that is required to be obscured under section 4(a) of this chapter; and

(B) depictions of:

(i) an individual's death or a dead body;

(ii) acts of severe violence that are against any individual who is clearly visible and that result in serious bodily injury (as defined in IC 35-31.5-2-292);

(iii) serious bodily injury (as defined in IC 35-31.5-2-292);

(iv) nudity (as defined in IC 35-49-1-5);

(v) an individual whom the public agency reasonably believes is less than eighteen (18) years of age;

(vi) personal medical information;

(vii) a victim of a crime, or any information identifying the victim of a crime, if the public agency finds that obscuring this information is necessary for the victim's safety; and

(viii) a witness to a crime or an individual who reports a crime, or any information identifying a witness to a crime or an individual who reports a crime, if the public

agency finds that obscuring this information is necessary for safety of the witness or individual who reports a crime; and

(2) may obscure:

(A) any information identifying:

(i) a law enforcement officer operating in an undercover capacity; or

(ii) a confidential informant; and

(B) any information that the public agency may withhold from disclosure under section 4(b)(2) through 4(b)(26) of this chapter.

(f) A court shall expedite a proceeding filed under this section. Unless prevented by extraordinary circumstances, the court shall conduct a hearing (if required) and rule on a petition filed under this section not later than thirty (30) days after the date the petition is filed.

SECTION 6. IC 5-14-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.3. (a) Except as provided in subsection (c), a public agency that is not the state or a state agency shall retain an unaltered, unobscured law enforcement recording for at least one hundred ninety (190) days after the date of the recording.**

(b) Except as provided in subsection (c), a public agency that is the state or a state agency shall retain an unaltered, unobscured law enforcement recording for at least two hundred eighty (280) days after the date of the recording.

(c) A public agency shall retain an unaltered, unobscured law enforcement recording for a period longer than the period described in subsections (a) and (b) if the following conditions are met:

(1) Except as provided in subdivision (3), if a person defined as a requestor as set forth in section 5.1(a) of this chapter notifies the public agency in writing not more than:

(A) one hundred eighty (180) days (if the public agency is not the state or a state agency); or

(B) two hundred seventy (270) days (if the public agency is the state or a state agency);

after the date of the recording that the recording is to be retained, the recording shall be retained for at least two (2)

years after the date of the recording. The public agency may not request or require the person to provide a reason for the retention.

(2) Except as provided in subdivision (3), if a formal or informal complaint is filed with the public agency regarding a law enforcement activity depicted in the recording less than:

(A) one hundred eighty (180) days (if the public agency is not the state or a state agency); or

(B) two hundred seventy (270) days (if the public agency is the state or a state agency);

after the date of the recording, the public agency shall automatically retain the recording for at least two (2) years after the date of the recording.

(3) If a recording is used in a criminal, civil, or administrative proceeding, the public agency shall retain the recording until final disposition of all appeals and order from the court.

(d) The public agency may retain a recording for training purposes for any length of time.

SECTION 7. IC 5-14-3-8, AS AMENDED BY P.L.16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter:

(1) to inspect a public record; or

(2) to search for, examine, or review a record to determine whether the record may be disclosed.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish

a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars (\$5) per document. The fee for copying documents may not exceed the greater of:

- (1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or
- (2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

- (1) a person is entitled to a copy of a public record under this chapter; and
- (2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for copying costs be made in advance.

(f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, **law enforcement recording**, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

- (1) The agency's direct cost of supplying the information in that form. **However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).**

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

(l) This subsection does not apply to a state agency. A fee collected under subsection (g) for the copying of a law enforcement recording may be:

(1) retained by the public agency; and
(2) used without appropriation for one (1) or more of the following purposes:

(A) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program.

(B) For training concerning law enforcement recording.

(C) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this subsection does not revert to the local general fund at the end of a fiscal year.

SECTION 8. IC 5-14-3-9, AS AMENDED BY P.L.248-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This section does not apply to a request for information under section 4.4 of this chapter.

(b) A denial of disclosure by a public agency occurs when the person making the request is physically present in the office of the agency, makes the request by telephone, or requests enhanced access to a document and:

(1) the person designated by the public agency as being responsible for public records release decisions refuses to permit inspection and copying of a public record when a request has been made; or

(2) twenty-four (24) hours elapse after any employee of the public agency refuses to permit inspection and copying of a public record when a request has been made;

whichever occurs first.

(c) If a person requests by mail or by facsimile a copy or copies of a public record, a denial of disclosure does not occur until seven (7) days have elapsed from the date the public agency receives the request.

(d) If a request is made orally, either in person or by telephone, a public agency may deny the request orally. However, if a request initially is made in writing, by facsimile, or through enhanced access, or if an oral request that has been denied is renewed in writing or by facsimile, a public agency may deny the request if:

(1) the denial is in writing or by facsimile; and

(2) the denial includes:

(A) a statement of the specific exemption or exemptions

authorizing the withholding of all or part of the public record;
and

(B) the name and the title or position of the person responsible for the denial.

(e) A person who has been denied the right to inspect or copy a public record by a public agency may file an action in the circuit or superior court of the county in which the denial occurred to compel the public agency to permit the person to inspect and copy the public record. Whenever an action is filed under this subsection, the public agency must notify each person who supplied any part of the public record at issue:

(1) that a request for release of the public record has been denied;
and

(2) whether the denial was in compliance with an informal inquiry response or advisory opinion of the public access counselor.

Such persons are entitled to intervene in any litigation that results from the denial. The person who has been denied the right to inspect or copy need not allege or prove any special damage different from that suffered by the public at large.

(f) The court shall determine the matter de novo, with the burden of proof on the public agency to sustain its denial. If the issue in de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(a) of this chapter, the public agency meets its burden of proof under this subsection by establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit.

(g) **This subsection does not apply to an action under section 5.2 of this chapter.** If the issue in a de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(b) of this chapter:

(1) the public agency meets its burden of proof under this subsection by:

(A) proving that:

(i) the record falls within any one (1) of the categories of exempted records under section 4(b) of this chapter; and

(ii) **if the action is for denial of access to a recording under section 5.1 of this chapter, the plaintiff is not a "requestor" as that term is defined in section 5.1 of this**

chapter; and

(B) establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit; and

(2) a person requesting access to a public record meets the person's burden of proof under this subsection by proving that the denial of access is arbitrary or capricious.

(h) The court may review the public record in camera to determine whether any part of it may be withheld under this chapter. However, if the complaint alleges that a public agency denied disclosure of a public record by redacting information in the public record, the court shall conduct an in camera inspection of the public record with the redacted information included.

(i) **Except as provided in subsection (k)**, in any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff substantially prevails; or

(2) the defendant substantially prevails and the court finds the action was frivolous or vexatious.

Except as provided in subsection (k), the plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary because the denial of access to a public record under this chapter would prevent the plaintiff from presenting that public record to a public agency preparing to act on a matter of relevance to the public record whose disclosure was denied.

(j) **Except as provided in subsection (k)**, a court may assess a civil penalty under section 9.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 9.5 of this chapter.

(k) This subsection applies only to an action to appeal the denial of access to a law enforcement recording under section 5.1 of this chapter. A requestor (as defined in section 5.1 of this chapter) may bring an action to appeal from the denial of access to a law enforcement recording without first seeking or receiving an informal inquiry response or advisory opinion from the public

access counselor. If the requestor prevails in an action under this subsection:

- (1) the requestor is eligible for an award of reasonable attorney's fees, court costs, and other reasonable expenses; and**
- (2) a court may assess a civil penalty under section 9.5 of this chapter.**

~~(1)~~ **(1)** A court shall expedite the hearing of an action filed under this section.

SECTION 9. IC 35-31.5-2-185.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 185.4. "Law enforcement recording device" means a camera or other device for creating audio, visual, or audiovisual recordings that is:**

- (1) provided to or used by a law enforcement officer in the scope of the officer's duties; and**
- (2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.**

SECTION 10. IC 35-46-8.5-1, AS ADDED BY P.L.170-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This section does not apply to any of the following:

- (1) Electronic or video toll collection facilities or activities authorized under any of the following:
 - (A) IC 8-15-2.
 - (B) IC 8-15-3.
 - (C) IC 8-15.5.
 - (D) IC 8-15.7.
 - (E) IC 8-16.
 - (F) IC 9-21-3.5.
- (2) A law enforcement officer who has obtained:
 - (A) a search warrant; or
 - (B) the consent of the owner or private property;
 to place a camera or electronic surveillance equipment on private property.
- (3) A law enforcement officer who uses a law enforcement recording device in performance of the officer's duties.**

(b) A person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data of any kind while unattended on the private property of another person without the consent of the owner or tenant of the private property commits a Class A misdemeanor.

P.L.59-2016

[H.1028. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 7.1-5-10-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 21. (a) ~~A person who knowingly or intentionally visits a building, structure, vehicle, or other place when it is being used by any person to buy an alcoholic beverage (if the sale is in violation of section 5 of this chapter) commits visiting a common nuisance, a Class B misdemeanor.~~

~~(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used for the sale of alcoholic beverages (if the sale is in violation of section 5 of this chapter) commits maintaining a common nuisance, a Level 6 felony.~~

SECTION 2. IC 16-31-3-14, AS AMENDED BY P.L.168-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of

disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the

department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and

section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).
- (10) Maintaining a common nuisance under IC 35-48-4-13 **(repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.**
- (11) An offense relating to registration, labeling, and prescription

forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be

explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

- (1) an unlimited license;
- (2) a limited or probationary license; or
- (3) an inactive license.

SECTION 3. IC 16-42-19-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 24. (a) A store, shop, warehouse, dwelling house, apartment, building, vehicle, boat, aircraft, or any other place that is used:~~

- ~~(1) by a person for the purpose of unlawfully using a legend drug;~~
~~or~~
- ~~(2) for the unlawful keeping or selling of the legend drug;~~

~~is a common nuisance.~~

~~(b) A person may not:~~

- ~~(1) keep or maintain a common nuisance; or~~
- ~~(2) frequent or visit a place knowing the place to be used for a purpose;~~

~~as described in subsection (a).~~

SECTION 4. IC 16-42-19-27, AS AMENDED BY P.L.187-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) Unless otherwise specified, a person who knowingly violates this chapter, except sections ~~24~~, 25(b) and 30(c) of this chapter, commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

~~(b) A person who violates section 24 of this chapter commits a Class~~

B misdemeanor.

~~(e)~~ **(b)** A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Level 5 felony. However, the offense is a Level 4 felony if the person delivered the anabolic steroid to a person who is:

- (1) less than eighteen (18) years of age; and
- (2) at least three (3) years younger than the delivering person.

~~(d)~~ **(c)** A person who violates section 30(c) of this chapter commits a Class A infraction.

SECTION 5. IC 22-15-5-16, AS AMENDED BY P.L.238-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:
 - (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
 - (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the

suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has

been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
 - (A) Class D felony for a crime committed before July 1, 2014, under:
 - (i) IC 35-48-4-11, before its amendment in 2013; or
 - (ii) IC 35-48-4-11.5; or
 - (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
- (10) Maintaining a common nuisance under IC 35-48-4-13 **(repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.**
- (11) An offense relating to registration, labeling, and prescription

forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or

reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 6. IC 25-1-1.1-2, AS AMENDED BY P.L.168-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime

committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) Class D felony for a crime committed before July 1, 2014, under:

(i) IC 35-48-4-11, before its amendment in 2013; or

(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

(10) Maintaining a common nuisance under IC 35-48-4-13 **(repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.**

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 7. IC 35-45-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) As used in this section, "common nuisance" means a building, structure, vehicle, or other place that is used for (1) or more of the following purposes:**

(1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

(2) To unlawfully use, keep, or sell a legend drug.

(3) To unlawfully:

(A) use;

- (B) manufacture;
- (C) keep;
- (D) offer for sale;
- (E) sell;
- (F) deliver; or
- (G) finance the delivery of;

a controlled substance or an item of drug paraphernalia (as described in IC 35-48-4-8.5).

(4) To provide a location for a person to pay, offer to pay, or agree to pay money or other property to another person for an individual whom the person knows has been forced into:

- (A) forced labor;
- (B) involuntary servitude; or
- (C) prostitution.

(5) To provide a location for a person to commit a violation of IC 35-42-3.5-1(a) through IC 35-42-3.5-1(d) (human trafficking).

(b) A person who knowingly or intentionally visits a common nuisance described in subsections (a)(1) through (a)(4) commits visiting a common nuisance. The offense is a:

(1) Class B misdemeanor if the common nuisance is used for the unlawful:

- (A) sale of an alcoholic beverage as set forth in subsection (a)(1); or
- (B) use, keeping, or sale of a legend drug as set forth in subsection (a)(2); or
- (C) use, manufacture, keeping, offer for sale, sale, delivery, or financing the delivery of a controlled substance or item of drug paraphernalia (as described in IC 35-48-4-8.5), as set forth in subsection (a)(3);

(2) Class A misdemeanor if:

- (A) the common nuisance is used as a location for a person to pay, offer to pay, or agree to pay for a person who has been forced into forced labor, involuntary servitude, or prostitution as set forth in subsection (a)(4); or
- (B) the person knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

- (i) use;
- (ii) manufacture;
- (iii) keep;
- (iv) offer for sale;
- (v) sell;
- (vi) deliver; or
- (vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

(3) Level 6 felony if the person:

(A) knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

- (i) use;
- (ii) manufacture;
- (iii) keep;
- (iv) offer for sale;
- (v) sell;
- (vi) deliver; or
- (vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

(B) has a prior unrelated conviction for a violation of this section involving a controlled substance or drug paraphernalia.

(c) A person who knowingly or intentionally maintains a common nuisance commits maintaining a common nuisance, a Level 6 felony.

SECTION 8. IC 35-48-4-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. See: 13. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times:

- (1) by persons to unlawfully use controlled substances; or
- (2) for unlawfully:

- (A) manufacturing;
- (B) keeping;
- (C) offering for sale;
- (D) selling;
- (E) delivering; or
- (F) financing the delivery of;

controlled substances; or items of drug paraphernalia as described in IC 35-48-4-8.5;

commits maintaining a common nuisance; a Level 6 felony.

SECTION 9. IC 35-48-4-13.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13.3: A person who recklessly, knowingly, or intentionally takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a building, structure, vehicle, or other place that is being used by any person to:

- (1) unlawfully possess drugs or controlled substances; or
- (2) unlawfully:

- (A) manufacture;
- (B) keep;
- (C) offer for sale;
- (D) sell;
- (E) deliver; or
- (F) finance the delivery of;

drugs or controlled substances;

commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

SECTION 10. IC 35-52-7-77 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 77: IC 7.1-5-10-21 defines a crime concerning alcohol.

P.L.60-2016
[H.1035. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 5-4-1-18, AS AMENDED BY P.L.230-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Except as provided in subsection (b), the following individuals shall file and maintain in place an individual surety bond during each year that the individual serves as an officer, employee, or contractor:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).
- (7) Individuals:
 - (A) who are employees or contractors of a city, town, county, or township; and
 - (B) whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, the state, a political subdivision, or another governmental entity.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond that:

- (1) is endorsed to include faithful performance to cover the faithful performance of; and
- (2) includes aggregate coverage sufficient to provide coverage amounts specified for;

all employees, commission members, and persons acting on behalf of the local government unit, including the officers, employees, and contractors described in subsection (a) who are required to file a bond under this chapter.

(c) The fiscal body of a city, town, county, or township may by ordinance (or for a township, by resolution) authorize the purchase of a crime insurance policy that provides coverage for criminal acts or omissions committed by officers, employees, contractors, commission members, and persons acting on behalf of the local government unit. For the sole purpose of recovering public funds on behalf of a local government unit, the state is considered to be an additional named insured on all crime insurance policies obtained under this subsection.

(d) Except as provided in subsections (j) and (k), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
- (2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county.

(e) The amount of the bond of a person who is not specified in subsection (d) and is required to file an individual bond shall be fixed by the fiscal body of the unit as follows:

- (1) If the person is not described in subsection (a)(7), at not less than fifteen thousand dollars (\$15,000).
- (2) If the person is described in subsection (a)(7), at not less than five thousand dollars (\$5,000).

(f) Except as provided in subsection (l), a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management

district; and

(2) that is at least thirty thousand dollars (\$30,000).

(g) Except as provided under subsection (f), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(h) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(i) The commissioner of insurance shall prescribe the form of the bonds or crime insurance policies required by this section, in consultation with the state board of accounts and the Indiana archives and records administration under IC 5-15-5.1-6. A bond or crime insurance policy that does not conform to the form prescribed under this subsection may not be used to meet the requirements of this chapter.

(j) Notwithstanding subsection (d), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(k) Notwithstanding subsection (e), the state board of accounts may fix the amount of the bond for any person who is described in:

- (1) subsection (e)(1) and is required to file an individual bond at an amount that exceeds fifteen thousand dollars (\$15,000); or
- (2) subsection (e)(2) and is required to file an individual bond at an amount that exceeds five thousand dollars (\$5,000).

An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(l) Notwithstanding subsection (f), the state board of accounts may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(m) Both of the following apply to a bond that is filed to comply with this section:

(1) Each bond must have a term of one (1) year commencing on the first day of the:

(A) calendar year;

(B) fiscal year of the political subdivision or governmental unit; or

(C) individual's service in the office, ~~or~~ employment, **or contracted** position for which a bond is required.

(2) Consecutive yearly bonds filed by an individual must provide separate coverage for each year. The aggregate liability of the surety or insurer for a policy year is the sum of the amounts specified in the bonds issued by the surety or insurer for that policy year.

SECTION 2. IC 7.1-1-3-47.5, AS AMENDED BY P.L.176-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47.5. (a) "Tobacco product", except as provided in subsection (b), has the meaning set forth in IC 7.1-6-1-3.

(b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a product that:

(1) contains tobacco, including e-liquid (as defined by IC 7.1-7-2-10) that contains ~~tobacco~~; **nicotine**; and

(2) is intended for human consumption.

SECTION 3. IC 7.1-3-19-17, AS ADDED BY P.L.121-2015,

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies to a permit issued under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k), or IC 7.1-3-20-16(l) if a ~~local unit~~ **municipal legislative body** has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).

(b) As a condition of eligibility for a permit, the applicant must enter into a formal written commitment with the municipal legislative body regarding the character or type of business that will be conducted on the permit premises. The municipal legislative body must adopt an ordinance approving the formal written commitment. A formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises. When an application for renewal of a permit is filed, the applicant shall forward a copy of the application to the municipal legislative body. The municipal legislative body shall receive notice of any filings, hearings, or other proceedings on the application for renewal from the applicant.

(c) A formal written commitment may be modified by the municipal legislative body with the agreement of the permit holder.

(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is ~~lost~~, revoked or not renewed.

(f) If the character or type of business violates the formal written commitments, the municipality may adopt a recommendation to the local board and the commission to:

- (1) deny the permit holder's application to renew the permit; or
- (2) revoke the permit holder's permit.

(g) The commission shall consider evidence at the hearing on the issue of whether the business violated the formal written commitments. If the commission determines there is sufficient evidence that the commitments have been violated by the permittee, the commission may:

- (1) deny the application to renew the permit; or
- (2) revoke the permit;

as applicable.

SECTION 4. IC 24-4.5-7-202, AS AMENDED BY P.L.90-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 202. (1) Notwithstanding any other law, the only fee that may be contracted for and received by the lender or an assignee on a small loan is a charge, not to exceed twenty-five dollars (\$25), for each:

(a) return by a bank or other depository institution of a **dishonored:**

- (i) ~~dishonored~~ check;
- (ii) negotiable order of withdrawal; or
- (iii) share draft;

issued by the borrower; or

(b) time an authorization to debit the borrower's account is dishonored.

This additional charge may be assessed one (1) time regardless of how many times a check or an authorization to debit the borrower's account may be submitted by the lender and dishonored.

(2) A lender may:

- (a) present a borrower's check for payment; or
- (b) exercise a borrower's authorization to debit the borrower's account;

not more than three (3) times.

SECTION 5. IC 24-4.5-7-406, AS AMENDED BY P.L.90-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 406. (1) An agreement with respect to a small loan may not provide for charges as a result of default by the borrower other than those specifically authorized by this chapter. A provision in a small loan agreement in violation of this section is unenforceable.

(2) A lender or an assignee of a small loan may seek only the following remedies upon default by a borrower:

(a) Recovery of:

- (i) the contracted principal amount of the loan; and
- (ii) the loan finance charge.

(b) **If contracted for under section 202 of this chapter,** collection of a fee for:

- (i) a returned check, negotiable order of withdrawal, or share draft; or
- (ii) a dishonored authorization to debit the borrower's account;

if contracted for under section 202 of this chapter. because of insufficient funds in the borrower's account.

- (c) Collection of postjudgment interest, if awarded by a court.
 - (d) Collection of court costs, if awarded by a court.
- (3) A lender or an assignee of a small loan may not seek any of the following damages or remedies upon default by a borrower:
- (a) Payment of the lender's attorney's fees.
 - (b) Treble damages.
 - (c) Prejudgment interest.
 - (d) Damages allowed for dishonored checks under any statute other than this chapter.
 - (e) Any damages or remedies not set forth in subsection (2).
- (4) A contractual agreement in a small loan transaction must include a notice of the following in 14 point bold type:
- (a) The remedies available to a lender or an assignee under subsection (2).
 - (b) The remedies and damages that a lender or an assignee is prohibited from seeking in a small loan transaction under subsection (3).

SECTION 6. IC 35-52-5-9.5, AS ADDED BY P.L.252-2015, SECTION 41, IS REPEALED [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]. ~~Sec. 9.5. IC 5-16-13-14 defines a crime concerning quarterly wage reports.~~

SECTION 7. [EFFECTIVE JULY 1, 2015 (RETROACTIVE)] **The general assembly recognizes that IC 11-12-2-1(b) was set to expire June 30, 2015, and that HEA 1006-2015, SECTION 1 (P.L.179-2015), and SEA 464-2015, SECTION 5 (P.L.209-2015), amended IC 11-12-2-1(b) effective July 1, 2015. The general assembly intends to have IC 11-12-2-1(b) in effect on and after July 1, 2015, until that provision is otherwise amended or repealed or expires.**

SECTION 8. **An emergency is declared for this act.**

P.L.61-2016
[H.1038. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-8-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Members of volunteer fire departments may display blue lights on their privately owned vehicles while en route to scenes of emergencies or to the fire station in the line of duty subject to the following conditions:

(1) A light:

(A) must have a light source of at least thirty-five (35) watts;

or

(B) may be a blue light emitting diode (LED).

(2) All lights must be placed on the:

(A) top of the vehicle;

(B) dashboard inside a vehicle, shielded to prevent distracting the driver; or

(C) front of the vehicle upon the bumper or at bumper level.

(3) No more than four (4) blue light assemblies may be displayed on one (1) vehicle, and each blue light assembly must be of the flashing or revolving type.

(4) A blue light assembly may contain multiple bulbs.

(5) A blue light may not be a part of the regular head lamps displayed on the vehicles. Alternately flashing head lamps may be used as a supplemental warning device. Strobe lights or flashers may be installed into the light fixtures on the vehicle other than the alternating head lamps. The strobe lights or flashers may be either white or blue, with the exception of red to the rear.

(b) In order for a volunteer firefighter to display a blue light on a vehicle, the volunteer firefighter must secure a written permit from the chief of the volunteer fire department to use the blue light and must

carry the permit at all times when the blue light is displayed.

(c) A person who is not a member of a volunteer fire department may not display an illuminated blue light on a vehicle.

(d) A permittee of the owner of a vehicle lawfully equipped with a blue light may operate the vehicle only if the blue light is not illuminated.

(e) A person who violates subsection (a), (b), (c), or (d) commits a Class C infraction. If the violator is a member of a volunteer fire department, the chief of the department shall discipline the violator under fire department rules and regulations.

(f) This section does not grant a vehicle displaying blue lights the right-of-way under IC 9-21-8-35 or exemption from traffic rules under IC 9-21-1-8. A driver of a vehicle displaying a blue light shall obey all traffic rules.

(g) This section shall not be construed to include a vehicle displaying a blue light and driven by a member of a volunteer fire department as an authorized emergency vehicle (as defined in IC 9-13-2-6).

P.L.62-2016

[H.1047. Approved March 21, 2016.]

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

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

SECTION 1. IC 2-5-1.3-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17. (a) The interim study committee on courts and the judiciary established by section 4(4) of this chapter shall receive reports from the Indiana judicial center concerning the circuit and**

superior court motion clerk pilot program authorized under IC 33-38-15, if the Indiana judicial center establishes a circuit and superior court motion clerk pilot program.

(b) The committee may make recommendations and propose legislation concerning the pilot program.

SECTION 2. IC 33-38-9-9, AS AMENDED BY P.L.108-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The Indiana judicial center shall administer the following:

- (1) The alcohol and drug services program under IC 12-23-14.
- (2) The certification of problem solving courts under IC 33-23-16.
- (3) The circuit and superior court motion clerk pilot program under IC 33-38-15, if the Indiana judicial center establishes a circuit and superior court motion clerk pilot program.**

SECTION 3. IC 33-38-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15. Circuit and Superior Court Motion Clerk Pilot Program

Sec. 1. As used in this chapter, "complex motion" means a motion defined as a complex motion by guidelines adopted by the Indiana judicial center under section 6 of this chapter. The term may include a motion to dismiss or a motion for summary judgment.

Sec. 2. As used in this chapter, "pilot program" means the circuit and superior court motion clerk pilot program described in section 4 of this chapter.

Sec. 3. As used in this chapter, "motion clerk" means an attorney, a senior judge, or a third year law student.

Sec. 4. (a) The Indiana judicial center may establish a circuit and superior court motion clerk pilot program. If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the program must comply with the requirements of this section.

(b) The Indiana judicial center shall administer the pilot program.

(c) The pilot program must make motion clerks available to circuit and superior court judges to assist with the preparation of orders granting or denying complex motions.

(d) The pilot program must be made available to at least:

- (1) one (1) county with a population of less than fifty thousand (50,000);**
- (2) one (1) county with a population of at least fifty thousand (50,000) but less than two hundred thousand (200,000); and**
- (3) one (1) county with a population of at least two hundred thousand (200,000).**

(e) A party to an action filed in a county in which the pilot program is available may petition a court, when filing a complex motion, to have a motion clerk from the pilot program assist the court in preparing a judicial opinion that explains the reasons for granting or denying the complex motion.

(f) A judge of a court located in a county in which the pilot program is available may request research and drafting assistance from the pilot program to aid in the preparation of a judicial opinion that explains the reasons for granting or denying a complex motion.

(g) If the pilot program assists in resolving a complex motion, the opinion described in subsection (f) must contain analysis and legal citations.

(h) The Indiana judicial center may determine if pilot program assistance is available in a proceeding.

Sec. 5. (a) If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the Indiana judicial center shall report on the progress of the pilot program to the interim study committee on courts and the judiciary established under IC 2-5-1.3-4(4) in the 2016 and 2017 legislative interims. The report must be submitted in an electronic format under IC 5-14-6 and include:

- (1) a list of the counties in which the pilot program was available in the preceding year;**
- (2) the number of petitions filed for pilot program assistance in the preceding year;**
- (3) the number of requests for pilot program assistance made by a judge in the preceding year;**
- (4) the costs associated with the pilot program in the preceding year;**
- (5) the expected costs of expanding the pilot program statewide;**

(6) a recommendation on the appropriate fee, if necessary, for motion clerk assistance if the pilot program is expanded statewide;

(7) recommendations for alternative sources of funding for the pilot program if the pilot program is expanded statewide;

(8) recommendations on the types of matters with which a motion clerk should be available to assist a court; and

(9) other recommendations regarding implementing the pilot program statewide.

(b) The interim study committee on courts and the judiciary may make recommendations and propose legislation concerning the pilot program.

Sec. 6. If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the Indiana judicial center shall establish guidelines for courts in using the pilot program.

Sec. 7. This chapter expires June 30, 2018.

P.L.63-2016

[H.1048. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-26-1-1.1, AS AMENDED BY P.L.188-2015, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:

(1) **Except as provided in section 1.2 of this chapter, the operator shall** immediately stop the operator's motor vehicle:

(A) at the scene of the accident; or

(B) as close to the accident as possible;

in a manner that does not obstruct traffic more than is necessary.

(2) Remain at the scene of the accident until the operator does the following:

(A) Gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.

(B) Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(3) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and

(B) as soon as possible after the accident, immediately give notice of the accident, or ensure that another person gives notice of the accident, by the quickest means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(iii) A 911 telephone operator.

(4) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, the operator must contact a law enforcement officer or agency and provide the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury

to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5).

SECTION 2. IC 9-26-1-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.2. (a) If, after an operator of a motor vehicle is involved in an accident, the operator's motor vehicle comes to a stop in the traveled portion of a highway, the operator shall, as soon as safely possible, move the motor vehicle off the traveled portion of the highway and to a location as close to the accident as possible. However, the operator shall not move the motor vehicle if the accident:**

(1) involves the transportation of hazardous materials; or

(2) results in injury or death of a person or the entrapment of a person in a vehicle.

A person who violates this subsection commits a Class C infraction.

(b) An operator of a motor vehicle to whom subsection (a) applies, is also subject to section 1.1(a)(2), 1.1(a)(3), and 1.1(a)(4) of this chapter. An operator who knowingly or intentionally fails to comply with section 1.1(a)(2), 1.1(a)(3), or 1.1(a)(4) of this chapter commits leaving the scene of an accident, a Class B misdemeanor, and is subject to the penalties in section 1.1(b) of this chapter.

SECTION 3. IC 35-43-6.5-1, AS ADDED BY P.L.217-2014, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1. (a) A person ~~who~~ that sells or offers for sale a vehicle, a vehicle part, or a watercraft knowing that an**

identification number or certificate of title of the vehicle, vehicle part, or watercraft has been:

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class A misdemeanor. **However, the offense is a Level 6 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least fifty thousand dollars (\$50,000).**

(b) Subsection (c) does not apply to a person that manufactures or installs a plate or label containing an original identification number:

- (1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or**
- (2) as authorized by the bureau under IC 9-17-4.**

(c) A person that knowingly or intentionally possesses a plate or label that:

- (1) contains an identification number; and**
- (2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or governmental entity;**

commits a Class A misdemeanor, except as provided in subsection (d).

(d) The offense described in subsection (c) is a:

- (1) Level 6 felony if:**
 - (A) the person possesses more than one (1) plate or label and the plates or labels are not attached to a motor vehicle or motor vehicle part; or**
 - (B) the aggregate fair market value of all plates and labels, and of all motor vehicles and motor vehicle parts to which the plates or labels are wrongfully attached, is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); and**
- (2) Level 5 felony if the aggregate fair market value of all**

plates or labels, and of all motor vehicles and motor vehicle parts to which the plate or label is wrongfully attached, is at least fifty thousand dollars (\$50,000).

(e) A person that knowingly:

- (1) damages;
- (2) removes; or
- (3) alters;

an original or special identification number commits a Level 6 felony.

~~(b)~~ (f) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

- (1) use the certificate of title; or
- (2) permit another person to use the certificate of title;

commits a ~~Class B~~ Class A misdemeanor. **However, the offense is a Level 6 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least fifty thousand dollars (\$50,000).**

SECTION 4. IC 35-44.1-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. As used in this chapter, "emergency incident" includes:

- (1) a structure or vehicle that is on fire;
- (2) a motor vehicle accident;
- (3) an accident involving hazardous materials;
- (4) a crime scene;
- (5) a police investigation; and
- (6) a location where an individual is being arrested.

SECTION 5. IC 35-44.1-4-2, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that:

(1) is:

(1) (A) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or

(2) (B) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;

whichever is greater; or

(2) is a specific distance less than one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident that is articulated by a law enforcement officer.

P.L.64-2016

[H.1064. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-9-2-0.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 0.9. "Act of rape", for purposes of IC 31-35-3.5, means an act described in:**

(1) IC 35-42-4-1; or

(2) IC 35-42-4-3(a) that:

(A) is committed by using or threatening the use of deadly force or while armed with a deadly weapon;

(B) results in serious bodily injury; or

(C) is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's

knowledge.

SECTION 2. IC 31-17-6-1, AS AMENDED BY P.L.133-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, IC 31-17-7, ~~or~~ IC 31-28-5, **or IC 31-35-3.5**, may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.

SECTION 3. IC 31-35-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 3.5. Termination of Parent-Child Relationship of an Individual Who Committed an Act of Rape

Sec. 1. Proceedings under this chapter are governed by the procedures prescribed by:

- (1) IC 31-32-1, IC 31-32-4 through IC 31-32-10, and IC 31-32-12 through IC 31-32-15;**
- (2) IC 31-34; and**
- (3) IC 31-37;**

but are distinct from proceedings under IC 31-34 and IC 31-37.

Sec. 2. The probate court has concurrent original jurisdiction with the juvenile court in proceedings on a petition to terminate a parent-child relationship under this chapter.

Sec. 3. Subject to section 4 of this chapter, if a child was conceived as a result of an act of rape, the parent who is the victim of the act of rape may file a verified petition with the juvenile or probate court to terminate the parent-child relationship between the child and the alleged perpetrator of the act of rape.

Sec. 4. (a) A parent who:

- (1) is the victim of an act of rape; and**
- (2) is at least eighteen (18) years of age at the time the act of rape occurred;**

may not file a petition for termination of the parent-child relationship under this chapter more than one hundred eighty (180) days after the birth of the child.

(b) A parent who:

- (1) is the victim of an act of rape; and**
- (2) is less than eighteen (18) years of age at the time the act of rape occurred;**

may not file a petition for termination of the parent-child

relationship under this chapter more than two (2) years after reaching eighteen (18) years of age.

Sec. 5. The verified petition filed under section 3 of this chapter must:

(1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the parent"; and

(2) allege:

(A) that the alleged perpetrator committed an act of rape against the parent who filed the petition to terminate the parent-child relationship;

(B) that the child was conceived as a result of the act of rape described under clause (A); and

(C) that the termination of the parent-child relationship between the alleged perpetrator and the child is in the best interests of the child.

Sec. 6. A showing by clear and convincing evidence that:

(1) the alleged perpetrator committed an act of rape against a parent described in section 5(2)(A) of this chapter; and

(2) the child was conceived as a result of the act of rape;

is prima facie evidence that termination of the parent-child relationship between the alleged perpetrator and the child is in the best interests of the child.

Sec. 7. (a) The court shall terminate the parent-child relationship if the court finds:

(1) by clear and convincing evidence that the allegations in a petition described in section 5(2)(A) and 5(2)(B) of this chapter are true; and

(2) that termination of the parent-child relationship is in the best interests of the child.

(b) If the court does not find either element in subsection (a), the court shall deny the petition.

Sec. 8. The court may appoint:

(1) a guardian ad litem;

(2) a court appointed special advocate; or

(3) both a guardian ad litem and a court appointed special advocate;

for a child in a proceeding under this chapter, as provided in IC 31-17-6-1.

Sec. 9. The court may issue an emergency custody order removing the child from the custody of the alleged perpetrator of the act of rape if the court finds it is in the best interests of the child.

Sec. 10. (a) The court shall send notice of the petition at the time of filing to the department of child services in the county in which the petition is filed.

(b) If the department of child services:

(1) receives a notice under subsection (a); and

(2) determines that the child who is the subject of the petition for termination of the parent-child relationship is the subject of a child in need of services petition in another court;

the department of child services shall notify the court in which the petition for termination of the parent-child relationship is pending of the pending child in need of services petition.

Sec. 11. If a court receives a notice from the department of child services under section 10(b) of this chapter, the court shall stay the proceeding for termination of the parent-child relationship until the court in which the child in need of services petition is pending enters a dispositional decree.

Sec. 12. A court in which a child in need of services petition is pending shall notify a court in which a proceeding has been stayed under section 11 of this chapter of a dispositional decree not later than ten (10) days after the date the court enters the dispositional decree.

P.L.65-2016
[H.1069. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 5-2-6.1-8, AS AMENDED BY P.L.238-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. As used in this chapter, "violent crime" means the following:

(1) A crime under the Indiana Code that is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim but does not include any of the following:

(A) A crime under IC 9-30-5 resulting from the operation of a vehicle other than a motor vehicle.

(B) Involuntary manslaughter resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-4).

(C) Reckless homicide resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-5).

(D) Criminal recklessness involving the use of a motor vehicle, unless the offense was intentional or the person using the motor vehicle was intoxicated (IC 35-42-2-2).

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(F) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).

(G) Child molesting (IC 35-42-4-3).

(H) Child seduction (IC 35-42-4-7).

(2) A crime in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that, if

the crime results in death or bodily injury to the victim, would be a felony or a Class A misdemeanor if committed in Indiana. However, the term does not include any of the following:

- (A) A crime in another jurisdiction resulting from operating a vehicle, other than a motor vehicle, while intoxicated.
- (B) A crime in another jurisdiction with elements substantially similar to involuntary manslaughter resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.
- (C) A crime in another jurisdiction with elements substantially similar to reckless homicide resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.
- (D) A crime in another jurisdiction with elements substantially similar to criminal recklessness involving the use of a motor vehicle unless the offense was intentional or the person using the motor vehicle was intoxicated.
- (E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(3) A terrorist act.

SECTION 2. IC 5-2-6.1-16, AS AMENDED BY P.L.238-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) Except as provided in subsection (e), the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in subsection (e), the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's **Internet** web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance

with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age.

(f) An alleged victim of a battery **offense included in IC 35-42-2** upon a child less than fourteen (14) years of age ~~under IC 35-42-2-1~~ may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 3. IC 8-1-34-30, AS ADDED BY P.L.241-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) As used in this section, "designated employee" means a holder's:

- (1) employee; or
- (2) authorized agent;

whom the holder designates or will designate to receive direct marketing authority.

(b) As used in this section, "direct marketing authority" means the authority granted by the commission to a holder to market any service or product offered by the holder directly to all households in a service area served by the holder.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A holder may apply to the commission, in the manner and form prescribed by the commission, for direct marketing authority. An application must include the following information with respect to each designated employee of the holder:

- (1) Name.
- (2) Home address.
- (3) Driver's license number.
- (4) A certification described in subsection (e)(1).

(e) In an application under subsection (d), a holder shall include the following:

- (1) A certification by the holder that each designated employee satisfies the following requirements:
 - (A) The employee is at least eighteen (18) years of age.
 - (B) The employee has a high school diploma or the equivalent of a high school diploma.
 - (C) The employee has not been convicted of a felony within

the seven (7) years immediately preceding the date of the application.

(D) Within the seven (7) years immediately preceding the date of the application, the employee has not been released from incarceration after serving time for a felony conviction.

(E) The employee has not been convicted of:

- (i) a misdemeanor involving fraud, deceit, or dishonesty;
- (ii) a battery offense included in IC 35-42-2 as a misdemeanor; or
- (iii) two (2) or more misdemeanors involving the illegal use of alcohol or the illegal sale, use, or possession of a controlled substance;

within the five (5) years immediately preceding the date of the application.

(F) The employee has a valid driver's license.

(2) Proof of financial responsibility.

(f) A holder may comply with subsection (e)(1) by submitting to the commission a document signed by the holder in which the holder:

- (1) identifies each designated employee by name, home address, and driver's license number;
- (2) certifies that each designated employee has been the subject of a criminal history background check for each jurisdiction in the United States in which the designated employee has lived or worked within the seven (7) years immediately preceding the date of the application; and
- (3) affirms that the background check described in subdivision (2) for each designated employee indicates that the designated employee satisfies the requirements set forth in subsection (e)(1), as applicable.

(g) Not more than fifteen (15) days after the commission receives an application under subsection (d), the commission shall determine whether the application is complete and properly verified. If the commission determines that the application is incomplete or not properly verified, the commission shall notify the applicant holder of the deficiency and allow the holder to resubmit the application after correcting the deficiency. If the commission determines that the application is complete and properly verified, the commission shall issue an order granting the holder direct marketing authority. The order

must contain the following:

- (1) The name of the holder.
- (2) The names of designated employees of the holder.
- (3) A grant of direct marketing authority to the holder and designated employees of the holder.
- (4) The date on which the order takes effect.

The commission shall provide public notice of an order granting direct marketing authority under this subsection by posting the order on the commission's Internet web site.

(h) A holder that has direct marketing authority shall notify the commission in a timely manner of any changes to the holder's list of designated employees. A designated employee may exercise direct marketing authority immediately upon the holder's submission to the commission of all information required under subsection (e)(1) with respect to the designated employee.

(i) Only the commission is authorized to grant direct marketing authority to a holder under this section. However, subject to subsection (j), with respect to direct marketing activities in a holder's service area within a political subdivision, this section does not prohibit a holder from electing to:

- (1) apply for marketing or solicitation authority directly from the political subdivision; and
- (2) exercise any marketing or solicitation authority under a license, permit, or other authority granted by the political subdivision before, on, or after June 30, 2013;

instead of applying for and exercising direct marketing authority granted by the commission under this section.

(j) A political subdivision may not do any of the following:

- (1) Require a holder that is granted direct marketing authority from the commission under this section to also obtain marketing or solicitation authority from the political subdivision in order to engage in direct marketing in the holder's service area within the political subdivision.
- (2) Impose any licensing requirement or fee on a holder in connection with any direct marketing authority granted to the holder by the commission under this section with respect to the holder's service area within the political subdivision.
- (3) Except as provided in subsection (k), otherwise regulate a

holder that is granted direct marketing authority from the commission under this section and that engages in direct marketing in the holder's service area within the political subdivision.

(k) A political subdivision may enforce any ordinance or regulation that:

- (1) imposes restrictions as to the hours or manner in which direct marketing activities may be performed in the political subdivision; and
- (2) applies uniformly to all persons engaging in direct marketing or other soliciting in the political subdivision, regardless of:
 - (A) the product or service being marketed; or
 - (B) the type of business engaged in by the person engaging in the direct marketing or other soliciting.

SECTION 4. IC 11-12-3.7-6, AS AMENDED BY P.L.158-2013, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:

- (A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery (IC 35-42-5-1) as a:
- (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
- (13) Burglary (IC 35-43-2-1) as a:
- (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (14) Carjacking (IC 35-42-5-2) (repealed).
- (15) Assisting a criminal (IC 35-44.1-2-5) as a:
- (A) Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (16) Escape (IC 35-44.1-3-4) as a:
- (A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).
- (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- (A) Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (18) Causing death when operating a vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 3 felony (for a crime committed after June 30, 2014).
- (20) Arson (IC 35-43-1-1) as a:

- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 4 felony (for a crime committed after June 30, 2014).
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a:
- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.

~~(25)~~ **(26)** A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

~~(26)~~ **(27)** Any other crimes evidencing a propensity or history of violence.

SECTION 5. IC 12-7-2-20.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.8. "Battery", for purposes of IC 12-10-3, includes battery (IC 35-42-2-1), domestic battery (IC 35-42-2-1.3), and aggravated battery (IC 35-42-2-1.5).**

SECTION 6. IC 12-10-3-2, AS AMENDED BY P.L.117-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing

the provision of self-care; and

(3) harmed or threatened with harm as a result of:

(A) neglect;

(B) a battery offense included in IC 35-42-2; or

(C) exploitation of the individual's personal services or property.

(b) For purposes of IC 12-10-3-17, IC 35-42-2-1, **IC 35-42-2-1.3**, and IC 35-46-1-13, "endangered adult" means an individual who is:

(1) at least eighteen (18) years of age;

(2) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and

(3) harmed or threatened with harm as a result of:

(A) neglect; or

(B) battery.

(c) An individual is not an endangered adult solely:

(1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or

(2) on the basis of being physically unable to provide self care when appropriate care is being provided.

SECTION 7. IC 16-41-8-1, AS AMENDED BY HEA 1036-2016, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery (**IC 35-42-2-1**) or domestic battery (**IC 35-42-2-1.3**) involving placing a bodily fluid or waste on another person. (~~IC 35-42-2-1~~).

(2) An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.

The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 8. IC 16-41-8-5, AS AMENDED BY HEA 1036-2016, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) "Dangerous disease" means any of the following:

(A) Chancroid.

(B) Chlamydia.

(C) Gonorrhea.

(D) Hepatitis.

(E) Human immunodeficiency virus (HIV).

(F) Lymphogranuloma venereum.

(G) Syphilis.

(H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than

eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery **(IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3)** involving placing a bodily fluid or waste on another person, ~~(IC 35-42-2-1)~~; the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

- (1) the defendant has committed an offense; and
- (2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of

the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery (**IC 35-42-2-1**) or **domestic battery (IC 35-42-2-1.3)** involving placing bodily fluid or waste on another person, (~~IC 35-42-2-1~~), the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

- (1) The defendant and the defendant's counsel.
- (2) The prosecuting attorney.
- (3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.
- (4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged

victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

- (1) the alleged victim;
- (2) the alleged victim's sexual partner; or
- (3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

- (1) receives notification or disclosure of the results of a screening test under this section; and
- (2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 9. IC 20-19-3-4, AS AMENDED BY P.L.213-2015, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and

(5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) A battery **offense included in IC 35-42-2.** (~~IC 35-42-2-1~~).
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose

of allowing the free exchange of information between the department and the state board.

(d) The department shall develop guidelines necessary to implement this section.

SECTION 10. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3

felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(15) Child selling (IC 35-46-1-4(d)).

(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

~~(21)~~ **(22)** An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

SECTION 11. IC 20-33-9-1.3, AS ADDED BY P.L.72-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 1.3. As used in this chapter, "battery" refers to:

- (1) battery under IC 35-42-2-1;
- (2) domestic battery under IC 35-42-2-1.3; and**
- (3) aggravated battery under IC 35-42-2-1.5.**

SECTION 12. IC 31-9-2-29.5, AS AMENDED BY P.L.111-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, ~~or~~ IC 35-46-1-15.1, **or IC 35-46-1-15.3.**
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 13. IC 31-19-9-10, AS AMENDED BY P.L.168-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) rape (IC 35-42-4-1);
 - (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

- (F) child molesting (IC 35-42-4-3) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
- (G) incest (IC 35-46-1-3) as a:
 - (i) Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 4 felony, for a crime committed after June 30, 2014;
- (H) neglect of a dependent (IC 35-46-1-4) as a:
 - (i) Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;
- (I) battery (IC 35-42-2-1) of a child as a:
 - (i) Class C felony, for a crime committed before July 1, 2014; or
 - (ii) Level 5 felony, for a crime committed after June 30, 2014;
- (J) battery (IC 35-42-2-1) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 2, ~~or~~ Level 3, **or Level 4** felony, for a crime committed after June 30, 2014; ~~or~~
- (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony;**
- (L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony; or**
- ~~(K)~~ **(M) an attempt under IC 35-41-5-1 to commit an offense described in ~~clauses (A) through (J)~~; this subdivision;**
- (2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and
- (3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 14. IC 31-34-4-2, AS AMENDED BY P.L.123-2014,

SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

- (1) a person described in subsection (d) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) **a battery offense included in IC 35-42-2** (~~IC 35-42-2-1~~)

as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state~~; **jurisdiction**;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 15. IC 31-34-20-1.5, AS AMENDED BY P.L.158-2013, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this

chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13(a) if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13(a).

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

- (1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

- (1) the person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) **a battery offense included in IC 35-42-2** (~~IC 35-42-2-1~~) as a felony;

- (ii) criminal confinement (IC 35-42-3-3) as a felony;
- (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
- (iv) arson (IC 35-43-1-1) as a felony;
- (v) a felony involving a weapon under IC 35-47 or IC 35-47.5;
- (vi) a felony relating to controlled substances under IC 35-48-4;
- (vii) a felony under IC 9-30-5; or
- (viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or
 (C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

- (2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a felony listed in IC 31-27-4-13(a) that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 16. IC 31-34-21-7.5, AS AMENDED BY P.L.104-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing

with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle;

(v) a custodial parent of a sibling of the child; or

- (vi) another relative;
 - who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.
- (E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:
 - (i) Care, custody, and control of the child.
 - (ii) Decision making concerning the child's upbringing.
- (F) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.
- (2) A time schedule for implementing the applicable provisions of the permanency plan.
- (3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
- (4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
- (d) A juvenile court may approve a permanency plan if:
 - (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) **a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;**
 - (ii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iii) carjacking (IC 35-42-5-2) (repealed) **as a felony;**
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) a felony involving a weapon under IC 35-47 or a felony involving controlled explosives under IC 35-47.5;
 - (vi) a felony relating to controlled substances under

IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state~~; **jurisdiction**;

if the conviction did not occur within the past five (5) years; or
(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 17. IC 31-34-25-1, AS AMENDED BY P.L.146-2008, SECTION 614, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with a child **or a member of a foster family home (as defined in IC 31-9-2-46.9)**:

(1) The attorney for the department.

(2) The guardian ad litem or court appointed special advocate.

SECTION 18. IC 31-37-4-3, AS AMENDED BY SEA 141-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if a child is arrested or

taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).
 - (2) Attempted murder (IC 35-41-5-1).
 - (3) Voluntary manslaughter (IC 35-42-1-3).
 - (4) Involuntary manslaughter (IC 35-42-1-4).
 - (5) Reckless homicide (IC 35-42-1-5).
 - (6) Aggravated battery (IC 35-42-2-1.5).
 - (7) Battery (IC 35-42-2-1).
 - (8) Kidnapping (IC 35-42-3-2).
 - (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 - (10) Sexual misconduct with a minor (IC 35-42-4-9).
 - (11) Incest (IC 35-46-1-3).
 - (12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
 - (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
 - (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
 - (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
 - (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
 - (17) Causing death when operating a vehicle (IC 9-30-5-5).
 - (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
 - (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
 - (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
 - (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
 - (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 - (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
 - (24) A controlled substances offense under IC 35-48.
 - (25) A criminal organization offense under IC 35-45-9.
 - (26) Domestic battery (IC 35-42-2-1.3).**
- (b) If a child is taken into custody under this chapter for a crime or

act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
- (2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 19. IC 31-37-19-6.5, AS AMENDED BY P.L.158-2013, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the probation officer is not

required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) **a battery offense included in IC 35-42-2** (~~IC 35-42-2-1~~) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4; or

(vii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vi)~~ **this clause** for which the conviction was entered in another ~~state~~; **jurisdiction**;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in

IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

- (2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
 (2) The severity of the offense, delinquent act, or abuse or neglect.
 (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 20. IC 33-37-5-12, AS AMENDED BY SEA 17-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
- (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) reckless homicide (IC 35-42-1-5);
 - (E) battery (IC 35-42-2-1);
 - (F) strangulation (IC 35-42-2-9);
 - (G) domestic battery (IC 35-42-2-1.3);**
 - (H) aggravated battery (IC 35-42-2-1.5);**
 - ~~(I)~~ (I) rape (IC 35-42-4-1);
 - ~~(J)~~ (J) criminal deviate conduct (IC 35-42-4-2) (repealed);
 - ~~(K)~~ (K) child molesting (IC 35-42-4-3);
 - ~~(L)~~ (L) child exploitation (IC 35-42-4-4);

~~(K)~~ **(M)** vicarious sexual gratification (IC 35-42-4-5);

~~(L)~~ **(N)** child solicitation (IC 35-42-4-6);

~~(M)~~ **(O)** incest (IC 35-46-1-3);

~~(N)~~ **(P)** neglect of a dependent (IC 35-46-1-4);

~~(O)~~ **(Q)** child selling (IC 35-46-1-4); or

~~(P)~~ **(R)** child seduction (IC 35-42-4-7); and

(2) the victim of the offense is less than eighteen (18) years of age.

SECTION 21. IC 34-13-3-3, AS AMENDED BY P.L.220-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

(1) The natural condition of unimproved property.

(2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.

(3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.

(4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.

(5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:

(A) a set of rules governing the use of the extreme sport area;

(B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and

(C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

(6) The initiation of a judicial or an administrative proceeding.

(7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.

(8) The adoption and enforcement of or failure to adopt or

enforce:

- (A) a law (including rules and regulations); or
 - (B) in the case of a public school or charter school, a policy; unless the act of enforcement constitutes false arrest or false imprisonment.
- (9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.
- (10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.
- (11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.
- (12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.
- (13) Entry upon any property where the entry is expressly or impliedly authorized by law.
- (14) Misrepresentation if unintentional.
- (15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.
- (16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.
- (17) Injury to the person or property of a person under supervision of a governmental entity and who is:
- (A) on probation; or
 - (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.

(18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a:

(A) discipline policy adopted under IC 20-33-8-12; or

(B) restraint and seclusion plan adopted under IC 20-20-40-14.

(21) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 or **IC 35-46-1-15.3** that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(22) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

(A) the loss is a result of reckless conduct; or

(B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

(23) The operation of an off-road vehicle (as defined in IC 14-8-2-185) by a nongovernmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to:

(A) gross negligence;

(B) willful or wanton misconduct; or

(C) intentional misconduct.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain highways in a reasonably safe condition for the operation of motor vehicles licensed by the bureau of motor vehicles for operation on public highways.

(24) Any act or omission rendered in connection with a request, investigation, assessment, or opinion provided under IC 36-9-28.7.

SECTION 22. IC 35-31.5-2-76, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, ~~or~~ IC 35-46-1-15.1, **or IC 35-46-1-15.3.**
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 23. IC 35-31.5-2-139.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 139.3. "Foster family home", for purposes of IC 35-42-2-1, has the meaning set forth in IC 31-9-2-46.9.**

SECTION 24. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts), SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1.1 or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
 - (A) battery resulting in bodily injury under IC 35-42-2-1; or
 - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy) **or IC 35-46-1-15.3;**
- (7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);
- (8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;
- (9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);
- (10) probable cause to believe that the person is:
 - (A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and
 - (B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);
- (11) probable cause to believe that the person has committed theft (IC 35-43-4-2);
- (12) a removal order issued for the person by an immigration court;
- (13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

- (1) is employed full time as a federal enforcement officer;
- (2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and
- (3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 25. IC 35-36-7-3, AS AMENDED BY P.L.169-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to criminal actions for:

- (1) an offense listed in IC 11-8-8-4.5(a);
- (2) neglect of a dependent (IC 35-46-1-4);
- (3) **a battery offense included in IC 35-42-2** (~~IC 35-42-2-1~~) if the victim is:

- (A) less than eighteen (18) years of age; or
- (B) an endangered adult (as defined in IC 12-10-3-2); and
- (4) attempts of the crimes listed in subdivisions (1) through (3).

(b) If a motion is made to postpone a trial or other court proceeding that involves an offense listed in subsection (a), the court shall consider whether a postponement will have an adverse impact upon an endangered adult (as defined in IC 12-10-3-2) or a child who is less than sixteen (16) years of age and who:

- (1) is the alleged victim of an offense listed in subsection (a); or
- (2) will be a witness in the trial.

SECTION 26. IC 35-37-4-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) **A battery offense included in IC 35-42-2** upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).

- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- (7) An attempt under IC 35-41-5-1 **for to commit** an offense listed in ~~subdivisions (1) through (6)~~: **this subsection.**

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) **A battery offense included in IC 35-42-2.** (~~IC 35-42-2-1~~).
- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).
- (5) Home improvement fraud (IC 35-43-6).
- (6) Fraud (IC 35-43-5).
- (7) Identity deception (IC 35-43-5-3.5).
- (8) Synthetic identity deception (IC 35-43-5-3.8).
- (9) Theft (IC 35-43-4-2).
- (10) Conversion (IC 35-43-4-3).
- (11) Neglect of a dependent (IC 35-46-1-4).
- (12) Human and sexual trafficking crimes (IC 35-42-3.5).

(c) As used in this section, "protected person" means:

- (1) a child who is less than fourteen (14) years of age;
- (2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
 - (A) is manifested before the individual is eighteen (18) years of age;
 - (B) is likely to continue indefinitely;
 - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
 - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
- (3) an individual who is:
 - (A) at least eighteen (18) years of age; and

(B) incapable by reason of mental illness, ~~mental retardation, intellectual disability~~, dementia, or other physical or mental incapacity of:

- (i) managing or directing the management of the individual's property; or
- (ii) providing or directing the provision of self-care.

(d) A statement or videotape that:

- (1) is made by a person who at the time of trial is a protected person;
- (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
- (3) is not otherwise admissible in evidence;

is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

- (1) The court finds, in a hearing:
 - (A) conducted outside the presence of the jury; and
 - (B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;

that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.

- (2) The protected person:
 - (A) testifies at the trial; or
 - (B) is found by the court to be unavailable as a witness for one
 - (1) of the following reasons:
 - (i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.
 - (ii) The protected person cannot participate in the trial for medical reasons.

(iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

- (1) The mental and physical age of the person making the statement or videotape.
- (2) The nature of the statement or videotape.
- (3) The circumstances under which the statement or videotape was made.
- (4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

- (1) transcript; or
- (2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 27. IC 35-37-4-8, AS AMENDED BY P.L.238-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies to a criminal action under the following:

- (1) Sex crimes (IC 35-42-4).
- (2) **A battery offense included in IC 35-42-2** upon a child less

than fourteen (14) years of age. (~~IC 35-42-2-1~~).

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

(1) allows the protected person to see the accused and the trier of fact; and

(2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected person who:

(A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and

(B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:

(i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;

- (ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or
 - (iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;
- (2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and
 - (3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.
- (f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:
- (1) A defense attorney if:
 - (A) the defendant is represented by the defense attorney; and
 - (B) the prosecuting attorney is also in the same room.
 - (2) The prosecuting attorney if:
 - (A) the defendant is represented by a defense attorney; and
 - (B) the defense attorney is also in the same room.
 - (3) Persons necessary to operate the closed circuit television equipment.
 - (4) Persons whose presence the court finds will contribute to the protected person's well-being.
 - (5) A court bailiff or court representative.
- (g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:
- (1) The judge.
 - (2) The prosecuting attorney.
 - (3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
 - (4) Persons necessary to operate the electronic equipment.
 - (5) The court reporter.

(6) Persons whose presence the court finds will contribute to the protected person's well-being.

(7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

- (1) The prosecuting attorney.
- (2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (3) The judge.

SECTION 28. IC 35-37-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies even if no criminal charges were filed concerning the act that is the basis of the evidence of a previous battery.

(b) As used in this section, "evidence of a previous battery" means evidence that a person charged with a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** committed a prior unrelated act of battery or attempted battery on the victim of a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** within five (5) years before the person allegedly committed the crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)**.

(c) In a prosecution for:

- (1) battery (IC 35-42-2-1);
- (2) domestic battery (IC 35-42-2-1.3);**
- ~~(2)~~ **(3)** aggravated battery (IC 35-42-2-1.5);
- ~~(3)~~ **(4)** murder (IC 35-42-1-1); or
- ~~(4)~~ **(5)** voluntary manslaughter (IC 35-42-1-3);

evidence of a previous battery is admissible into evidence in the state's case-in-chief for purposes of proving motive, intent, identity, or common scheme and design.

(d) If the state proposes to offer evidence described in subsection (b), the following procedure must be followed:

- (1) The state shall file a written motion not less than ten (10) days before trial stating that the state has an offer of proof concerning evidence described in subsection (b) and the relevancy of the

evidence to the case. The motion must be accompanied by an affidavit in which the offer of proof is stated.

(2) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury. At the hearing, the court shall allow the questioning of the victim or witness regarding the offer of proof made by the state.

At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the state is admissible, the court shall make an order stating what evidence may be introduced by the state and the nature of the questions to be permitted. The state may then offer evidence under the order of the court.

(e) This section shall not be construed to limit the admissibility of evidence of a previous battery in any civil or criminal proceeding.

SECTION 29. IC 35-38-2.6-1, AS AMENDED BY P.L.185-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2.1 or IC 35-50-2-2.2.

(b) This chapter does not apply to persons convicted of any of the following:

- (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
- (2) Any of the following felonies:
 - (A) Murder (IC 35-42-1-1).
 - (B) **A battery offense included in IC 35-42-2** (~~IC 35-42-2-1~~) with a deadly weapon or ~~battery~~ causing death.
 - (C) Kidnapping (IC 35-42-3-2).
 - (D) Criminal confinement (IC 35-42-3-3) with a deadly weapon.
 - (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.
 - (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.
 - (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
 - (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.
 - (I) Escape (IC 35-44.1-3-4) with a deadly weapon.
 - (J) Rioting (IC 35-45-1-2) with a deadly weapon.

(K) Aggravated battery (IC 35-42-2-1.5).

(L) Disarming a law enforcement officer (IC 35-44.1-3-2).

(3) An offense under IC 9-30-5-4.

(4) An offense under IC 9-30-5-5.

SECTION 30. IC 35-40-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if either of the following has occurred:

(1) The alleged felony or delinquent act that would have been a felony if committed by an adult was directly perpetrated against the victim.

(2) The alleged felony, misdemeanor, or delinquent act that would have been a felony or misdemeanor if committed by an adult was:

(A) a violation of IC 35-42-2 (offenses against the person), IC 35-45-2-1 (intimidation), IC 35-45-2-2 (harassment), IC 35-46-1-15.1 (invasion of privacy), **or IC 35-46-1-15.3, or** IC 35-47-4-3 (pointing a firearm); and

(B) directly perpetrated against the victim by a person who:

(i) is or was a spouse of the victim;

(ii) is or was living as if a spouse of the victim; or

(iii) has a child in common with the victim.

(3) The alleged misdemeanor or delinquent act that would have been a misdemeanor if committed by an adult, other than a misdemeanor described in subdivision (2), was directly perpetrated against the victim, and the victim has complied with the notice requirements under IC 35-40-10.

(b) A victim has the right to confer with a representative of the prosecuting attorney's office:

(1) after a crime allegedly committed against the victim has been charged;

(2) before the trial of a crime allegedly committed against the victim; and

(3) before any disposition of a criminal case involving the victim.

This right does not include the authority to direct the prosecution of a criminal case involving the victim.

SECTION 31. IC 35-42-1-4, AS AMENDED BY P.L.158-2013, SECTION 414, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in

IC 16-18-2-365).

(b) A person who kills another human being while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Level 5 felony.

(c) A person who kills a fetus while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury;
- (3) a battery **offense included in IC 35-42-2**; or
- (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a vehicle while intoxicated);

commits involuntary manslaughter, a Level 5 felony.

SECTION 32. IC 35-42-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. "Relative", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b).**

SECTION 33. IC 35-42-2-1, AS AMENDED BY P.L.147-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;

- (10) an emergency medical services provider; or
- (11) a judicial officer.

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;**
- (2) a parent or stepparent;**
- (3) a child or stepchild;**
- (4) a grandchild or stepgrandchild;**
- (5) a grandparent or stepgrandparent;**
- (6) a brother, sister, stepbrother, or stepsister;**
- (7) a niece or nephew;**
- (8) an aunt or uncle;**
- (9) a daughter-in-law or son-in-law;**
- (10) a mother-in-law or father-in-law; or**
- (11) a first cousin.**

~~(b)~~ **(c)** Except as provided in subsections ~~(e)~~ **(d)** through ~~(j)~~ **(k)**, a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner; or
- (2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

~~(e)~~ **(d)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Class A misdemeanor if it:

- (1) results in bodily injury to any other person; or**
- (2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.**

~~(d)~~ **(e)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
- (3) The offense is committed against a person less than fourteen

(14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

~~(6) The offense is committed against a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:~~

~~(A) is at least eighteen (18) years of age; and~~

~~(B) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.~~

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

~~(e)~~ **(f)** The offense described in subsection ~~(b)(2)~~ **(c)(2)** is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

~~(f)~~ **(g)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery **offense:**

(A) included in this chapter against the same victim; **or**

(B) against the same victim in any other jurisdiction, including a military court, in which the elements of the

crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

~~(g)~~ **(h)** The offense described in subsection ~~(b)(2)~~ **(c)(2)** is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

~~(h)~~ **(i)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

~~(i)~~ **(j)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

~~(j)~~ **(k)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 34. IC 35-42-2-1.3, AS AMENDED BY P.L.158-2013, SECTION 421, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. (a) **Except as provided in subsections (b) through (f)**, a person who knowingly or intentionally:

touches an individual who:

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other person as provided in subsection (c); or
- (3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3)

- (1) touches a family or household member in a rude, insolent, or angry manner; or**
- (2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;**

commits domestic battery, a Class A misdemeanor.

(b) ~~However,~~ The offense under subsection ~~(a)~~ **(a)(1) or (a)(2)** is a Level 6 felony if ~~the person who committed the offense:~~ **one (1) or more of the following apply:**

(1) **The person who committed the offense** has a previous, unrelated conviction:

(A) ~~under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); for a battery offense included in this chapter;~~ or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements ~~described in this section:~~ **of a battery offense included in this chapter.** or

(2) **The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member** in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) **The offense results in moderate bodily injury to a family or household member.**

(4) **The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.**

(5) **The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability,**

whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2), the court shall review:

- (1) the duration of the relationship;**
- (2) the frequency of contact;**
- (3) the financial interdependence;**
- (4) whether the two (2) individuals are raising children together;**
- (5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and**
- (6) other factors the court considers relevant.**

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

- (1) The offense results in serious bodily injury to a family or household member.**
- (2) The offense is committed with a deadly weapon against a family or household member.**
- (3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.**
- (4) The person has a previous conviction for a battery offense:**
 - (A) included in this chapter against the same family or household member; or**
 - (B) against the same family or household member in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.**
- (5) The offense results in bodily injury to one (1) or more of the following:**
 - (A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.**
 - (B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member**

with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

SECTION 35. IC 35-45-9-1, AS AMENDED BY SEA 141-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "criminal organization" means a formal or informal group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in;

(B) participates in; or

(C) has as one (1) of its goals; or

(2) requires as a condition of membership or continued membership;

the commission of a felony, an act that would be a felony if committed by an adult, or ~~the a battery offense of battery (IC 35-42-2-1)~~ **included in IC 35-42-2.**

SECTION 36. IC 35-46-1-14, AS AMENDED BY P.L.238-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Any person acting in good faith who:

(1) makes or causes to be made a report of neglect, ~~a battery offense included in IC 35-42-2,~~ or exploitation under this chapter

~~or IC 35-42-2-1~~ concerning an endangered adult or person of any age who has a mental or physical disability;

(2) makes or causes to be made photographs or x-rays of a victim of suspected neglect or a battery **offense included in IC 35-42-2** of an endangered adult or a dependent eighteen (18) years of age or older; or

(3) participates in any official proceeding or a proceeding resulting from a report of neglect, a battery **offense included in IC 35-42-2**, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older relating to the subject matter of that report;

is immune from any civil or criminal liability that might otherwise be imposed because of these actions. However, this section does not apply to a person accused of neglect, a battery **offense**, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older.

SECTION 37. IC 35-46-1-15.1, AS AMENDED BY P.L.158-2013, SECTION 557, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.1. A person who knowingly or intentionally violates:

(1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(3) a workplace violence restraining order issued under IC 34-26-6;

(4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;

- (6) a no contact order issued as a condition of probation;
- (7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
- (8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
- ~~(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;~~
- ~~(+9)~~ (9) an order issued in another state that is substantially similar to an order described in subdivisions (1) through ~~(9)~~; (8);
- ~~(+10)~~ (10) an order that is substantially similar to an order described in subdivisions (1) through ~~(9)~~ (8) and is issued by an Indian:
 - (A) tribe;
 - (B) band;
 - (C) pueblo;
 - (D) nation; or
 - (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
 that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
- ~~(+12)~~ (11) an order issued under IC 35-33-8-3.2; or
- ~~(+13)~~ (12) an order issued under IC 35-38-1-30;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony, if the person has a prior unrelated conviction for an offense under this section.

SECTION 38. IC 35-46-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.3. A person who knowingly or intentionally violates:**

- (1) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
- (2) an order issued in another state that is substantially

**similar to an order described in subdivision (1); or
(3) an order that is substantially similar to an order described
in subdivision (1) and is issued by an Indian:**

- (A) tribe;**
- (B) band;**
- (C) pueblo;**
- (D) nation; or**
- (E) organized group or community, including an Alaska
Native village or regional or village corporation as defined
in or established under the Alaska Native Claims
Settlement Act (43 U.S.C. 1601 et seq.);**

**that is recognized as eligible for the special programs and
services provided by the United States to Indians because of
their special status as Indians;**

commits a Level 6 felony.

SECTION 39. IC 35-47-4-5, AS AMENDED BY SEA 141-2016,
SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent
felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime
for which the conviction was entered are substantially similar
to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious
violent felony in:
 - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
or
 - (B) any other jurisdiction in which the elements of the crime
for which the conviction was entered are substantially similar
to the elements of attempting to commit or conspiring to
commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC
35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:

- (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
- (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;**
- ~~(5)~~ **(6)** aggravated battery (IC 35-42-2-1.5);
- ~~(6)~~ **(7)** kidnapping (IC 35-42-3-2);
- ~~(7)~~ **(8)** criminal confinement (IC 35-42-3-3);
- ~~(8)~~ **(9)** rape (IC 35-42-4-1);
- ~~(9)~~ **(10)** criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- ~~(10)~~ **(11)** child molesting (IC 35-42-4-3);
- ~~(11)~~ **(12)** sexual battery (IC 35-42-4-8) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(12)~~ **(13)** robbery (IC 35-42-5-1);
- ~~(13)~~ **(14)** carjacking (IC 35-42-5-2) (before its repeal);
- ~~(14)~~ **(15)** arson (IC 35-43-1-1(a)) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- ~~(15)~~ **(16)** burglary (IC 35-43-2-1) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- ~~(16)~~ **(17)** assisting a criminal (IC 35-44.1-2-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(17)~~ **(18)** resisting law enforcement (IC 35-44.1-3-1) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

- ~~(18)~~ **(19)** escape (IC 35-44.1-3-4) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- ~~(19)~~ **(20)** trafficking with an inmate (IC 35-44.1-3-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(20)~~ **(21)** criminal organization intimidation (IC 35-45-9-4);
- ~~(21)~~ **(22)** stalking (IC 35-45-10-5) as a:
 - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- ~~(22)~~ **(23)** incest (IC 35-46-1-3);
- ~~(23)~~ **(24)** dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- ~~(24)~~ **(25)** dealing in methamphetamine (IC 35-48-4-1.1);
- ~~(25)~~ **(26)** dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- ~~(26)~~ **(27)** dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- ~~(27)~~ **(28)** dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 40. IC 35-50-2-9, AS AMENDED BY SEA 141-2016, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this

section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with an intellectual disability.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

- (A) Arson (IC 35-43-1-1).
- (B) Burglary (IC 35-43-2-1).
- (C) Child molesting (IC 35-42-4-3).
- (D) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (E) Kidnapping (IC 35-42-3-2).
- (F) Rape (IC 35-42-4-1).
- (G) Robbery (IC 35-42-5-1).
- (H) Carjacking (IC 35-42-5-2) (before its repeal).
- (I) Criminal organization activity (IC 35-45-9-3).
- (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure a person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

- (A) the victim was acting in the course of duty; or
- (B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was:

- (A) under the custody of the department of correction;

- (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole;
- at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant:
- (A) burned, mutilated, or tortured the victim; or
 - (B) decapitated or attempted to decapitate the victim;
- while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
- (A) **A battery offense included in IC 35-42-2** committed before July 1, 2014, as a Class D felony or as a Class C felony, ~~under IC 35-42-2-1~~ or **a battery offense included in IC 35-42-2** committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
- (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (17) The defendant knowingly or intentionally:
- (A) committed the murder:
 - (i) in a building primarily used for an educational purpose;
 - (ii) on school property; and
 - (iii) when students are present; or

- (B) committed the murder:
 - (i) in a building or other structure owned or rented by a state educational institution or any other public or private postsecondary educational institution and primarily used for an educational purpose; and
 - (ii) at a time when classes are in session.
- (18) The murder is committed:
 - (A) in a building that is primarily used for religious worship; and
 - (B) at a time when persons are present for religious worship or education.
- (c) The mitigating circumstances that may be considered under this section are as follows:
 - (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.
 - (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
 - (5) The defendant acted under the substantial domination of another person.
 - (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.
 - (7) The defendant was less than eighteen (18) years of age at the time the murder was committed.
 - (8) Any other circumstances appropriate for consideration.
- (d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any

other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of educational credit, good time credit, and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

- (1) the aggravating circumstances alleged; or
- (2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

- (1) the death penalty; or
- (2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

- (1) sentence the defendant to death; or
- (2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The

supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

- (1) conviction or sentence was in violation of the:
 - (A) Constitution of the State of Indiana; or
 - (B) Constitution of the United States;
- (2) sentencing court was without jurisdiction to impose a sentence; and
- (3) sentence:
 - (A) exceeds the maximum sentence authorized by law; or
 - (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death

sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

- (1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
- (2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

P.L.66-2016

[H.1085. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 34-30-2-151.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 151.9. IC 35-47-8.5-4 (Concerning law enforcement certification for approval of the transfer or**

manufacture of certain firearms).

SECTION 2. IC 35-31.5-2-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 35.5. "Certification", for purposes of IC 35-47-8.5, has the meaning set forth in IC 35-47-8.5-1.**

SECTION 3. IC 35-31.5-2-37.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 37.7. "Chief law enforcement officer", for purposes of IC 35-47-8.5, has the meaning set forth in IC 35-47-8.5-1.**

SECTION 4. IC 35-31.5-2-51.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 51.5. "Completed request", for purposes of IC 35-47-8.5, has the meaning set forth in IC 35-47-8.5-1.**

SECTION 5. IC 35-31.5-2-210.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 210.5. "NFA firearm", for purposes of IC 35-47-8.5, has the meaning set forth in IC 35-47-8.5-1.**

SECTION 6. IC 35-31.5-2-210.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 210.7. "NICS", for purposes of IC 35-36-2-4, IC 35-36-2-5, IC 35-36-3-1, IC 35-47-2-7, IC 35-47-2.5, and IC 35-47-8.5, has the meaning set forth in IC 35-47-2.5-2.5.**

SECTION 7. IC 35-47-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 8.5. NFA Firearm Certification

Sec. 1. The following definitions apply throughout this chapter:

(1) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of an application to transfer or manufacture an NFA firearm.

(2) "Chief law enforcement officer" means any official whom the federal Bureau of Alcohol, Tobacco, Firearms, and

Explosives, or its successor agency, identifies by regulation or otherwise as eligible to provide a required certification for the transfer or manufacture of an NFA firearm. The term includes a designee of the official.

(3) "Completed request" means:

(A) a written request for certification under this chapter; and

(B) submission of the required information described in section 3(a) of this chapter.

(4) "NFA firearm" means a firearm as defined in 26 U.S.C. 5845(a) (the National Firearms Act).

(5) "NICS" (National Instant Criminal Background Check System) has the meaning set forth in IC 35-47-2.5-2.5.

Sec. 2. (a) If the certification of a chief law enforcement officer is required by federal law for the transfer or manufacture of an NFA firearm, the chief law enforcement officer shall issue the certification not later than fifteen (15) days after receipt of a completed request for certification, unless the applicant is:

(1) prohibited by law from receiving or possessing a firearm; or

(2) the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing a firearm.

(b) A chief law enforcement officer may deny a request for certification only:

(1) because the request for certification is not complete; or

(2) for a reason described in subsection (a)(1) or (a)(2).

A chief law enforcement officer may not deny a request for certification based on a generalized objection to private persons or entities manufacturing, transferring, or receiving a firearm or an NFA firearm if the possession of the firearm or NFA firearm is not otherwise prohibited by law.

(c) If the chief law enforcement officer denies a request for certification under this section, the chief law enforcement officer shall provide the applicant with a written notification of the denial and the reason for the denial. If the chief law enforcement officer denies a request for certification because the request is not complete, the chief law enforcement officer shall set forth, in detail, why the request is not complete. An applicant whose request for

certification is denied because it is not complete may reapply or amend the existing request by supplying the required information.

Sec. 3. (a) In considering a request for certification, a chief law enforcement officer may require an applicant to submit only the following information:

(1) Information required by federal or state law to identify the applicant and conduct a background check, including a check of the NICS.

(2) Information necessary to determine the disposition of an arrest or proceeding relevant to the applicant's eligibility to lawfully possess or receive a firearm.

(b) A chief law enforcement officer may not require access to private property or consent to inspect any private premises as a condition of issuing a certification under this chapter.

Sec. 4. (a) Except for the award of court costs, attorney's fees, and other expenses as described in section 5 of this chapter, and except as provided in subsection (b), a chief law enforcement officer is immune from civil liability based on an act or omission relating to the issuance or denial of a certification under this chapter.

(b) The immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct.

Sec. 5. (a) A person whose request for certification has been denied under this chapter may file an action in the circuit or superior court of the county in which the denial occurred to compel the chief law enforcement officer to issue a certification. The person filing an action under this subsection shall serve a copy of the action on the chief law enforcement officer in accordance with the Indiana Rules of Trial Procedure.

(b) The court shall determine the matter under subsection (a) de novo, with the burden of proof on the chief law enforcement officer to sustain the denial of the request for certification. If the request for certification was denied because the applicant is:

(1) prohibited by law from receiving or possessing a firearm;
or

(2) the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing a firearm;

a certified copy of documentary evidence establishing that the applicant is ineligible for certification is sufficient to meet the burden of proof. However, an affidavit or conclusory statement is not sufficient to sustain the burden of proof that a denial of the request for certification was proper.

(c) In an action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing applicant if the court finds that there was no substantial basis for the denial of the request for certification.

(d) A court shall expedite the hearing of an action filed under this section.

P.L.67-2016

[H.1088. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-37-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the circumstances suggest that the death was caused by other than natural causes **or a person dies or is declared dead in an emergency department and the emergency physician, who is the physician last in attendance, is uncertain as to the cause and manner of death**, the following individual shall refer the case to the coroner for investigation:

- (1) The **emergency department physician, upon consultation with an attending physician, if available.**
- (2) If there is no **emergency department physician, the attending physician.** ~~or~~

(3) If the attending physician has failed to refer the case to the coroner, the local health officer.

(b) The coroner shall report a death coming under the coroner's supervision upon official death certificate blanks to the health officer having jurisdiction not more than three (3) days after the inquest is held. Another person may not report the death.

P.L.68-2016

[H.1090. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 13-25-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on the commission is not a lucrative office.**

SECTION 2. IC 13-25-1-6, AS AMENDED BY P.L.85-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The commission shall do the following:

(1) Encourage and support the development of emergency planning efforts to provide:

(A) state government entities;

(B) local governments; and

(C) the public;

with information concerning potential chemical hazards in Indiana.

(2) Assist the state in complying with the requirements of SARA.

(3) Design and supervise the operation of emergency planning districts in Indiana.

(4) Gather and distribute information needed for effective emergency response planning.

(5) Appoint the members of the local emergency planning committee of each emergency planning district.

(b) A local emergency planning committee shall do the following:

(1) Satisfy the requirements of SARA.

(2) Prepare and submit a roster of committee members to the commission at least one (1) time each year.

(3) Meet at least two (2) times, on separate days, every six (6) months.

(4) Each year, prepare and submit a report to the commission that describes the expenditures of the local emergency planning committee in the preceding year that were paid for with the money distributed under IC 13-25-2-10.6.

(c) A local emergency planning committee member ~~who is an employee of a unit (as defined in IC 36-1-2-23)~~ may appoint a designee to act on the committee member's behalf under this chapter. An appointment under this subsection must:

(1) be in writing;

(2) specify the duration of the appointment; and

(3) be submitted to the committee at least two (2) calendar days before the first meeting that the designee attends on behalf of the member.

(d) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a local emergency planning committee is not a lucrative office.

(e) The members of a local emergency planning committee shall elect officers of the local emergency planning committee from among its members.

(f) The commission may appoint the number of members of a local emergency planning committee that the commission considers appropriate. The members of a local emergency planning committee must include representatives of each of the following:

(1) State and local officials.

(2) Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.

(3) Broadcast and print media.

(4) Community groups.

(5) Owners and operators of facilities subject to IC 13-25-2-10.

(g) The commission may revise its appointment of members of a local emergency planning committee under subsection (a)(5). Interested persons, including a county executive, may petition the commission to modify the membership of a local emergency planning committee.

(h) A local emergency planning committee is a county board of the county identified in one (1) of the following:

(1) If the emergency planning district of the local emergency planning committee is wholly within the boundaries of one (1) county, the local emergency planning committee is a county board of the county in which the emergency planning district is located.

(2) If the emergency planning district of the local emergency planning committee includes more than one (1) county, the local emergency planning committee is a county board of only one (1) of the counties, and the county of which the local emergency planning committee is a county board must be determined by agreement of the counties included in the emergency planning district.

(i) The commission may not establish an emergency planning district that includes more than one (1) county unless all the counties to be included in the emergency planning district have agreed which of the counties will be the county of which the local emergency planning committee will be a county board under subsection (h)(2).

P.L.69-2016
[H.1102. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 11-12-2-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:
Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1 of each year, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to:

(A) county jails to provide evidence based mental health and addiction forensic treatment services; and

(B) counties for the establishment and operation of pretrial release programs, diversion programs, community corrections programs, and court supervised recidivism reduction programs;

from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision

(2) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall ~~give priority~~ **coordinate with the division of mental health and addiction** in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

(1) addiction counseling;

(2) inpatient detoxification; **and**

(3) medication assisted treatment, including a federal Food and

Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(d) Grants awarded under this chapter:

(1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and

(2) may be used for technology based programs, including an electronic monitoring program.

(e) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:

(1) The number of persons committed to the department.

(2) The number of persons:

(A) confined in a department facility;

(B) participating in a community corrections program; and

(C) confined in a local jail under contract with or on behalf of the department.

(3) For each facility operated by the department:

(A) the number of beds in each facility;

(B) the number of inmates housed in the facility;

(C) the highest felony classification of each inmate housed in the facility; and

(D) a list of all felonies for which persons housed in the facility have been sentenced.

(f) The department shall:

(1) quarterly submit a report to the budget committee; and

(2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

SECTION 2. IC 11-12-2-4, AS AMENDED BY P.L.179-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A county or group of counties, or a court or a group of courts, seeking financial aid under this chapter must apply to the commissioner in a manner and form prescribed by the commissioner. If the application is for a community corrections program, the application must include a community corrections plan

that has been approved by the community corrections board and the county executive or, in a county having a consolidated city, by the city-county council. If the application is for a court supervised recidivism reduction program, the application must include information required by the department. If:

- (1) the application is from a county (not including a court); and
- (2) the county operates a community corrections program;

the application must be approved by the community corrections advisory board. The commissioner shall give priority consideration to applicants that demonstrate collaboration between the local community corrections advisory board and court supervised recidivism reduction programs. No county may receive financial aid until its application is approved by the commissioner.

(b) A community corrections plan must comply with rules adopted under section 5 of this chapter and must include:

- (1) a description of each program for which financial aid is sought;
- (2) the purpose, objective, administrative structure, staffing, and duration of the program;
- (3) a method to evaluate each component of the program to determine the overall use of department approved best practices for the program;
- (4) the program's total operating budget, including all other sources of anticipated income;
- (5) the amount of community involvement and client participation in the program;
- (6) the location and description of facilities that will be used in the program;
- (7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program; and
- (8) a plan of collaboration ~~between~~ **among** the probation department, ~~and~~ the community corrections program, **and any other local criminal justice agency that receives funding from the department** for the provision of community supervision for adult offenders. **Counties are encouraged to include the courts, prosecuting attorneys, public defenders, and sheriffs when addressing the needs of the local criminal justice population.**

The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by January 1, 2016, and must include:

- (A) a description of the evidence based services provided to felony offenders by the community corrections program and the probation department;
 - (B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community supervision;
 - (C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;
 - (D) the eligibility criteria established for community based services provided to adult felony offenders;
 - (E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;
 - (F) a description of how financial aid from the department, program fees, and probation user fees will be used to provide services to adult felony offenders; and
 - (G) documentary evidence of compliance with department rules for community corrections programs and judicial conference of Indiana standards for probation departments.
- (c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated city, by the city-county council, and submitted to the commissioner.
- (d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.
- (e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.
- (f) The commissioner may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

(g) Purposes for which the commissioner may award financial aid under this chapter include:

- (1) assisting a county in defraying the expenses of incarceration;
- (2) funding mental health, addiction, and cognitive behavior treatment programs for incarcerated persons;
- (3) funding mental health, addiction, and cognitive behavior treatment programs for persons who are on probation, are supervised by a community corrections program, or are participating in a pretrial diversion program offered by a prosecuting attorney;
- (4) funding work release and other community corrections programs; and
- (5) reimbursing a county for probation officer and community correction officer salaries.

SECTION 3. IC 12-23-19-1, AS ADDED BY P.L.209-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services **that may be** provided to individuals **in the criminal justice system** who **have entered the criminal justice system as a felon are charged with a felony offense,** or **with** have a prior felony conviction, **or who and** have been placed or are eligible to be placed in a **pretrial services program, community corrections program, prosecuting attorney's diversion program, or jail** as an alternative to commitment to the department of correction. The term includes:

- (1) mental health and substance abuse treatment, including:
 - (A) addiction counseling;
 - (B) inpatient detoxification;
 - (C) case management;
 - (D) daily living skills; and
 - (E) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;
- (2) vocational services;
- (3) housing assistance;

- (4) community support services;
- (5) care coordination;
- (6) transportation assistance; and
- (7) mental health and substance abuse assessments.

P.L.70-2016

[H.1105. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 34-60-1-2, AS ADDED BY P.L.150-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this chapter, "victim advocate" means an individual employed or appointed by or who volunteers for a victim service provider:

(b) The term does not include:

- (1) a law enforcement officer;
- (2) an employee or agent of a law enforcement officer;
- (3) a prosecuting attorney; or
- (4) an employee or agent of a prosecuting attorney's office.

(c) The term includes an employee, an appointee, or a volunteer of

at:

- (1) victim service provider;
 - (2) domestic violence program;
 - (3) sexual assault program;
 - (4) rape crisis center;
 - (5) battered women's shelter;
 - (6) transitional housing program for victims of domestic violence;
- or

(7) program that, as one (1) of its primary purposes, provides services to an individual:

(A) against whom an act of:

- (i) domestic or family violence;
- (ii) dating violence;
- (iii) sexual assault (as defined in IC 5-26.5-1-8);
- (iv) human and sexual trafficking (IC 35-42-3.5); or
- (v) stalking (IC 35-45-10-5);

is committed; or

(B) who:

- (i) is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
- (ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); **has the meaning set forth in IC 35-37-6-3.5.**

SECTION 2. IC 35-37-6-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.7. As used in this chapter, "student advocate office" means a student services office, victim assistance office, or other victim counselor as designated by a state educational institution or an approved postsecondary educational institution.**

SECTION 3. IC 35-37-6-3.5, AS ADDED BY P.L.104-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) As used in this chapter, "victim advocate" means an individual employed or appointed by or who volunteers for:**

- (1) a victim services provider; or**
- (2) the student advocate office of a state educational institution or an approved postsecondary educational institution, if the individual provides services to a victim.**

(b) The term does not include:

- (1) a law enforcement officer;
- (2) an employee or agent of a law enforcement officer;

- (3) a prosecuting attorney; or
- (4) an employee or agent of a prosecuting attorney's office.
- (c) The term includes an employee, an appointee, or a volunteer of
 - a:
 - (1) victim services provider;
 - (2) domestic violence program;
 - (3) sexual assault program;
 - (4) rape crisis center;
 - (5) battered women's shelter;
 - (6) transitional housing program for victims of domestic violence;
 - or
 - (7) program that has as one (1) of its primary purposes to provide services to an individual:
 - (A) against whom an act of:
 - (i) domestic or family violence;
 - (ii) dating violence;
 - (iii) sexual assault (as defined in IC 5-26.5-1-8);
 - (iv) human and sexual trafficking (IC 35-42-3.5); or
 - (v) stalking (IC 35-45-10-5);
 - is committed; or
 - (B) who:
 - (i) is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
 - (ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

SECTION 4. IC 35-41-4-2, AS AMENDED BY P.L.72-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or

Level 6 felony (for a crime committed after June 30, 2014); or
(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or
- (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) A prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014) may be commenced at any time.

(d) A prosecution for murder may be commenced:

- (1) at any time; and
- (2) regardless of the amount of time that passes between:
 - (A) the date a person allegedly commits the elements of murder; and
 - (B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

- (1) IC 35-42-4-3(a) (Child molesting).
- (2) IC 35-42-4-5 (Vicarious sexual gratification).
- (3) IC 35-42-4-6 (Child solicitation).
- (4) IC 35-42-4-7 (Child seduction).
- (5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire

within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

- (1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;
- (2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
- (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

- (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.
- (2) The date of issuance of a valid arrest warrant.
- (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

- (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).
- (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).
- (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-14-48-9 is barred

unless commenced within five (5) years after the earlier of the date on which the state:

- (1) first discovers evidence sufficient to charge the offender with the offense; or
- (2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

(m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:

- (1) a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014); or
- (2) listed in subsection (e);

is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.

(n) A prosecution for rape (IC 35-42-4-1) as a **Class B felony (for a crime committed before July 1, 2014) or as a Level 3 felony (for a crime committed after June 30, 2014)** that would otherwise be barred under this section may be commenced not later than five (5) years after the earlier of the date on which:

- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
- (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or
- (3) a person confesses to the offense.

(o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;**

- (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or**
- (3) a person confesses to the offense.**

P.L.71-2016

[H.1130. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.213-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this

state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(15) Administer any sexual offense services.

(16) Administer domestic violence programs.

(17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(20) In conjunction with the division of mental health and addiction, establish the Indiana technical assistance center for crisis intervention teams under IC 5-2-21.2.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(22) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(23) Administer the ignition interlock inspection account established under IC 9-30-8-7.

SECTION 2. IC 9-30-8-3, AS AMENDED BY P.L.217-2014, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules

under IC 4-22-2 to establish standards and specifications for a certified ignition interlock device. The standards and specifications must require at a minimum that the device meets the following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning a person that tampering with or misusing the device is a crime and may subject that person to criminal and civil penalties.
- (6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

~~(d) The director of the state department of toxicology shall:~~

- ~~(1) have tests conducted concerning the **If testing is required to determine whether an** ignition interlock device **complies** with standards set forth by the state department of toxicology, **and**~~
- ~~(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.~~

~~(e) The tests required under this section **the testing** must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.~~

~~(f) (e) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.~~

~~(g) (f) The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:~~

- ~~(1) the number of ignition interlock devices certified by the state department of toxicology;~~
- ~~(2) the number of ignition interlock devices currently installed in Indiana; and~~

(3) the number of ignition interlock devices rejected by the state department of toxicology.

~~(h)~~ (g) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

~~(i)~~ (h) The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

SECTION 3. IC 9-30-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) This section applies after June 30, 2017.**

(b) The Indiana criminal justice institute shall adopt rules under IC 4-22-2 concerning the following:

- (1) Establishing standards for service centers and inspections.**
- (2) Establishing standards for ignition interlock device technicians.**
- (3) Installation of ignition interlock devices.**
- (4) Requirements for removing an ignition interlock device.**
- (5) Fees with respect to service centers and ignition interlock devices that do not exceed the cost of the program. Fees described in this subdivision shall be paid by the service center, by the vendor or provider of an ignition interlock device and used to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers or ignition interlock devices. Funds collected under this subdivision shall be deposited in the ignition interlock inspection account established under subsection (c).**
- (6) Review of denial, suspension, or revocation of certification of service centers and ignition interlock device installers and technicians.**
- (7) Hearing procedures for service centers or installers of ignition interlock devices.**

(8) Appeal procedures for service centers or installers of ignition interlock devices.

(c) The ignition interlock inspection account is established within the state general fund to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers and ignition interlock devices. The account shall be administered by the Indiana criminal justice institute. The following provisions apply to the account:

(1) The account consists of:

(A) fees paid by the vendor or provider of an ignition interlock device;

(B) fees paid by the service center; and

(C) appropriations made by the general assembly.

(2) Money in the account may be spent to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers and ignition interlock devices.

(3) The Indiana criminal justice institute shall annually prepare a plan for the expenditure of money in the account.

(4) The expenses of administering the account shall be paid from money in the account.

(5) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(6) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 9-30-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The bureau and the Indiana criminal justice institute shall enter into a memorandum of understanding to administer this chapter and IC 9-30-6-8(d).

P.L.72-2016

[H.1136. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 4-33-4-3.5, AS AMENDED BY P.L.170-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 3.5. **(a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.**

(b) The commission shall employ gaming agents to perform the duties imposed by this chapter. Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensed owners and operating agents.

(c) The licensed owners and operating agents shall, in the manner prescribed by the rules of the commission reimburse the commission for:

- (1) the training expenses incurred to train gaming agents;
- (2) the salaries and other expenses of staff required to support the gaming agents; and
- (3) the salaries and other expenses of the gaming agents required to be present during the time gambling operations are conducted on a riverboat.

(d) This subsection applies to a state fiscal year beginning after June 30, 2016. Each licensed owner and each operating agent shall annually pay a special worker's compensation coverage fee of twelve thousand dollars (\$12,000) to the commission to be used exclusively to assist the commission in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.

(e) This section is subject to section 3.7 of this chapter.

SECTION 2. IC 4-33-4-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: **Sec. 3.7. (a) Section 3.5 of this chapter, as in effect before July 1, 2015, applies to an injury or occupational disease occurring before July 1, 2015.**

(b) Section 3.5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2015.

SECTION 3. IC 4-35-4-5, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: **Sec. 5. (a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.**

(b) Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensees.

(c) The commission shall employ gaming agents to perform duties imposed by this article. A licensee shall, under rules adopted by the commission under IC 4-22-2, reimburse the commission for:

- (1) training expenses incurred to train gaming agents;**
- (2) salaries and other expenses of staff required to support the gaming agents; and**
- (3) salaries and other expenses of the gaming agents required to be present during the time gambling games are being conducted at a racetrack.**

(d) This subsection applies to a state fiscal year beginning after June 30, 2016. Each licensee shall annually pay a special worker's compensation coverage fee of twelve thousand dollars (\$12,000) to the commission to be used exclusively to assist the commission in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.

(e) This section is subject to section 5.1 of this chapter.

SECTION 4. IC 4-35-4-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: **Sec. 5.1. (a) Section 5 of this chapter, as**

in effect before July 1, 2015, applies to an injury or occupational disease occurring before July 1, 2015.

(b) Section 5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2015.

SECTION 5. IC 5-20-1-27, AS AMENDED BY P.L.247-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) The home ownership education account within the state general fund is established to support:

- (1) home ownership education programs established under section 4(d) of this chapter;
- (2) mortgage foreclosure counseling and education programs established under IC 5-20-6-2; and
- (3) programs conducted by one (1) or a combination of the following to facilitate settlement conferences in residential foreclosure actions under IC 32-30-10.5:
 - (A) The judiciary.
 - (B) Pro bono legal services agencies.
 - (C) Mortgage foreclosure counselors (as defined in IC 32-30-10.5-6).
 - (D) Other nonprofit entities certified by the authority under section 4(d) of this chapter.

The account is administered by the authority.

(b) The home ownership education account consists of:

- (1) court fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017);
- (2) civil penalties imposed and collected under:
 - (A) IC 6-1.1-12-43(g)(2)(B); or
 - (B) ~~IC 27-7-3-15.5(e)~~; **IC 27-7-3-15.5(f)**; and
- (3) any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(c) The expenses of administering the home ownership education account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the home ownership education account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

SECTION 6. IC 5-20-6-3, AS AMENDED BY P.L.247-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. In addition to using money provided for the program from:

- (1) court fees under IC 33-37-5-33 (before its expiration on July 1, 2017);
- (2) civil penalties imposed and collected under:
 - (A) IC 6-1.1-12-43(g)(2)(B); or
 - (B) ~~IC 27-7-3-15.5(e)~~; **IC 27-7-3-15.5(f)**; and
- (3) any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5;

the authority may solicit contributions and grants from the private sector, nonprofit entities, and the federal government to assist in carrying out the purposes of this chapter.

SECTION 7. IC 27-1-3.5-12.3, AS ADDED BY P.L.146-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12.3. (a) This section does not apply to a domestic insurer that meets ~~one (1)~~ of the following requirements:

- (1) The domestic insurer has annual direct written and unaffiliated assumed premiums (including international direct and assumed premiums and excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program) of less than five hundred million dollars (\$500,000,000).
- (2) **If** the domestic insurer is a member of a group of insurers, ~~that~~ **the group** has annual direct written and unaffiliated assumed premiums (including international direct and assumed premiums and excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program) of less than one billion dollars (\$1,000,000,000).

A domestic insurer or group of insurers described in this subsection shall comply with the requirements of this section not later than one (1) year after the year in which the domestic insurer's or group's annual direct written and unaffiliated assumed premiums described in subdivisions (1) and (2) exceed the applicable maximum amount specified in subdivision (1) or (2).

- (b) A domestic insurer shall establish an internal audit function to:
 - (1) provide independent, objective, and reasonable assurance to

the domestic insurer's audit committee and management concerning the domestic insurer's governance, risk management, and internal controls;

(2) perform general and specific audits, reviews, and tests; and
(3) use other techniques considered necessary to protect assets, evaluate control effectiveness and efficiency, and evaluate compliance with policies and regulations.

(c) An internal audit function established under subsection (b) must be organizationally independent, as follows:

(1) Ultimate judgment concerning audit matters must be made by the department responsible for the internal audit function.

(2) The department responsible for the internal audit function shall appoint an individual:

(A) to be responsible for the internal audit function; and

(B) to have direct and unrestricted access to the board of directors of the domestic insurer.

The internal audit function's organizational independence does not preclude dual reporting relationships.

(d) The director of the internal audit function shall report to the audit committee of a domestic insurer on a regular basis, at least annually, concerning the following:

(1) The internal audit function's periodic audit plan.

(2) Factors that may adversely affect the internal audit function's independence or effectiveness.

(3) Material findings from completed audits.

(4) The appropriateness of corrective actions implemented by management as a result of audit findings.

(e) If a domestic insurer is a member of an insurance holding company system or a member of a group of insurers, the domestic insurer may satisfy the internal audit function requirements of this section at the ultimate controlling person level, an intermediate holding company level, or an individual legal entity level.

SECTION 8. IC 27-1-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) No policy of insurance against:

(1) a:

(A) loss or damage resulting from accident to; or

(B) death or injury suffered by;

an employee or other person or persons and for which the person or persons insured are liable; or ~~against~~

(2) a loss or damage to property resulting from collision with any moving or stationary object and for which loss or damage the person or persons insured ~~is~~ **are** liable;

shall be issued or delivered in this state by any domestic or foreign corporation, insurance underwriters, association, or other insurer authorized to do business in this state, unless ~~there shall be contained within such~~ **the requirements of subsection (b) are met.**

(b) A policy described in subsection (a) must contain the following:

(1) A provision that:

(A) the insolvency or bankruptcy of the person or persons insured shall not release the insurance carrier from the payment of damages for injury sustained or loss occasioned during the life of ~~such the~~ policy; and ~~stating that in case~~

(B) if execution against the insured is returned unsatisfied in an action brought by the injured person or his or her personal representative in case death resulted from the accident because of ~~such~~ insolvency or bankruptcy **described in clause (A)** then an action may be maintained by the injured person, or his or her personal representative, against ~~such the~~ domestic or foreign corporation, insurance underwriters, association or other insurer under the terms of the policy for the amount of the judgment in the said action not exceeding the amount of the policy. ~~No such policy shall be issued or delivered in this state by any foreign or domestic corporation, insurance underwriters, association or other insurer authorized to do business in this state, unless there shall be contained within such policy.~~

(2) A provision that notice given by or on behalf of the insured to any authorized agent of the insurer within this state, with particulars sufficient to identify the insured, shall be deemed to be notice to the insurer. ~~No such policy shall~~

(3) If the policy is to be issued or delivered in this state to the owner of a motor vehicle, ~~by any domestic or foreign corporation, insurance underwriters, association or other insurer authorized to do business in this state, unless there shall be contained within~~

~~such policy~~ a provision insuring ~~such the~~ owner against liability for damages for death or injury to person or property resulting from negligence in the operation of ~~such the~~ motor vehicle, in the business of ~~such the~~ owner or otherwise, by any person legally using or operating the ~~same motor vehicle~~ with the permission, expressed or implied, of ~~such the~~ owner.

(c) If a motor vehicle is owned jointly by a husband and wife:

(1) either spouse may, with the written consent of the other spouse, be excluded from coverage under ~~the a~~ policy **described in subsection (b)(3); and**

(2) ~~A the~~ husband and wife may choose ~~instead~~ to have their liability covered under separate policies.

(d) This section does not prohibit an insurer from making available a named driver exclusion in a commercial motor vehicle policy.

(e) A policy issued in violation of this section shall, nevertheless, be held valid but be deemed to include the provisions required by this section, and when any provision in ~~such the~~ policy or rider is in conflict with ~~the a~~ provision required to be contained by this section, the rights, duties and obligations of the insurer, the policyholder and the injured person or persons shall be governed by the provisions of this section.

~~(b) (f)~~ No policy of insurance shall be issued or delivered in this state by any foreign or domestic corporation, insurance underwriters, association, or other insurer authorized to do business in this state, unless it contains a provision that authorizes such foreign or domestic corporation, insurance underwriters, association, or other insurer authorized to do business in this state to settle the liability of its insured under IC 34-18 without the consent of its insured when the unanimous opinion of the medical review panel under IC 34-18-10-22(b)(1) is that the evidence supports the conclusion that the defendant failed to comply with the appropriate standard of care as charged in the complaint.

SECTION 9. IC 27-1-15.6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Unless denied licensure under section 12 of this chapter, a nonresident person shall receive a nonresident producer license if:

(1) the person is currently licensed as a resident and in good

standing in the person's home state;

(2) the person has submitted the proper request for licensure and has paid the fees required under section 32 of this chapter;

(3) the person has submitted or transmitted to the commissioner:

(A) the application for licensure that the person submitted to the person's home state; or

(B) a completed uniform application; and

(4) the person's home state awards non-resident producer licenses to residents of Indiana on the same basis as non-resident producer licenses are awarded to residents of other states under this chapter.

(b) The commissioner may verify a producer's licensing status through the Producer Database maintained by the National Association of Insurance Commissioners and its affiliates or subsidiaries.

(c) A:

(1) person who holds an Indiana nonresident producer's license and moves from one state to another state; or

(2) a resident producer who moves from Indiana to another state;

shall file a change of address with the Indiana department of insurance and provide certification from the new resident state not more than thirty (30) days after the change of legal residence. No fee or license application is required under this subsection.

(d) Notwithstanding any other provision of this chapter, a person licensed as a surplus lines producer in the person's home state shall receive a nonresident surplus lines producer license under subsection (a). Except as provided in subsection (a), nothing in this section otherwise amends or supercedes IC 27-1-15.8, as added by this act.

(e) Notwithstanding any other provision of this chapter, a person who is not a resident of Indiana and who is licensed as a limited lines credit insurance producer or another type of limited lines producer in the person's home state shall, upon application, receive a nonresident limited lines producer license under subsection (a) granting the same scope of authority as is granted under the license issued by the person's home state.

(f) Notwithstanding any other provision of this chapter, a nonresident producer who receives a nonresident producer license under this section shall maintain licensure in good standing in the

nonresident producer's home state.

(g) If a nonresident producer fails to maintain licensure in good standing in the nonresident producer's home state, the commissioner may:

(1) in the commissioner's sole discretion;

(2) without a hearing; and

(3) in addition to any other sanction allowed by law;

suspend any Indiana insurance producer license held by the nonresident producer until the commissioner receives notice from the nonresident producer's home state that the home state license is in effect.

SECTION 10. IC 27-1-23-1, AS AMENDED BY P.L.81-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, the following terms shall have the respective meanings set forth in this section, unless the context shall otherwise require:

(a) An "acquiring party" is the specific person by whom an acquisition of control of a domestic insurer or of any corporation controlling a domestic insurer is to be effected, and each person who directly, or indirectly through one (1) or more intermediaries, controls the person specified.

(b) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) A "beneficial owner" of a voting security includes any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, revocable or irrevocable proxy, or otherwise has or shares:

(1) voting power including the power to vote, or to direct the voting of, the security; or

(2) investment power which includes the power to dispose, or to direct the disposition, of the security.

(d) "Commissioner" means the insurance commissioner of this state.

(e) "Control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the beneficial ownership of

voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office. Control shall be presumed to exist if any person beneficially owns ten percent (10%) or more of the voting securities of any other person. The commissioner may determine this presumption has been rebutted only by a showing made in the manner provided by section 3(k) of this chapter that control does not exist in fact, after giving all interested persons notice and an opportunity to be heard. Control shall be presumed again to exist upon the acquisition of beneficial ownership of each additional five percent (5%) or more of the voting securities of the other person. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(f) "Department" means the department of insurance created by IC 27-1-1-1.

(g) A "domestic insurer" is an insurer organized under the laws of this state.

(h) "Earned surplus" means an amount equal to the unassigned funds of an insurer as set forth in the most recent annual statement of an insurer that is submitted to the commissioner, excluding surplus arising from unrealized capital gains or revaluation of assets.

(i) "Enterprise risk" means an activity, circumstance, event, or series of events that involves at least one (1) affiliate of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or the insurer's insurance holding company system as a whole, including an activity, circumstance, event, or series of events that would cause the:

(1) insurer's risk based capital to fall into company action level under IC 27-1-36; or

(2) insurer to be in hazardous financial condition subject to IC 27-1-3-7 and rules adopted under IC 27-1-3-7.

(j) "**Group wide supervisor**" means the regulatory official who is:

(1) authorized by the commissioner to conduct and coordinate group wide supervision of an internationally active insurance group; and

(2) determined by the commissioner to have sufficient

significant contact with the internationally active insurance group to enable group wide supervision.

~~(j)~~ **(k)** An "insurance holding company system" consists of two (2) or more affiliated persons, one (1) or more of which is an insurer.

~~(k)~~ **(l)** "Insurer" has the same meaning as set forth in IC 27-1-2-3, except that it does not include:

(1) agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state; or

(2) nonprofit medical and hospital service associations.

The term includes a health maintenance organization (as defined in IC 27-13-1-19) and a limited service health maintenance organization (as defined in IC 27-13-1-27).

(m) "Internationally active insurance group" means an insurance holding company system that:

(1) includes an insurer that is registered under section 3 of this chapter; and

(2) meets the following requirements:

(A) The insurance holding company system has premiums written in at least three (3) countries.

(B) The percentage of the insurance holding company system's gross premiums written outside the United States is at least ten percent (10%) of the insurance holding company system's total gross written premiums.

(C) Based on a three (3) year rolling average, the:

(i) total assets of the insurance holding company system are at least fifty billion dollars (\$50,000,000,000); or

(ii) total gross written premiums of the insurance holding company system are at least ten billion dollars (\$10,000,000,000).

~~(n)~~ **(n)** "NAIC" refers to the National Association of Insurance Commissioners.

~~(m)~~ **(o)** "Supervisory college" means a temporary or permanent forum:

(1) comprised of regulators, including other state, federal, and international regulators, responsible for the supervision of:

(A) a domestic insurer that is part of an insurance holding

- company system that has international operations;
- (B) an insurance holding company system described in clause (A); or
- (C) an affiliate of:
 - (i) a domestic insurer described in clause (A); or
 - (ii) an insurance holding company system described in clause (B); and

(2) established to facilitate communication and cooperation between the regulators described in subdivision (1).

~~(n)~~ **(p)** A "person" is an individual, a corporation, a limited liability company, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert. ~~but shall~~ **The term does not include any the following:**

(1) A securities broker performing no more than the usual and customary broker's function.

(2) A joint venture partnership that is exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

~~(o)~~ **(q)** A "policyholder" of a domestic insurer includes any person who owns an insurance policy or annuity contract issued by the domestic insurer, any person reinsured by the domestic insurer under a reinsurance contract or treaty between the person and the domestic insurer, and any health maintenance organization with which the domestic insurer has contracted to provide services or protection against the cost of care.

(r) "Securityholder" means a person that owns a security of a specified person, including common stock, preferred stock, debt obligations, and any other security that:

(1) is convertible to; or

(2) evidences the right to acquire;

a common stock, preferred stock, or debt obligation.

~~(p)~~ **(s)** A "subsidiary" of a specified person is an affiliate controlled by that person directly or indirectly through one or more intermediaries.

~~(q)~~ **(t)** "Surplus" means the total of gross paid in and contributed surplus, special surplus funds, and unassigned surplus, less treasury stock at cost.

(†) (u) "Voting security" includes any security convertible into or evidencing a right to acquire a voting security.

SECTION 11. IC 27-1-23-3, AS AMENDED BY P.L.129-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in:

- (1) this section;
- (2) section 4(a) and 4(c) of this chapter; and
- (3) section 4(b) of this chapter or a provision such as the following:

Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen (15) days after the end of the month in which it learns of each such change or addition.

Any insurer which is subject to registration under this section shall register within fifteen (15) days after it becomes subject to registration, and annually thereafter by July 1 of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require any authorized insurer which is a member of an insurance holding company system but not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurer with the insurance regulatory authority of its domiciliary jurisdiction.

(b) Every insurer subject to registration shall file a registration statement on a form prescribed by the commissioner, which shall contain current information about all of the following:

- (1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer.
- (2) The identity of every member of the insurance holding company system.
- (3) The following agreements in force, relationships subsisting,

and transactions that are currently outstanding or that have occurred during the last calendar year between such insurer and its affiliates:

- (A) loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;
 - (B) purchases, sales, or exchanges of assets;
 - (C) transactions not in the ordinary course of business;
 - (D) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;
 - (E) all management and service contracts and all cost-sharing arrangements; ~~other than cost allocation arrangements based upon generally accepted accounting principles;~~
 - (F) reinsurance agreements; ~~covering all or substantially all of one (1) or more lines of insurance of the ceding insurer;~~
 - (G) dividends and other distributions to shareholders; and
 - (H) consolidated tax allocation agreements.
- (4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.
- (5) If requested by the commissioner, financial statements of the insurance holding company system, the parent corporation of the insurer, or all affiliates, including annual audited financial statements filed with the federal Securities and Exchange Commission under the Securities Act of 1933 or the federal Securities Exchange Act of 1934, both as amended.
- (6) Statements reflecting that the insurer's:
- (A) board of directors oversees corporate governance and internal controls; and
 - (B) officers or senior management have approved and implemented and maintain and monitor corporate governance and internal control procedures.
- (7) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms prescribed by the commissioner.
- (8) Other information that the commissioner requires under rules

adopted under IC 4-22-2.

(c) Every registration statement must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(d) No information need be disclosed on the registration statement filed pursuant to subsection (b) if such information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving **one-half of** one per cent (~~1%~~) (**0.5%**) or less of an insurer's admitted assets as of the 31st day of December next preceding shall not be deemed material for purposes of this section.

(e) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms prescribed by the commissioner within fifteen (15) days after the end of the month in which it learns of each such change or addition.

(f) A person within an insurance holding company system subject to registration under this chapter shall provide complete and accurate information to an insurer when that information is reasonably necessary to enable the insurer to comply with this chapter.

(g) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is subject to the provisions of this section.

(h) The commissioner may require or allow two (2) or more affiliated insurers subject to registration under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(i) The commissioner may allow an insurer which is authorized to do business in this state and which is a member of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (a) and to file all information and material required to be filed under this section.

(j) The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by rule or order shall exempt the same from the provisions of this section.

(k) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such disclaimer. A disclaimer of affiliation is considered to have been granted unless the commissioner, less than thirty (30) days after receiving a disclaimer, notifies the person filing the disclaimer that the disclaimer is disallowed. The commissioner shall disallow such disclaimer only after furnishing all parties in interest with notice and opportunity to be heard.

(l) The person that ultimately controls an insurer that is subject to registration shall file with the lead state commissioner of the insurance holding company system (as determined by the procedures in the Financial Analysis Handbook adopted by the NAIC) an annual enterprise risk report that identifies, to the best of the person's knowledge, the material risks within the insurance holding company system that could pose enterprise risk to the insurer.

(m) The commissioner may impose on a person a civil penalty of one hundred dollars (\$100) per day that the person fails to file, within the period specified, a:

(1) registration statement; or

(2) summary of a registration statement or enterprise risk filing; required by this section. The commissioner shall deposit a civil penalty collected under this subsection in the department of insurance fund established by IC 27-1-3-28.

SECTION 12. IC 27-1-23-4, AS AMENDED BY P.L.146-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Material transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

(1) The terms shall be fair and reasonable.

(2) Agreements concerning cost sharing services and management must include provisions required by the commissioner in rules

adopted under IC 4-22-2.

(3) The charges or fees for services performed shall be reasonable.

(4) The expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied.

(5) The books, accounts, and records of each party as to all transactions described in this subsection shall be so maintained as to clearly and accurately disclose the nature and details of the transactions, including accounting information necessary to support the reasonableness of the charges or fees to the respective parties.

(6) The insurer's surplus as regards policyholders following any transactions with affiliates or shareholder dividend shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) The following transactions involving a domestic insurer and any person in its insurance holding company system (including amendments or modifications to affiliate agreements previously filed under this chapter) that are subject to any materiality standards described in subdivisions (1) through (7) may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into such transaction at least thirty (30) days prior thereto, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period:

(1) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments, provided those transactions are equal to or exceed:

(A) with respect to nonlife insurers, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders; and

(B) with respect to life insurers, three percent (3%) of the insurer's admitted assets;

each as of December 31 next preceding.

(2) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes those loans or extensions of credit with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used

to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit, provided those transactions are equal to or exceed:

(A) with respect to nonlife insurers, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders; and

(B) with respect to life insurers, three percent (3%) of the insurer's admitted assets;

each as of December 31 next preceding.

(3) Reinsurance agreements or modifications thereto, including:

(A) reinsurance pooling agreements; and

(B) agreements under which:

(i) a reinsurance premium;

(ii) a change in the insurer's liabilities; or

(iii) the projected reinsurance premium;

in any of the immediately succeeding three (3) years equals or exceeds five percent (5%) of the insurer's surplus as regards policyholders, as of December 31 next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one (1) or more affiliates of the insurer.

(4) Management agreements, service contracts, cost-sharing arrangements, lease agreements, **guarantees**, and tax allocation agreements.

(5) Guarantees made by the insurer, only as follows:

(A) A guarantee, the amount of which is not quantifiable.

(B) A guarantee, the amount of which is quantifiable, if the amount of the guarantee exceeds the lesser of:

(i) one-half of one percent (0.5%) of the insurer's admitted assets; or

(ii) ten percent (10%) of surplus as regards policyholders; on December 31 of the immediately preceding calendar year.

(6) Direct or indirect acquisitions or investments, as follows:

(A) In:

(i) a person that controls the insurer; or

(ii) an affiliate of the insurer in an amount that, together with the insurer's present holdings in the investments, exceeds two and one-half percent (2.5%) of the insurer's surplus to policyholders.

(B) This subdivision does not apply to direct or indirect acquisitions or investments in:

- (i) subsidiaries acquired under section 2.6 of this chapter; or
- (ii) nonsubsidiary insurance affiliates that are subject to this chapter.

(7) Material transactions, specified by rule, that the commissioner determines may adversely affect the interests of the insurer's policyholders.

This subsection does not authorize or permit any transactions that, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law. Notice concerning amendments or modifications of a transaction must include the reasons for the change and the financial impact on the domestic insurer. Not more than thirty (30) days after an agreement that was previously filed under this section is terminated, the domestic insurer shall send written notice of the termination to the commissioner. The commissioner shall determine whether a filing concerning the termination is required and shall notify the domestic insurer of the commissioner's determination.

(c) A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise.

(d) The commissioner, in reviewing transactions pursuant to subsection (b), shall consider whether the transactions comply with the standards set forth in subsection (a) and whether the transactions may adversely affect the interests of policyholders.

(e) The commissioner shall be notified within thirty (30) days of any investment of the domestic insurer in any one (1) corporation if the total investment in that corporation by the insurance holding company system exceeds ten percent (10%) of the corporation's voting securities.

(f) For purposes of this chapter, in determining whether an insurer's surplus is reasonable in relation to the insurer's outstanding liabilities

and adequate to its financial needs, the following factors, among others, shall be considered:

- (1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria.
- (2) The extent to which the insurer's business is diversified among the several lines of insurance.
- (3) The number and size of risks insured in each line of business.
- (4) The extent of the geographical dispersion of the insurer's insured risks.
- (5) The nature and extent of the insurer's reinsurance program.
- (6) The quality, diversification, and liquidity of the insurer's investment portfolio.
- (7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders.
- (8) The surplus as regards policyholders maintained by other comparable insurers in respect of the factors described in subdivisions (1) through (7).
- (9) The adequacy of the insurer's reserves.
- (10) The quality and liquidity of investments in subsidiaries, except that the commissioner may discount or treat any such investment in subsidiaries as a disallowed asset for purposes of determining the adequacy of surplus whenever in the commissioner's judgment such investment so warrants.
- (11) The quality of the earnings of the insurer and the extent to which the reported earnings of the insurer include extraordinary items.

(g) No domestic insurer subject to registration under section 3 of this chapter shall pay an extraordinary dividend or make any other extraordinary distribution to its security holders until:

- (1) thirty (30) days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment; or
- (2) the commissioner shall have approved such payment within such thirty (30) day period.

(h) For purposes of subsection (g), **the following apply with respect to** an extraordinary dividend or distribution:

- (1) **An extraordinary dividend or distribution** is any dividend

or distribution of cash or other property whose fair market value, together with that of other dividends or distributions made within the twelve (12) consecutive months ending on the date on which the proposed dividend or distribution is scheduled to be made, exceeds the ~~greater~~ **lesser** of:

~~(1)~~ **(A)** ten percent (10%) of such insurer's surplus as regards policyholders as of the most recently preceding December 31;

or

~~(2)~~ **(B)** the:

(i) net gain from operations of such insurer, if such insurer is a life insurer; or ~~the~~

(ii) net income, if such insurer is not a life insurer;

not including realized capital gains, for the twelve (12) month period ending on the most recently preceding December 31.

(2) An extraordinary dividend or distribution does not include pro rata distribution of any class of an insurer's own securities.

(3) For purposes of determining whether a dividend or distribution is extraordinary, an insurer that is not a life insurer may carry forward net income that:

(A) was received during the two (2) immediately preceding calendar years; and

(B) has not been paid out as dividends;

computed by subtracting the amount of dividends paid in the first and second immediately preceding calendar years from the amount of net income, not including realized capital gains, received in the second and third immediately preceding calendar years.

(i) Notwithstanding any other provision of law, a domestic insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, but such a declaration shall confer no rights upon shareholders until:

(1) the commissioner has approved the payment of such dividend or distribution; or

(2) the commissioner has not disapproved the payment within the thirty (30) day period referred to in subsection (g).

(j) The commissioner may impose a civil penalty of five thousand

dollars (\$5,000) on a person who fails to file a transaction as required by this section. The commissioner shall deposit a civil penalty collected under this subsection in the department of insurance fund established by IC 27-1-3-28.

SECTION 13. IC 27-1-23-5.1, AS ADDED BY P.L.81-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.1. (a) The commissioner may participate in a supervisory college for a domestic insurer that is part of an insurance holding company system that has international operations, and any affiliate of the insurer, to do the following:

- (1) Determine whether the insurer or affiliate is in compliance with this chapter.
- (2) Assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management, and governance processes that apply to the insurer or affiliate.
- (3) Examine the insurer or affiliate.

(b) The powers of the commissioner under subsection (a) include the following:

- (1) Initiation of the establishment of the supervisory college.
- (2) Clarification of the membership and participation of other supervisors in the supervisory college.
- (3) Clarification of the functions of the supervisory college and the role of other regulators, including the establishment of a group **wide** supervisor.
- (4) Coordination of the activities of the supervisory college, including planning meetings, **supervisory activities**, and information sharing procedures.
- (5) Establishment of a crisis management plan.

(c) An insurer that is described in subsection (a) shall pay the commissioner's reasonable expenses of participation in a supervisory college, including travel expenses. The commissioner may establish a regular assessment to the insurer for payment of the expenses.

(d) The commissioner may enter into agreements in accordance with the requirements that apply to an agreement entered into with the NAIC under section 6 of this chapter to specify the activities of the commissioner and other regulators participating in the supervisory college.

(e) This section does not delegate to a supervisory college a

commissioner's authority to regulate or supervise the insurer described in subsection (a) or the insurer's affiliates within the commissioner's jurisdiction.

SECTION 14. IC 27-1-23-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.3. (a) The commissioner shall, in cooperation with other state, federal, and international regulatory agencies, do either of the following to identify a single group wide supervisor for an internationally active insurance group:**

(1) Act as the group wide supervisor if the commissioner determines that the internationally active insurance group conducts substantial insurance operations in Indiana.

(2) Acknowledge another regulatory official as the group wide supervisor if the commissioner determines that the internationally active insurance group:

(A) does not have substantial insurance operations in the United States;

(B) has substantial insurance operations in the United States, but not in Indiana; or

(C) has substantial insurance operations in the United States and Indiana, but the commissioner has determined according to subsections (c), (d), and (j) that the other regulatory official is the appropriate group wide supervisor.

(b) The commissioner may, upon request of an insurance holding company system that does not qualify as an internationally active insurance group, make a determination and act as, or acknowledge another regulatory official as, a group wide supervisor for the insurance holding company system under subsection (a) as if the insurance holding company system was an internationally active insurance group.

(c) In making a determination under subsection (a), the commissioner shall consider all of the following:

(1) The place of domicile of the internationally active insurance group insurers that hold the largest share of the internationally active insurance group's written premiums, assets, or liabilities.

(2) The place of domicile of the top tiered insurers in the

internationally active insurance group's insurance company holding system.

(3) The location of the internationally active insurance group's executive offices or largest operational offices.

(4) Whether another regulatory official is acting or seeks to act as the group wide supervisor under a regulatory system that the commissioner determines to be:

(A) substantially similar to the regulatory system under the law of this state; or

(B) sufficient to provide for group wide supervision, enterprise risk analysis, and cooperation with other regulatory officials.

(5) Whether a regulatory official described in subdivision 4 provides the commissioner with reasonably reciprocal recognition and cooperation.

(d) If a regulatory official who is identified as the group wide supervisor under this section considers another regulatory official to be more appropriate to serve as the group wide supervisor, the commissioner shall cooperatively do the following with the other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group:

(1) Consider the factors described in subsection (c) with respect to the other regulatory official considered more appropriate to serve as the group wide supervisor.

(2) If the commissioner considers the other regulatory official to be appropriate to serve as the group wide supervisor, acknowledge the other regulatory official, subject to the acknowledgment of the other regulatory officials.

(e) Notwithstanding any other law, if another regulatory official is acting as the group wide supervisor of an internationally active insurance group, the commissioner shall acknowledge the other regulatory official as the group wide supervisor. However, if there is a material change in the internationally active insurance group that results in:

(1) the internationally active insurance group's Indiana domiciled insurers holding the largest share of the internationally active insurance group's premiums, assets, or liabilities; or

(2) Indiana being the domicile of the internationally active insurance group's insurance holding company system's top tiered insurers;

the commissioner shall make a determination concerning the appropriate group wide supervisor for the internationally active insurance group as described in subsections (c) and (d).

(f) The commissioner may, under section 5 of this chapter, obtain from an insurer that is registered under section 3 of this chapter all information necessary to make a determination under this section.

(g) Before making a final determination that the commissioner will act as the group wide supervisor of an internationally active insurance group:

(1) the commissioner shall notify the:

(A) insurer that is registered under section 3 of this chapter; and

(B) ultimate controlling person;

in the internationally active insurance group; and

(2) the internationally active insurance group has at least thirty (30) days to provide the commissioner with additional information relevant to the commissioner's final determination.

(h) Upon making a final determination that the commissioner will act as the group wide supervisor of an internationally active insurance group, the commissioner shall publish that information, including the identity of the internationally active insurance group, in the Indiana Register and on the department's Internet web site.

(i) The commissioner may do any of the following with respect to an internationally active insurance group subject to group wide supervision by the commissioner:

(1) Assess enterprise risk in the internationally active insurance group to ensure that:

(A) the material financial condition and liquidity risks to members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(B) reasonable and effective mitigation measures are in place to address the risks described in clause (A).

(2) Request from any member of the internationally active

insurance group information necessary and appropriate to assess enterprise risk, including the following information concerning the members of the internationally active insurance group:

- (A) Governance, risk assessment, and management.**
- (B) Capital adequacy.**
- (C) Material intercompany transactions.**

(3) Coordinate and, through the regulatory authority of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures to ensure that the internationally active insurance group is able to, in a timely manner, recognize and mitigate enterprise risks to members of the internationally active insurance group that are engaged in the business of insurance.

(4) Communicate with other state, federal, and international regulatory officials for members in the internationally active insurance group and share relevant information subject to the confidentiality provisions of section 6 of this chapter, through supervisory colleges under section 5.1 of this chapter or otherwise.

(5) Enter into agreements with or obtain documentation from any:

- (A) insurer registered under section 3 of this chapter;**
- (B) member of the internationally active insurance group;**
- and**
- (C) other state, federal, and international regulatory official for members of the internationally active insurance group;**

to establish the basis for or otherwise clarify the commissioner's role as group wide supervisor, including provisions to resolve disputes with other regulatory officials. An agreement or documentation described in this subdivision may not serve as evidence in any proceeding that an insurer or a person in an insurance holding company system that is not domiciled or incorporated in Indiana is doing business in Indiana or is otherwise subject to the jurisdiction of this state.

(6) Other group wide supervision activities consistent with this section, as the commissioner determines necessary.

(j) If the commissioner acknowledges another regulatory official from a jurisdiction that is not accredited by the NAIC as the group wide supervisor of an internationally active insurance group, the commissioner may reasonably cooperate, through supervisory colleges or otherwise, with the regulatory official's group wide supervision if:

- (1) the commissioner's cooperation is in compliance with the law of this state; and**
- (2) the regulatory official recognizes and cooperates with the commissioner's activities as a group wide supervisor for other internationally active insurance groups, as applicable.**

If a regulatory official is not described in subdivision (2), the commissioner may refuse to recognize and cooperate with the regulatory official as the group wide supervisor.

(k) The commissioner may enter into agreements with or obtain documentation from:

- (1) an insurer registered under section 3 of this chapter;**
- (2) an affiliate of an insurer described in subdivision (1); and**
- (3) other state, federal, and international regulatory agencies for members;**

of an internationally active insurance group that provide a basis for or clarify a regulatory official's role as group wide supervisor of the internationally active insurance group.

(l) An insurer that is registered under section 3 of this chapter and subject to this section is liable for and shall pay the reasonable expenses of the commissioner's participation in the implementation of this section, including costs of attorneys, actuaries, other professionals, and reasonable travel expense.

SECTION 15. IC 27-1-23-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.1. (a) If it appears to the commissioner that an insurer or a director, an officer, an employee, or an agent of an insurer has knowingly or intentionally violated this chapter, the commissioner may report the violation to the prosecutor of the county in which the conduct giving rise to the report occurred.

(b) Except as provided in subsection (c), an officer, a director, an employee, or an agent of an insurer or of an insurance holding company system who knowingly or intentionally violates the

following commits a Level 6 felony (IC 35-50-2-7):

- (1) Section 1.5(a) or 1.5(b) of this chapter.
- (2) Section 2(a) or 2(b) of this chapter.
- (3) Section 2.5(n) or 2.5(o) of this chapter.
- (4) Section 2.6(g), 2.6(i), 2.6(j), 2.6(k), 2.6(l), 2.6(m), 2.6(n), or 2.6(p) of this chapter.
- (5) Section 3(a), 3(b), 3(e), or 3(f) of this chapter.
- (6) Section 4(a), 4(b), 4(c), 4(e), 4(g), or 4(i) of this chapter.
- (7) Section 5(c) or 5(e) of this chapter.
- (8) Section 8(b) of this chapter.

(c) An officer, a director, or an employee of an insurance holding company system who knowingly or intentionally subscribes to or makes or causes to be made a false statement, false report, or false filing with the intent to deceive the commissioner in the performance of the commissioner's duties under this chapter:

- (1) commits a Level 4 felony (IC 35-50-2-5.5); and
- (2) except as provided in subsection (d), is in the officer's, director's, or employee's individual capacity subject to a civil penalty imposed by the commissioner of not more than one million dollars (\$1,000,000).

(d) A director or an officer of an insurance holding company system who:

- (1) knowingly or intentionally violates this chapter; or
- (2) knowingly or intentionally participates in, assents to, or permits an insurer's, officer's, employee's, or agent's engagement in transactions or the purchase of investments that:
 - (A) have not been properly reported or submitted under section 3(a), 4(b), or 4(g) of this chapter; or
 - (B) violate this chapter;

is, in the director's or officer's individual capacity and after notice and hearing under IC 4-21.5, subject to a civil penalty of not more than ten thousand dollars (\$10,000) per violation.

(e) The commissioner may impose a civil penalty of not more than one million dollars (\$1,000,000) on an insurer that knowingly or intentionally violates this chapter.

(f) In determining the amount of the civil penalty under this section, the commissioner shall consider the appropriateness of the amount of the civil penalty with respect to the gravity of the

violation, any history of previous violations, and other matters considered appropriate by the commissioner.

(g) If it appears to the commissioner that an insurer subject to this chapter, or a director, an officer, an employee, or an agent of an insurer, has engaged in a transaction or entered into a contract:

- (1) that is subject to section 4 of this chapter;**
- (2) for which the commissioner's approval was not requested;**
- and**
- (3) that would not have been approved by the commissioner if the commissioner's approval had been requested;**

the commissioner may order the insurer to immediately cease and desist from activity under the transaction or contract. The commissioner may, after notice and hearing under IC 4-21.5, order the insurer to void any contract and restore the status quo if the commissioner determines that the action is in the best interest of the insurer's policyholders or creditors or the public.

(h) If it appears to the commissioner that:

- (1) a person has committed a violation of section 2 of this chapter; and**
- (2) the violation prevents the full understanding of the enterprise risk to the insurer by affiliates or the insurance holding company system;**

the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of supervision in accordance with IC 27-9.

SECTION 16. IC 27-1-27-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.2. (a) Notwithstanding any other provision of this chapter, a nonresident public adjuster who receives a certificate of authority under this chapter shall maintain licensure as a public adjuster in good standing in the nonresident public adjuster's home state.

(b) If a nonresident public adjuster fails to maintain licensure in good standing in the nonresident public adjuster's home state, the commissioner may:

- (1) in the commissioner's sole discretion;**
- (2) without a hearing; and**
- (3) in addition to any other sanction allowed by law;**

suspend any Indiana insurance producer license or certificate of

authority held by the nonresident public adjuster until the commissioner receives notice from the nonresident public adjuster's home state that the home state license is in effect.

SECTION 17. IC 27-7-3-15.5, AS AMENDED BY P.L.116-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.5. (a) This section applies to the following transactions:

- (1) A mortgage transaction (as defined in IC 24-9-3-7(a)) that:
 - (A) is:
 - (i) a first lien purchase money mortgage transaction; or
 - (ii) a refinancing transaction; and
 - (B) is closed by a closing agent after December 31, 2009.
- (2) A real estate transaction (as defined in IC 24-9-3-7(b)) that:
 - (A) does not involve a mortgage transaction described in subdivision (1); and
 - (B) is closed by a closing agent (as defined in IC 6-1.1-12-43(a)(2)) after December 31, 2011.

(b) For purposes of this subsection, a person described in this subsection is involved in a transaction to which this section applies if the person participates in or assists with, or will participate in or assist with, a transaction to which this section applies. The department shall establish and maintain an electronic system for the collection and storage of the following information, to the extent applicable, concerning a transaction to which this section applies:

- (1) In the case of a transaction described in subsection (a)(1), the name and license number (under IC 23-2-5) of each loan brokerage business involved in the transaction.
- (2) In the case of a transaction described in subsection (a)(1), the name and license or registration number of any mortgage loan originator who is:
 - (A) either licensed or registered under state or federal law as a mortgage loan originator consistent with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (H.R. 3221 Title V); and
 - (B) involved in the transaction.
- (3) The name and license number (under IC 25-34.1) of each:
 - (A) broker company; and
 - (B) broker if any;

involved in the transaction.

(4) The following information:

(A) The:

(i) name of; and

(ii) code assigned by the National Association of Insurance Commissioners (NAIC) to;

each title insurance underwriter involved in the transaction.

(B) The type of title insurance policy issued in connection with the transaction.

(5) The name and license number (under IC 27-1-15.6) of each title insurance agency and agent involved in the transaction as a closing agent (as defined in IC 6-1.1-12-43(a)(2)).

(6) The following information:

(A) The name and:

(i) license or certificate number (under IC 25-34.1-3-8) of each licensed or certified real estate appraiser; or

(ii) license number (under IC 25-34.1) of each broker; who appraises the property that is the subject of the transaction.

(B) The name and registration number (under IC 25-34.1-11-10) of any appraisal management company that performs appraisal management services (as defined in IC 25-34.1-11-3) in connection with the transaction.

(7) In the case of a transaction described in subsection (a)(1), the name of the creditor and, if the creditor is required to be licensed under IC 24-4.4, the license number of the creditor.

(8) In the case of a transaction described in subsection (a)(1)(A)(i) or (a)(2), the name of the seller of the property that is the subject of the transaction.

(9) In the case of a transaction described in subsection (a)(1)(A)(i), the following information:

(A) The name of the buyer of the property that is the subject of the transaction.

(B) The purchase price of the property that is the subject of the transaction.

(C) The loan amount of the mortgage transaction.

(10) In the case of a transaction described in subsection (a)(2), the following information:

- (A) The name of the buyer of the property that is the subject of the transaction.
 - (B) The purchase price of the property that is the subject of the transaction.
- (11) In the case of a transaction described in subsection (a)(1)(A)(ii), the following information:
- (A) The name of the borrower in the mortgage transaction.
 - (B) The loan amount of the refinancing.
- (12) The:
- (A) name; and
 - (B) license number, certificate number, registration number, or other code, as appropriate;
- of any other person that is involved in a transaction to which this section applies, as the department may prescribe.
- (c) The system established by the department under this section must include a form that:
- (1) is uniformly accessible in an electronic format to the closing agent (as defined in IC 6-1.1-12-43(a)(2)) in the transaction; and
 - (2) allows the closing agent to do the following:
 - (A) Input information identifying the property that is the subject of the transaction by lot or parcel number, street address, or some other means of identification that the department determines:
 - (i) is sufficient to identify the property; and
 - (ii) is determinable by the closing agent.
 - (B) Subject to subsection (d) and to the extent determinable, input the applicable information described in subsection (b).
 - (C) Respond to the following questions, if applicable:
 - (i) "On what date did you receive the closing instructions from the creditor in the transaction?"
 - (ii) "On what date did the transaction close?"
 - (D) Submit the form electronically to a data base maintained by the department.
- (d) Not later than the time of the closing **or the date of disbursement, whichever is later**, each person described in subsection (b), other than a person described in subsection (b)(8), (b)(9), (b)(10), or (b)(11), shall provide to the closing agent in the transaction the person's:

- (1) legal name; and
- (2) license number, certificate number, registration number, or NAIC code, as appropriate;

to allow the closing agent to comply with subsection (c)(2)(B). In the case of a transaction described in subsection (a)(1), the person described in subsection (b)(7) shall, with the cooperation of any person involved in the transaction and described in subsection (b)(6)(A) or (b)(6)(B), provide the information described in subsection (b)(6). In the case of a transaction described in subsection (a)(1)(A)(ii), the person described in subsection (b)(7) shall also provide the information described in subsection (b)(11). A person described in subsection (b)(3)(B) who is involved in the transaction may provide the information required by this subsection for a person described in subsection (b)(3)(A) that serves as the broker company for the person described in subsection (b)(3)(B). The closing agent shall determine the information described in subsection (b)(8), (b)(9), and (b)(10) from the HUD-1 settlement statement, or in the case of a transaction described in subsection (a)(2), from the contract or any other document executed by the parties in connection with the transaction.

(e) The closing agent in a transaction to which this section applies shall submit the information described in subsection (d) to the data base described in subsection (c)(2)(D) not later than twenty (20) business days after the date of closing or the date of disbursement, whichever is later.

~~(e)~~ **(f)** Except for a person described in subsection (b)(8), (b)(9), (b)(10), or (b)(11), a person described in subsection (b) who fails to comply with subsection (d) **or (e)** is subject to a civil penalty of one hundred dollars (\$100) for each closing with respect to which the person fails to comply with subsection (d) **or (e)**. The penalty:

- (1) may be enforced by the state agency that has administrative jurisdiction over the person in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and
- (2) shall be paid into the home ownership education account established by IC 5-20-1-27.

~~(f)~~ **(g)** Subject to subsection ~~(g)~~; **(h)**, the department shall make the information stored in the data base described in subsection (c)(2)(D) accessible to:

- (1) each entity described in IC 4-6-12-4; and
- (2) the homeowner protection unit established under IC 4-6-12-2.

~~(g)~~ **(h)** The department, a closing agent who submits a form under subsection (c), each entity described in IC 4-6-12-4, and the homeowner protection unit established under IC 4-6-12-2 shall exercise all necessary caution to avoid disclosure of any information:

- (1) concerning a person described in subsection (b), including the person's license, registration, or certificate number; and
- (2) contained in the data base described in subsection (c)(2)(D); except to the extent required or authorized by state or federal law.

~~(h)~~ **(i)** The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section. Rules adopted by the department under this subsection may establish procedures for the department to:

- (1) establish;
- (2) collect; and
- (3) change as necessary;

an administrative fee to cover the department's expenses in establishing and maintaining the electronic system required by this section.

~~(i)~~ **(j)** If the department adopts a rule under IC 4-22-2 to establish an administrative fee to cover the department's expenses in establishing and maintaining the electronic system required by this section, as allowed under subsection ~~(h)~~; **(i)**, the department may:

- (1) require the fee to be paid:
 - (A) to the closing agent responsible for inputting the information and submitting the form described in subsection (c)(2); and
 - (B) by the borrower, the seller, or the buyer in the transaction;
- (2) allow the closing agent described in subdivision (1)(A) to retain a part of the fee collected to cover the closing agent's costs in inputting the information and submitting the form described in subsection (c)(2); and
- (3) require the closing agent to pay the remainder of the fee collected to the department for deposit in the title insurance enforcement fund established by IC 27-7-3.6-1, for the department's use in establishing and maintaining the electronic system required by this section.

SECTION 18. IC 27-7-3.7-4, AS ADDED BY P.L.92-2009,

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. As used in this chapter, "good funds" means funds in any of the following forms:

- (1) United States currency.
- (2) Wired funds unconditionally held by and irrevocably credited to the escrow account of the closing agent.
- (3) Certified or cashier's checks that are drawn on an existing account at a:
 - (A) bank;
 - (B) savings and loan association;
 - (C) credit union; or
 - (D) savings bank;

chartered under the laws of a state or the United States.

(4) A check drawn on the trust account of a real estate broker licensed under IC 25-34.1, if the closing agent has reasonable and prudent grounds to believe that sufficient funds will be available for withdrawal from the account on which the check is drawn at the time of disbursement of funds from the closing agent's escrow account.

(5) A personal check not to exceed five hundred dollars (\$500) per closing.

(6) A check issued by the state, the United States, or a political subdivision of the state or the United States.

(7) A check drawn on the escrow account of another closing agent, if the closing agent in the escrow transaction has reasonable and prudent grounds to believe that sufficient funds will be available for withdrawal from the account upon which the check is drawn at the time of disbursement of funds from the escrow account of the closing agent in the escrow transaction.

(8) A check issued by a farm credit service authorized under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(9) A check that is deposited and held in the escrow account of the closing agent for at least fourteen (14) days before the date of closing.

SECTION 19. IC 27-7-3.7-7, AS ADDED BY P.L.92-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a) A closing agent may not make disbursements from This section applies to an escrow account in**

connection with a real estate transaction unless any that contains funds that:

- (1) are received from any single party to ~~the~~ a real estate transaction; and
- (2) in the aggregate are at least ten thousand dollars (\$10,000). ~~are wired funds that are unconditionally held by and irrevocably credited to the escrow account of the closing agent.~~

(b) A closing agent may make disbursements from an escrow account described in subsection (a) in connection with a real estate transaction only if both of the following apply:

- (1) All the funds described in subsection (a) are good funds.**
- (2) Any funds described in subsection (a) in excess of ten thousand dollars (\$10,000) are good funds described in section 4(2) of this chapter.**

SECTION 20. IC 27-8-15-14, AS AMENDED BY P.L.146-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) **This subsection applies only with respect to grandfathered health plan coverage described in 45 CFR 147.140.** As used in this chapter, "small employer" means any person, firm, corporation, limited liability company, partnership, or association actively engaged in business who, on at least fifty percent (50%) of the working days of the employer during the preceding calendar year, employed at least two (2) but not more than fifty (50) eligible employees, the majority of whom work in Indiana. In determining the number of eligible employees, companies that are affiliated companies or that are eligible to file a combined tax return for purposes of state taxation are considered one (1) employer.

(b) If the commissioner of insurance determines that it is necessary or appropriate, the department of insurance may adopt emergency rules under IC 4-22-2-37.1 to conform the definition set forth in subsection (a) with PPACA (as defined in IC 27-19-2-14). Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted under this subsection expires on the date occurring one (1) year after the date on which the emergency rule takes effect. **This subsection expires January 1, 2017.**

(c) This subsection applies only with respect to a health insurance plan that does not provide grandfathered health plan coverage described in 45 CFR 147.140. As used in this chapter, "small employer" means any person, firm, corporation, limited

liability company, partnership, or association actively engaged in business who, on at least fifty percent (50%) of the working days of the employer during the preceding calendar year, employed at least one (1) but not more than fifty (50) employees. In determining the number of employees, companies that are treated as a single employer under Section 414(b), 414(c), 414(m), or 414(o) of the Internal Revenue Code are treated as one (1) employer.

SECTION 21. IC 27-8-29-15, AS AMENDED BY P.L.81-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) An independent review organization shall:

- (1) for an expedited external grievance filed under section 13(a)(2)(A) of this chapter, within seventy-two (72) hours after the external grievance is filed; or
- (2) for a standard external grievance filed under section 13(a)(2)(B) of this chapter, within fifteen (15) business days after the external grievance is filed;

make a determination to uphold or reverse the insurer's appeal resolution under IC 27-8-28-17 based on information gathered from the covered individual or the covered individual's designee, the insurer, and the treating health care provider, and any additional information that the independent review organization considers necessary and appropriate.

(b) When making the determination under this section, the independent review organization shall apply:

- (1) standards of decision making that are based on objective clinical evidence; and
- (2) the terms of the covered individual's accident and sickness insurance policy.

(c) In an external grievance described in section 12(1)(D) of this chapter, the insurer bears the burden of proving that the insurer properly denied coverage for a condition, complication, service, or treatment because the condition, complication, service, or treatment is directly related to a condition for which coverage has been waived under IC 27-8-5-2.5(e) (expired July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1, 2007, and repealed).

(d) The independent review organization shall notify the insurer and the covered individual of the determination made under this section:

- (1) for an expedited external grievance filed under section

13(a)(2)(A) of this chapter, within ~~twenty-four (24)~~ **seventy-two (72)** hours after ~~making the determination;~~ **external grievance is filed;** and

(2) for a standard external grievance filed under section 13(a)(2)(B) of this chapter, within seventy-two (72) hours after making the determination.

SECTION 22. IC 27-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in IC 27-9:

(a) "Ancillary state" means any state other than a domiciliary state.

(b) "Collateral", for purposes of IC 27-9-3-34.5, means cash, a letter of credit, a surety bond, or another form of security posted by an insured, a captive insurer, or reinsurer, to secure the insured's obligation to:

- (1) pay deductible claims or to reimburse the insurer for deductible claim payments under a large deductible policy; or**
- (2) reimburse or pay the insurer as required for other secured obligations.**

(c) "Commercially reasonable" means:

- (1) acting in good faith according to prevailing industry practices; and**
- (2) making all reasonable efforts considering the facts and circumstances of a matter.**

~~(b)~~ **(d)** "Commissioner" refers to the insurance commissioner.

~~(c)~~ **(e)** "Creditor" means a person having a claim, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed or contingent.

(f) "Deductible claim" means a claim under a large deductible policy that does not exceed the deductible. The term includes a claim for loss, defense, and (unless excluded) cost containment expense.

~~(d)~~ **(g)** "Delinquency proceeding" means:

- (1) any proceeding instituted against an insurer for the purpose of liquidating, rehabilitating, reorganizing, or conserving that insurer; and
- (2) any summary proceeding under IC 27-9-2-1 or IC 27-9-2-2.

~~(e)~~ **(h)** "Doing business" includes the following acts, whether effected by mail or otherwise:

- (1) The issuance or delivery of contracts of insurance to persons

resident in Indiana.

(2) The solicitation of applications for contracts or other negotiations preliminary to the execution of contracts.

(3) The collection of premiums, membership fees, assessments, or other consideration for contracts.

(4) The transaction of matters subsequent to execution of contracts and arising out of them.

(5) Operating under a license or certificate of authority, as an insurer, issued by the insurance department.

~~(f)~~ **(i)** "Domiciliary state" means the state in which an insurer is incorporated or organized, or, in the case of an alien insurer, its state of entry.

~~(g)~~ **(j)** "Fair consideration" is given for property or obligation:

(1) when in exchange for that property or obligation, as a fair equivalent for it, and in good faith, property is conveyed or services are provided or an obligation is incurred or an antecedent debt is satisfied; or

(2) when that property or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared to the value of the property or obligation obtained.

~~(h)~~ **(k)** "Foreign guaranty association" refers to a guaranty association similar to those listed in subsection ~~(k)~~ **(n)** established in any state.

~~(i)~~ **(l)** "Formal delinquency hearing" means any liquidation or rehabilitation proceeding.

~~(j)~~ **(m)** "General assets" means all property not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or classes of persons. As to specifically encumbered property, "general assets" includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured by that property. Assets held in trust and on deposit for the security or benefit of all policyholders or all policyholders and creditors, in more than a single state, shall be treated as general assets.

~~(k)~~ **(n)** "Guaranty association" includes an association established under:

(1) IC 27-6-8, the insurance guaranty association law; or

(2) IC 27-8-8, the life and health guaranty association law.

~~(n)~~ (o) "Insolvency" or "insolvent" means:

- (1) for an insurer issuing only assessable fire insurance policies:
 - (A) the inability of the insurer to pay any obligation within thirty (30) days after it becomes payable; or
 - (B) if an assessment be made within thirty (30) days after the date an obligation becomes payable, the inability of the insurer to pay that obligation thirty (30) days following the date specified in the first assessment notice issued after the date of loss; and
- (2) for all other insurers when:
 - (A) the insurer is unable to pay its obligations when they are due; or
 - (B) the insurer's admitted assets do not exceed its liabilities, plus the greater of:
 - (i) any capital and surplus required by law for its organization; or
 - (ii) the total par or stated value of its authorized and issued capital stock.

For purposes of this subsection, "liabilities" include reserves required by law or by regulation.

~~(m)~~ (p) "Insurer" means any person who:

- (1) has done, purports to do, is doing, or is licensed to do insurance business; and
- (2) is subject to the authority of any insurance commissioner as to liquidation, rehabilitation, reorganization, supervision, or conservation.

For purposes of IC 27-9, other persons included under section 1 of this chapter shall be considered to be insurers.

(q) "Large deductible policy" means a combination of worker's compensation policies or endorsements, or both, issued to an insured and contracts or security agreements entered into between the insured and insurer in which the insured has agreed to pay directly, or reimburse the insurer for the insurer's payment of, the:

- (1) initial part of a claim under the policy; or**
- (2) expenses related to a claim;**

up to a specified dollar amount. The term includes a policy that contains, in addition to a per claim limit, an aggregate limit on the

insured's liability for all deductible claims. The term also includes a policy with a deductible of at least fifty thousand dollars (\$50,000). The term does not include a policy, an endorsement, or an agreement under which the initial part of a claim is self-insured and the insurer is not obligated to pay any part of the self-insured retention. The term also does not include a policy that provides for retrospectively rated premium payments or a reinsurance agreement, except to the extent that a reinsurance agreement assumes, secures, or pays the insured's large deductible obligations.

(r) "Other secured obligations", for purposes of IC 27-9-3-34.5, means obligations of an insured to an insurer other than obligations under a large deductible policy. The term includes obligations under a reinsurance agreement or another agreement that involves retrospective premium obligations the performance of which is secured by collateral that also secures an insured's obligations under a large deductible policy.

(m) (s) "Preferred claim" means any claim with respect to which the terms of IC 27-9 accord priority of payment from the general assets of the insurer.

(o) (t) "Receiver" includes liquidator, rehabilitator, or conservator.

(p) (u) "Reciprocal state" means any state other than Indiana in which:

- (1) in substance and effect IC 27-9-3-7(a), IC 27-9-4-3, IC 27-9-4-4, and IC 27-9-4-6 through IC 27-9-4-8 are in force;
- (2) provisions are in force requiring that the commissioner (or equivalent official) be the receiver of a delinquent insurer; and
- (3) some provision exists for the avoidance of fraudulent conveyances and preferential transfers.

(q) (v) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise, but not including special deposit claims or claims against general assets. The term also includes claims which have become liens upon specific assets by reason of judicial process.

(r) (w) "Special deposit claim" means any claim secured by a deposit made under law for the security or benefit of a limited class or classes of persons, but not including any claim secured by general assets.

(s) (x) "State" includes the District of Columbia and all other

territories of the United States.

(†)(y) "Transfer" includes all methods of disposing with any interest in property or with the possession of that property, or of fixing a lien upon property, or upon an interest in property, absolutely or conditionally, voluntarily, by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be considered a transfer made by the debtor.

SECTION 23. IC 27-9-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The commissioner, as rehabilitator, may appoint one (1) or more special deputies, who shall have all the powers and responsibilities of the rehabilitator granted under this section. Also, the commissioner may employ such counsel, clerks, and assistants as he considers necessary.

(b) With the approval of the court, the compensation of the special deputy, counsel, clerks, and assistants and all expenses of taking possession of the insurer and of conducting the proceedings shall be:

- (1) fixed by the commissioner; and
- (2) paid out of the funds or assets of the insurer.

(c) The persons appointed under this section shall serve at the pleasure of the commissioner.

(d) In the event that the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the commissioner may advance the costs so incurred out of any appropriation for the maintenance of the insurance department. Any amounts so advanced for expenses of administration shall be repaid to the commissioner for the use of the insurance department out of the first available money of the insurer.

(e) The rehabilitator may take such action as he considers necessary or appropriate to reform and revitalize the insurer. The commissioner:

- (1) has all the powers of the directors, officers, and managers, whose authority shall be suspended, except as they are redelegated by the rehabilitator;
- (2) may direct, manage, hire, and discharge employees subject to any contract rights they may have; and
- (3) may deal with the property and business of the insurer.

(f) The rehabilitator may prosecute any action that exists in behalf of the creditors, members, policyholders, or shareholders of the insurer against any director or officer of the insurer or any other person or

entity.

(g) The rehabilitator may pursue insurance proceeds for the negligent, reckless, or fraudulent actions or omissions of the officers and directors of the insurer. An act or omission of an officer or director of the insurer during the eighteen (18) months immediately preceding the date on which an order of rehabilitation is entered may not be used to avoid coverage or other duties under a policy of insurance covering directors' and officers' liability.

~~(g)~~ **(h)** If the rehabilitator determines that reorganization, consolidation, conversion, reinsurance, merger, or other transformation of the insurer is appropriate, he shall prepare a plan to effect those changes.

~~(h)~~ **(i)** Upon application of the rehabilitator for approval of the plan, and after such notice and hearings as the Marion County circuit court may prescribe, the court may either approve or disapprove the plan proposed, or may modify it and approve it as modified. Any plan approved under this section must be, in the judgment of the court, fair and equitable to all parties concerned. If the plan is approved, the rehabilitator shall carry out the plan.

~~(i)~~ **(j)** In the case of the life insurer, the plan proposed may include the imposition of liens upon the policies of company, if all rights of shareholders are first relinquished. A plan for a life insurer may also propose imposition of a moratorium upon loan and cash surrender rights under policies, for such period and to such an extent as may be necessary.

SECTION 24. IC 27-9-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The commissioner may petition for an order dissolving the corporate existence of a domestic insurer, or the United States branch of an alien insurer domiciled in Indiana, at the time the commissioner applies for a liquidation order. The Marion County circuit court shall order dissolution of the corporation upon petition by the commissioner upon or after the granting of a liquidation order. If the dissolution has not previously been ordered, the dissolution shall be effected by operation of law upon the discharge of the liquidator if the insurer is insolvent but may be ordered by the court upon the discharge of the liquidator if the insurer is under a liquidation order for some other reason.

(b) The liquidator may do all acts necessary or appropriate for the

accomplishment of the liquidation, including the following:

- (1) Appoint a special deputy to act for the liquidator under this article, and determine a reasonable compensation for that special deputy.
- (2) Employ employees and insurance producers, legal counsel, actuaries, accountants, appraisers, consultants, and other personnel as the liquidator considers necessary to assist in the liquidation.
- (3) Fix the reasonable compensation of employees and insurance producers, legal counsel, actuaries, accountants, appraisers, and consultants with the approval of the court.
- (4) Pay reasonable compensation to persons appointed and defray from the funds or assets of the insurer all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer.
- (5) Hold hearings, subpoena witnesses to compel their attendance, administer oaths, examine any person under oath, and compel any person to subscribe to the person's testimony after it has been correctly reduced to writing, and in connection with hearings and the examination of witnesses require the production of any books, papers, records, or other documents which the liquidator deems relevant to the inquiry.
- (6) Collect all debts and moneys due and claims belonging to the insurer, wherever located, and for this purpose:
 - (A) institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against those debts;
 - (B) do other acts necessary or expedient to collect, conserve, or protect its assets or property, including the power to sell, compound, compromise, or assign debts for purposes of collection upon terms and conditions as the liquidator considers best; and
 - (C) pursue any creditor's remedies available to enforce the liquidator's claims.
- (7) Conduct public and private sales of the property of the insurer.
- (8) Use assets of the estate of an insurer under a liquidation order to transfer policy obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities

under section 40 of this chapter.

(9) Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of or deal with, any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable.

(10) Borrow money on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

(11) Enter into contracts that are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party.

(12) Continue to prosecute and to institute in the name of the insurer, or in the liquidator's own name, all suits and other legal proceedings, in Indiana or elsewhere, and abandon the prosecution of claims the liquidator considers unprofitable to pursue further.

(13) Prosecute any action that may exist in behalf of the creditors, members, policyholders, or shareholders of the insurer against any director or officer of the insurer, or any other person.

(14) Pursue insurance proceeds for the negligent, reckless, or fraudulent actions or omissions of the officers and directors of the insurer. An act or omission of an officer or director of the insurer during the eighteen (18) months immediately preceding the date on which petition for liquidation is filed may not be used to avoid coverage or other duties under a policy of insurance covering directors' and officers' liability.

~~(14)~~ **(15)** Remove all records and property of the insurer to the offices of the commissioner or to some other place as may be convenient for the purposes of efficient and orderly execution of the liquidation.

~~(15)~~ **(16)** Deposit in one (1) or more banks in Indiana sums required for meeting current administration expenses and dividend distributions.

~~(16)~~ **(17)** Invest all sums not currently needed, unless the court orders otherwise.

~~(17)~~ **(18)** File any necessary documents for record in the office of any recorder of deeds or record office in Indiana or elsewhere where property of the insurer is located.

~~(18)~~ **(19)** Assert all defenses available to the insurer as against third persons, including statutes of limitation, statutes of frauds, and the defense of usury.

~~(19)~~ **(20)** Exercise and enforce all the rights, remedies, and powers of any creditor, shareholder, policyholder, or member, including any power to avoid any transfer or lien that may be given by the general law and that is not included in sections 14 through 16 of this chapter.

~~(20)~~ **(21)** Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered.

~~(21)~~ **(22)** Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation, or dissolution of an insurer doing business in both states.

~~(22)~~ **(23)** Exercise all powers conferred upon receivers by the laws of Indiana not inconsistent with this article.

SECTION 25. IC 27-9-3-34.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 34.5. (a) This section:**

(1) applies to a worker's compensation large deductible policy issued by an insurer that is subject to this chapter; and

(2) does not apply to first party claims or claims funded by the guaranty association net of the deductible.

(b) To the extent that the terms of a large deductible policy conflict with this section, the policy must be administered in accordance with this section.

(c) Unless otherwise agreed by the guaranty association, all deductible claims that are covered claims (as defined in IC 27-6-8-4), including claims funded by an insured before liquidation, must be referred to the guaranty association for processing. To the extent an insured funds or pays a deductible claim under an agreement with the guaranty association or otherwise, the insured's funding or payment of the deductible claim extinguishes any obligation of the receiver or the guaranty association to pay the claim. A charge may not be made against the receiver or the guaranty association on the basis of an insured's funding or payment of a deductible claim.

(d) The following apply when the guaranty association pays a deductible claim:

(1) If the guaranty association pays a deductible claim for which the insurer would have been entitled to reimbursement from the insured, the guaranty association is entitled to the full amount of the reimbursement and available collateral to the extent necessary to reimburse the guaranty association. Reimbursements paid to the guaranty association under this subsection are not early access payments under section 32 of this chapter or distributions under section 40 of this chapter.

(2) If the guaranty association pays:

(A) a deductible claim that is not reimbursed:

(i) from collateral; or

(ii) by payment by the insured; or

(B) an incurred expense in connection with a large deductible policy that is not reimbursed;

the guaranty association is entitled to assert a claim for the payments in the delinquency proceeding.

(e) Subsection (d) does not limit the receiver's or guaranty association's rights under other applicable law to obtain reimbursement from an insured for claim payments made by the guaranty association:

(1) under the policies of the insurer; or

(2) for the guaranty association's related expenses;

including payments described in IC 27-6-8-11.5 or under another state's similar law.

(f) A receiver shall do the following:

(1) Upon receipt by the receiver of notice from the guaranty association of reimbursable payments for which the guaranty association has not been reimbursed, bill an insured for reimbursement of deductible claims:

(A) paid by the insurer before the commencement of delinquency proceedings;

(B) paid by the guaranty association; or

(C) paid or allowed by the receiver.

(2) If an insured that is billed under subdivision (1) does not make payment within:

(A) the time specified in the large deductible policy; or

(B) if no time is specified in the large deductible policy,

sixty (60) days after the date of billing;
the receiver shall pursue all commercially reasonable actions to collect the payment.

(g) The following do not relieve an insured from the insured's reimbursement obligation under a large deductible policy and this chapter:

- (1) An insurer's insolvency.
- (2) An insurer's inability to perform the insurer's obligations.
- (3) An allegation of improper processing or payment of a deductible claim, except for gross negligence, by the:
 - (A) insurer;
 - (B) receiver; or
 - (C) guaranty association.

(h) With respect to collateral, the following apply:

- (1) A receiver shall use available collateral to secure:
 - (A) an insured's obligation to fund or reimburse deductible claims; and
 - (B) other secured obligations or payment obligations.

The guaranty association is entitled to collateral to the extent needed to reimburse the guaranty association for the guaranty association's payment of a deductible claim. A distribution to the guaranty association under this subdivision is not an early access payment under section 32 of this chapter or a distribution under section 40 of this chapter.

- (2) A receiver shall pay all claims against collateral in the order received, and a claim of the receiver, including claims described in this subsection, does not supersede any other claim against the collateral as described in subdivision (4).
- (3) A receiver shall draw down collateral to the extent necessary if the insured fails to do any of the following:

- (A) Perform the insured's funding or payment obligations under the large deductible policy.
- (B) Pay a deductible claim reimbursement within the time specified in subsection (f)(2).
- (C) Pay amounts due to the insurer estate for pre-liquidation obligations.
- (D) Fund any other secured obligation within:
 - (i) the time specified in the large deductible policy; or
 - (ii) another reasonable period.

(E) Pay expenses within the time specified in subsection (f)(2).

(4) A receiver shall pay all claims that are validly asserted against the collateral in the order in which the claims are received by the receiver.

(5) A receiver shall return to an insured any excess collateral, as determined by the receiver after a periodic review of claims paid, outstanding case reserves, and a factor for incurred but not reported claims.

SECTION 26. IC 27-13-10.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An independent review organization shall:

(1) for an expedited appeal filed under section 2(a)(2)(A) of this chapter, within seventy-two (72) hours after the appeal is filed; or

(2) for a standard appeal filed under section 2(a)(2)(B) of this chapter, within fifteen (15) business days after the appeal is filed;

make a determination to uphold or reverse the health maintenance organization's grievance resolution under IC 27-13-10-8 based on information gathered from the enrollee or the enrollee's designee, the health maintenance organization, and the treating physician, and any additional information that the independent review organization considers necessary and appropriate.

(b) When making the determination under this section, the independent review organization shall apply:

(1) standards of decision making that are based on objective clinical evidence; and

(2) the terms of the enrollee's benefit contract.

(c) The independent review organization shall notify the health maintenance organization and the enrollee of the determination made under this section:

(1) for an expedited appeal filed under section 2(a)(2)(A) of this chapter, within ~~twenty-four (24)~~ **seventy-two (72)** hours after ~~making the determination;~~ **appeal is filed;** or

(2) for a standard appeal filed under section 2(a)(2)(B) of this chapter, within seventy-two (72) hours after making the determination.

SECTION 27. IC 27-15-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) If a domestic

mutual insurance company:

- (1) is insolvent, as defined in ~~IC 27-9-1-2(f)~~; **IC 27-9-1-2(o)**;
- (2) does not meet the minimum surplus requirements of IC 27-1-6-15; or
- (3) in the judgment of the commissioner, is in a hazardous financial condition;

its board of directors may adopt, and the commissioner may approve, any plan of conversion and amendment to the articles of incorporation that, on the effective date of the conversion, would provide for the former mutual to have paid-in capital stock and surplus in an amount not less than the minimum requirements of IC 27-1-6-14(c) and IC 27-1-6-14(e) and an RBC level greater than its company action RBC level.

(b) The commissioner may allow waivers or material modifications of the requirement to give any notices to members and policyholders, to obtain member approval of the proposed plan of conversion or amendment to the articles of incorporation of the converting mutual, or to distribute consideration to members if the value of a converting mutual described in subsection (a) does not in the judgment of the commissioner warrant any such notices, approvals, or distribution under the circumstances, including the expenses involved in a distribution of consideration.

SECTION 28. IC 35-52-27-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.3. IC 27-1-23-8.1 defines a crime concerning the department of insurance.**

SECTION 29. [EFFECTIVE JULY 1, 2016] **(a) The legislative council is urged to assign to an appropriate interim study committee for study during the 2016 legislative interim the subject of whether a public-private agreement should contain a requirement for performance bonds for design and construction and payment bonds for labor and materials furnished for use in construction of the public-private project.**

(b) This SECTION expires December 31, 2016.

SECTION 30. **An emergency is declared for this act.**

P.L.73-2016
[H.1181. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning financial institutions.

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

SECTION 1. IC 24-4.4-1-102, AS AMENDED BY P.L.186-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 102. (1) This article shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this article are:

- (a) to permit and encourage the development of fair and economically sound first lien mortgage lending practices; and
- (b) to conform the regulation of first lien mortgage lending practices to applicable state and federal laws, rules, regulations, policies, and guidance.

(3) A reference to a requirement imposed by this article includes reference to a related rule of the department adopted under this article.

(4) A reference to a federal law in this article is a reference to the law as in effect December 31, ~~2014~~ **2015**.

SECTION 2. IC 24-4.4-1-301, AS AMENDED BY P.L.137-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301. In addition to definitions appearing in subsequent chapters of this article, the following definitions apply throughout this article:

(1) "Affiliate", with respect to any person subject to this article, means a person that, directly or indirectly, through one (1) or more intermediaries:

- (a) controls;
 - (b) is controlled by; or
 - (c) is under common control with;
- the person subject to this article.

(2) "Agreement" means the bargain of the parties in fact as found in the parties' language or by implication from other circumstances, including course of dealing or usage of trade or course of performance.

(3) "Agricultural products" includes agricultural products, horticultural products, viticultural products, dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, any products raised or produced on farms, and any products processed or manufactured from products raised or produced on farms.

(4) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products.

(5) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

(a) credit is granted by a person who engages as a seller in credit transactions of the same kind;

(b) the buyer is a person other than an organization;

(c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services, either:

(i) the amount of credit extended, the written credit limit, or the initial advance does not exceed ~~fifty-three thousand five hundred dollars (\$53,500)~~ **or another the exempt threshold** amount, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

(6) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(7) "Creditor" means a person:

(a) that regularly engages in the extension of first lien

mortgage transactions that are subject to a credit service charge or loan finance charge, as applicable, or are payable by written agreement in more than four (4) installments (not including a down payment); and

(b) to which the obligation is initially payable, either on the face of the note or contract, or by agreement if there is not a note or contract.

The term does not include a person described in subsection (34)(a) in a tablefunded transaction. A creditor may be an individual, a limited liability company, a sole proprietorship, a partnership, a trust, a joint venture, a corporation, an unincorporated organization, or other form of entity, however organized.

(8) "Department" refers to the members of the department of financial institutions.

(9) "Depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(10) "Director" refers to the director of the department of financial institutions or the director's designee.

(11) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:

- (a) condominium unit;
- (b) cooperative unit;
- (c) mobile home; or
- (d) trailer;

that is used as a residence.

(12) "Employee" means an individual who is paid wages or other compensation by an employer required under federal income tax law to file Form W-2 on behalf of the individual.

(13) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(14) "First lien mortgage transaction" means:

- (a) a consumer loan; or

(b) a consumer credit sale; that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(15) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(16) "Individual" means a natural person.

(17) "Licensee" means a person licensed as a creditor under this article.

(18) "Loan" includes:

(a) the creation of debt by:

- (i) the creditor's payment of or agreement to pay money to the debtor or to a third party for the account of the debtor; or
- (ii) the extension of credit by a person who engages as a seller in credit transactions primarily secured by an interest in land;

(b) the creation of debt by a credit to an account with the creditor upon which the debtor is entitled to draw immediately; and

(c) the forbearance of debt arising from a loan.

(19) "Loan brokerage business" means any activity in which a person, in return for any consideration from any source, procures, attempts to procure, or assists in procuring, a mortgage transaction from a third party or any other person, whether or not the person seeking the mortgage transaction actually obtains the mortgage transaction.

(20) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a person licensed or exempt from licensing under this article. For purposes of this subsection, the term "clerical or support duties" may include, after the receipt of an application, the following:

(a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a

mortgage transaction.

(b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:

- (i) offering or negotiating loan rates or terms; or
- (ii) counseling consumers about mortgage transaction rates or terms.

(21) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.5 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.5, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

- (i) a creditor;
 - (ii) a loan broker;
 - (iii) another mortgage loan originator; or
 - (iv) any agent of a creditor, a loan broker, or another mortgage loan originator described in items (i) through (iii);
- a person or entity that performs only real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(22) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage.

(23) "Mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(24) **"Nationwide Multistate Licensing System and Registry"** (or "Nationwide Mortgage Licensing System and Registry" or "NMLSR") means a ~~mortgage~~ **multistate** licensing system ~~developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators~~ **owned and operated by the State Regulatory Registry, LLC, or by any successor or affiliated entity**, for the licensing and registration of creditors, ~~and~~ mortgage loan originators, **and other persons in the mortgage or financial services industries. The term includes any other name or acronym that may be assigned to the system by the State Regulatory Registry, LLC, or by any successor or affiliated entity.**

(25) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(26) "Organization" means a corporation, a government or government subdivision, an agency, a trust, an estate, a partnership, a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(27) "Payable in installments", with respect to a debt or an obligation, means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(28) "Person" includes an individual or an organization.

(29) "Principal" of a mortgage transaction means the total of:

(a) the net amount paid to, receivable by, or paid or payable for the account of the debtor; and

(b) to the extent that payment is deferred, amounts actually paid or to be paid by the creditor for registration, certificate of title, or license fees if not included in clause (a).

(30) "Real estate brokerage activity" means any activity that

involves offering or providing real estate brokerage services to the public, including the following:

- (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.
- (b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.
- (c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to the sale, purchase, lease, rental, or exchange of real property).
- (d) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.
- (e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(31) "Registered mortgage loan originator" means any individual who:

- (a) meets the definition of mortgage loan originator and is an employee of:
 - (i) a depository institution;
 - (ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or
 - (iii) an institution regulated by the Farm Credit Administration; and
- (b) is registered with, and maintains a unique identifier through, the NMLSR.

(32) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(33) "Revolving first lien mortgage transaction" means a first lien mortgage transaction in which:

- (a) the creditor permits the debtor to obtain advances from time to time;
- (b) the unpaid balances of principal, finance charges, and other appropriate charges are debited to an account; and
- (c) the debtor has the privilege of paying the balances in installments.

- (34) "Tablefunded" means a transaction in which:
- (a) a person closes a first lien mortgage transaction in the person's own name as a mortgagee with funds provided by one (1) or more other persons; and
 - (b) the transaction is assigned, not later than one (1) business day after the funding of the transaction, to the mortgage creditor providing the funding.
- (35) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.
- (36) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.
- (37) "Bona fide nonprofit organization" means an organization that does the following, as determined by the director, under criteria established by the director:
- (a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.
 - (b) Promotes affordable housing or provides home ownership education or similar services.
 - (c) Conducts the organization's activities in a manner that serves public or charitable purposes.
 - (d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.
 - (e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.
 - (f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in section 202(b)(15) of this chapter) and comparable to mortgage transactions and housing assistance provided under government housing assistance programs.
 - (g) Maintains certification by the United States Department of Housing and Urban Development or employs counselors who are certified by the Indiana housing and community development authority.
- (38) "Regularly engaged", with respect to a person who extends

or originates first lien mortgage transactions, refers to a person who:

- (a) extended or originated more than five (5) first lien mortgage transactions in the preceding calendar year; or
- (b) extends or originates, or will extend or originate, more than five (5) first lien mortgage transactions in the current calendar year if the person did not extend or originate more than five (5) first lien mortgage transactions in the preceding calendar year.

SECTION 3. IC 24-4.4-2-201, AS AMENDED BY P.L.27-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 201. (1) A creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for a first lien mortgage transaction to the debtor not later than seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A creditor or mortgage servicer who fails to provide an accurate payoff amount is liable for:

- (a) one hundred dollars (\$100) if an accurate payoff amount is not provided by the creditor or mortgage servicer not later than seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and
- (b) the greater of:
 - (i) one hundred dollars (\$100); or
 - (ii) the loan finance charge that accrues on the first lien mortgage transaction from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate payoff amount is provided;

if an accurate payoff amount is not provided by the creditor or mortgage servicer not later than seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer fails to

comply with subdivision (a).

(2) This subsection applies to a first lien mortgage transaction, or the refinancing or consolidation of a first lien mortgage transaction, that:

(a) is closed after June 30, 2009; and

(b) has an interest rate that is subject to change at one (1) or more times during the term of the first lien mortgage transaction.

A creditor in a transaction to which this subsection applies may not contract for and may not charge the debtor a prepayment fee or penalty.

(3) This subsection applies to a first lien mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the first lien mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

(a) the following statement: "The debtor remains liable for any amount still owed under the first lien mortgage transaction."; or

(b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the

date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that is the subject of a first lien mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the first lien mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(4) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 4. IC 24-4.5-1-102, AS AMENDED BY P.L.186-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 102. (1) This article shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this article are:

- (a) to simplify, clarify, and modernize the law governing retail installment sales, consumer credit, small loans, and usury;
- (b) to provide rate ceilings to assure an adequate supply of credit to consumers;
- (c) to further consumer understanding of the terms of credit transactions and to foster competition among suppliers of consumer credit so that consumers may obtain credit at reasonable cost;
- (d) to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers of consumer credit, having due regard for the interests of legitimate and scrupulous creditors;
- (e) to permit and encourage the development of fair and economically sound consumer credit practices;
- (f) to conform the regulation of consumer credit transactions to the policies of the Federal Consumer Credit Protection Act and to

applicable state and federal laws, rules, regulations, policies, and guidance; and

(g) to make uniform the law, including administrative rules among the various jurisdictions.

(3) A reference to a requirement imposed by this article includes reference to a related rule or guidance of the department adopted pursuant to this article.

(4) A reference to a federal law in this article is a reference to the law as in effect December 31, ~~2014~~. **2015**.

(5) This article applies to a transaction if the director determines that the transaction:

(a) is in substance a disguised consumer credit transaction; or

(b) involves the application of subterfuge for the purpose of avoiding this article.

A determination by the director under this ~~paragraph~~ **subsection** must be in writing and shall be delivered to all parties to the transaction. IC 4-21.5-3 applies to a determination made under this ~~paragraph~~ **subsection**.

(6) The authority of this article remains in effect, whether a licensee, an individual, or a person subject to this article acts or claims to act under any licensing or registration law of this state, or claims to act without such authority.

(7) A violation of a state or federal law, regulation, or rule applicable to consumer credit transactions is a violation of this article.

(8) The department may enforce penalty provisions set forth in 15 U.S.C. 1640 for violations of disclosure requirements applicable to mortgage transactions.

SECTION 5. IC 24-4.5-1-301.5, AS AMENDED BY P.L. 137-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301.5. In addition to definitions appearing in subsequent chapters in this article, the following definitions apply throughout this article:

(1) "Affiliate", with respect to any person subject to this article, means a person that, directly or indirectly, through one (1) or more intermediaries:

(a) controls;

(b) is controlled by; or

(c) is under common control with;

the person subject to this article.

(2) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances, including course of dealing or usage of trade or course of performance.

(3) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(4) "Average daily balance" means the sum of each of the daily balances in a billing cycle divided by the number of days in the billing cycle, and if the billing cycle is a month, the creditor may elect to treat the number of days in each billing cycle as thirty (30).

(5) "Closing costs" with respect to a subordinate lien mortgage transaction includes:

- (a) fees or premiums for title examination, title insurance, or similar purposes, including surveys;
- (b) fees for preparation of a deed, settlement statement, or other documents;
- (c) escrows for future payments of taxes and insurance;
- (d) fees for notarizing deeds and other documents;
- (e) appraisal fees; and
- (f) fees for credit reports.

(6) "Conspicuous" refers to a term or clause when it is so written that a reasonable person against whom it is to operate ought to have noticed it.

(7) "Consumer credit" means credit offered or extended to a consumer primarily for a personal, family, or household purpose.

(8) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

- (a) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;
- (b) the buyer is a person other than an organization;
- (c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services, either:

(i) the amount of credit extended, the written credit limit, or the initial advance does not exceed ~~fifty-three thousand five hundred dollars (\$53,500)~~ **or another the exempt threshold** amount, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

Unless the sale is made subject to this article by agreement (IC 24-4.5-2-601), "consumer credit sale" does not include a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card or similar arrangement or except as provided with respect to disclosure (IC 24-4.5-2-301), debtors' remedies (IC 24-4.5-5-201), providing payoff amounts (IC 24-4.5-2-209), and powers and functions of the department (IC 24-4.5-6) a sale of an interest in land which is a first lien mortgage transaction.

(9) "Consumer loan" means a loan made by a person regularly engaged in the business of making loans in which:

(a) the debtor is a person other than an organization;

(b) the debt is primarily for a personal, family, or household purpose;

(c) either the debt is payable in installments or a loan finance charge is made; and

(d) either:

(i) the amount of credit extended, the written credit limit, or the initial advance does not exceed ~~fifty-three thousand five hundred dollars (\$53,500)~~ **or another the exempt threshold** amount, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by an interest in land or by personal property used or expected to be used as the principal dwelling of the debtor.

Except as described in IC 24-4.5-3-105, the term does not include a first lien mortgage transaction.

(10) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(11) "Creditor" means a person:

(a) who regularly engages in the extension of consumer credit that is subject to a credit service charge or loan finance charge, as applicable, or is payable by written agreement in more than four (4) installments (not including a down payment); and

(b) to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is not a note or contract.

(12) "Depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(13) "Director" means the director of the department of financial institutions or the director's designee.

(14) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:

(a) condominium unit;

(b) cooperative unit;

(c) mobile home; or

(d) trailer;

that is used as a residence.

(15) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program.

(16) "Employee" means an individual who is paid wages or other compensation by an employer required under federal income tax law to file Form W-2 on behalf of the individual.

(17) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(18) "First lien mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale; that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(19) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(20) "Individual" means a natural person.

(21) "Lender credit card or similar arrangement" means an arrangement or loan agreement, other than a seller credit card, pursuant to which a lender gives a debtor the privilege of using a credit card, letter of credit, or other credit confirmation or identification in transactions out of which debt arises:

(a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by the debtor;

(b) by the lender's payment or agreement to pay the debtor's obligations; or

(c) by the lender's purchase from the obligee of the debtor's obligations.

(22) "Licensee" means a person licensed as a creditor under this article.

(23) "Loan brokerage business" means any activity in which a person, in return for any consideration from any source, procures, attempts to procure, or assists in procuring, a mortgage transaction from a third party or any other person, whether or not the person seeking the mortgage transaction actually obtains the mortgage transaction.

(24) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a person licensed or exempt from licensing under this article. For purposes of this subsection, the term "clerical or support duties" may include, after the receipt of an application, the following:

(a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a

mortgage transaction.

(b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:

- (i) offering or negotiating loan rates or terms; or
- (ii) counseling consumers about mortgage transaction rates or terms.

An individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(25) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.4 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.4, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

- (i) a creditor;
- (ii) a loan broker;
- (iii) another mortgage loan originator; or
- (iv) any agent of the creditor, loan broker, or other mortgage loan originator described in items (i) through (iii);

a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(26) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed

by a mortgagee to send payments on a loan secured by a mortgage.

(27) "Mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(28) **"Nationwide Multistate Licensing System and Registry" (or "Nationwide Mortgage Licensing System and Registry" or "NMLSR")** means a ~~mortgage~~ **multistate** licensing system ~~developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators~~ **owned and operated by the State Regulatory Registry, LLC, or by any successor or affiliated entity**, for the licensing and registration of creditors, ~~and mortgage loan originators, and other persons in the mortgage or financial services industries. The term includes any other name or acronym that may be assigned to the system by the State Regulatory Registry, LLC, or by any successor or affiliated entity.~~

(29) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(30) "Official fees" means:

- (a) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or
- (b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in ~~paragraph~~ **subdivision** (a) that would otherwise be payable.

(31) "Organization" means a corporation, a government or governmental subdivision, an agency, a trust, an estate, a partnership, a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(32) "Payable in installments" means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(33) "Person" includes an individual or an organization.

(34) "Person related to" with respect to an individual means:

- (a) the spouse of the individual;
- (b) a brother, brother-in-law, sister, or sister-in-law of the individual;
- (c) an ancestor or lineal descendants of the individual or the individual's spouse; and
- (d) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(35) "Person related to" with respect to an organization means:

- (a) a person directly or indirectly controlling, controlled by, or under common control with the organization;
- (b) a director, an executive officer, or a manager of the organization or a person performing similar functions with respect to the organization or to a person related to the organization;
- (c) the spouse of a person related to the organization; and
- (d) a relative by blood or marriage of a person related to the organization who shares the same home with the person.

(36) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed, unless and until evidence is introduced that would support a finding of its nonexistence.

(37) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

- (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.
- (b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.
- (c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to the sale, purchase, lease, rental, or exchange of real property).
- (d) Engaging in any activity for which a person is required to be

registered or licensed as a real estate agent or real estate broker under any applicable law.

(e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(38) "Registered mortgage loan originator" means any individual who:

(a) meets the definition of mortgage loan originator and is an employee of:

- (i) a depository institution;
- (ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or
- (iii) an institution regulated by the Farm Credit Administration; and

(b) is registered with, and maintains a unique identifier through, the NMLSR.

(39) "Regularly engaged", with respect to a person who extends consumer credit, refers to a person who:

(a) extended consumer credit:

- (i) more than twenty-five (25) times; or
- (ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the preceding calendar year; or

(b) extends or will extend consumer credit:

- (i) more than twenty-five (25) times; or
- (ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the current calendar year, if the person did not meet the numerical standards described in subdivision (a) in the preceding calendar year.

(40) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(41) "Seller credit card" means an arrangement that gives to a buyer or lessee the privilege of using a credit card, letter of credit, or other credit confirmation or identification for the purpose of purchasing or leasing goods or services from that person, a person related to that person, or from that person and any other person. The term includes a card that is issued by a person, that is in the name of the seller, and that

can be used by the buyer or lessee only for purchases or leases at locations of the named seller.

(42) "Subordinate lien mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a subordinate lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(43) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

(44) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

(45) "Bona fide nonprofit organization" means an organization that does the following, as determined by the director under criteria established by the director:

- (a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.
- (b) Promotes affordable housing or provides home ownership education or similar services.
- (c) Conducts the organization's activities in a manner that serves public or charitable purposes.
- (d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.
- (e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.
- (f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in section 202(b)(15) of this chapter) and comparable to mortgage transactions and housing assistance provided under government housing assistance programs.
- (g) Maintains certification by the United States Department of

Housing and Urban Development or employs counselors who are certified by the Indiana housing and community development authority.

SECTION 6. IC 24-4.5-2-106, AS AMENDED BY P.L.137-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 106. (1) "Consumer lease" means a lease of goods:

- (a) which a lessor regularly engaged in the business of leasing makes to a person, other than an organization, who takes under the lease primarily for a personal, family, or household purpose;
- (b) in which the amount payable under the lease does not exceed ~~fifty-three thousand five hundred dollars (\$53,500)~~ or another **the exempt threshold** amount, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); and
- (c) which is for a term exceeding four (4) months.

(2) "Consumer lease" does not include a lease made pursuant to a lender credit card or similar arrangement.

SECTION 7. IC 24-4.5-2-207 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 207. Credit Service Charge for Revolving Charge Accounts — (1) With respect to a consumer credit sale made pursuant to a revolving charge account, the parties to the sale may contract for the payment by the buyer of a credit service charge not exceeding that permitted in this section.

(2) A charge may be made in each billing cycle which is a percentage of an amount no greater than:

- (a) the average daily balance of the account,
- (b) the unpaid balance of the account on the same day of the billing cycle, or
- (c) the median amount within a specified range within which the average daily balance of the account or the unpaid balance of the account on the same day of the billing cycle is included. A charge may be made pursuant to this ~~paragraph~~ **subdivision** only if the seller, subject to classification and differentiations ~~he~~ **the seller** may reasonably establish, makes the same charge on all balances within the specified range and if the percentage when applied to the median amount within the range does not produce a charge

exceeding the charge resulting from applying that percentage to the lowest amount within the range by more than eight percent (8%) of the charge on the median amount.

(3) If the billing cycle is monthly, the charge may not exceed ~~one two and three-fourths~~ **eighty-three thousandths** percent (~~+ 3/4%~~) **(2.083%)** of the amount pursuant to subsection (2). If the billing cycle is not monthly, the maximum charge is that percentage which bears the same relation to the applicable monthly percentage as the number of days in the billing cycle bears to thirty (30). For the purposes of this section, a variation of not more than four (4) days from month to month is "the same day of the billing cycle".

(4) Notwithstanding subsection (3), if there is an unpaid balance on the date as of which the credit service charge is applied, the seller may contract for and receive a charge not exceeding fifty cents (\$.50), if the billing cycle is monthly or longer, or the pro rata part of fifty cents (\$.50) which bears the same relation to fifty cents (\$.50) as the number of days in the billing cycle bears to thirty (30) if the billing cycle is shorter than monthly.

SECTION 8. IC 24-4.5-2-209, AS AMENDED BY P.L.27-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 209. (1) Subject to the provisions on rebate upon prepayment (section 210 of this chapter), the buyer may prepay in full the unpaid balance of a consumer credit sale, refinancing, or consolidation at any time without penalty.

(2) At the time of prepayment of a credit sale not subject to the provisions of rebate upon prepayment (section 210 of this chapter), the total credit service charge, including the prepaid credit service charge, may not exceed the maximum charge allowed under this chapter for the period the credit sale was in effect.

(3) The creditor or mortgage servicer shall provide, in writing, an accurate payoff amount for the consumer credit sale to the debtor within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate consumer credit sale payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A

creditor or mortgage servicer who fails to provide the accurate consumer credit sale payoff amount is liable for:

(A) one hundred dollars (\$100) if an accurate consumer credit sale payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and

(B) the greater of:

(i) one hundred dollars (\$100); or

(ii) the credit service charge that accrues on the sale from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate consumer credit sale payoff amount is provided;

if an accurate consumer credit sale payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer failed to comply with clause (A).

A liability under this subsection is an excess charge under IC 24-4.5-5-202.

(4) As used in this subsection, "mortgage transaction" means a consumer credit sale in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes. This subsection applies to a mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written

authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or
- (b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that is the subject of a mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(5) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 9. IC 24-4.5-2-602, AS AMENDED BY P.L.137-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 602. (1) A "consumer related sale" is a sale of goods, services, or an interest in land in which:

- (a) credit is granted by a person that is not regularly engaged as a seller in credit transactions of the same kind;
- (b) the buyer is a person other than an organization;
- (c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;
- (d) either the debt is payable in installments or a credit service charge is made; and
- (e) with respect to a sale of goods or services:
 - (i) either the amount of credit extended, the written credit limit, or the initial advance does not exceed ~~fifty-three thousand five hundred dollars (\$53,500)~~ **another the exempt threshold** amount, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
 - (ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

(2) With respect to a consumer related sale not made pursuant to a revolving charge account, the parties may contract for an amount comprising the amount financed and a credit service charge not in excess of ~~twenty-one~~ **twenty-five** percent (~~21%~~) (**25%**) per year calculated according to the actuarial method on the unpaid balances of the amount financed.

(3) With respect to a consumer related sale made pursuant to a revolving charge account, the parties may contract for a credit service charge not in excess of that permitted by the provisions on credit service charge for revolving charge accounts (IC 24-4.5-2-207).

(4) A person engaged in consumer related sales is not required to comply with IC 24-4.5-6-201 through IC 24-4.5-6-203.

SECTION 10. IC 24-4.5-2-604 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 604. Limitation on Default Charges in Consumer Related Sales — (1) The agreement with respect to a consumer related sale may provide for only the following charges as a result of the buyer's default:

- (a) reasonable attorney's fees and reasonable expenses incurred in realizing on a security interest;

(b) deferral charges not in excess of ~~twenty-one~~ **twenty-five** percent (~~21%~~) (**25%**) per year of the amount deferred for the period of deferral; and

(c) other charges that could have been made had the sale been a consumer credit sale.

(2) A provision in violation of this section is unenforceable.

SECTION 11. IC 24-4.5-3-209, AS AMENDED BY P.L.27-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 209. Right to Prepay - (1) Subject to the provisions on rebate upon prepayment (section 210 of this chapter), the debtor may prepay in full the unpaid balance of a consumer loan, refinancing, or consolidation at any time without penalty. With respect to a consumer loan that is primarily secured by an interest in land, a lender may contract for a penalty for prepayment of the loan in full, not to exceed two percent (2%) of any amount prepaid within sixty (60) days of the date of the prepayment in full, after deducting all refunds and rebates as of the date of the prepayment. However, the penalty may not be imposed:

(a) if the loan is refinanced or consolidated with the same creditor;

(b) for prepayment by proceeds of any insurance or acceleration after default; or

(c) after three (3) years from the contract date.

(2) At the time of prepayment of a consumer loan not subject to the provisions of rebate upon prepayment (section 210 of this chapter), the total finance charge, including the prepaid finance charge but excluding the loan origination fee allowed under ~~section 201~~ of this chapter, may not exceed the maximum charge allowed under this chapter for the period the loan was in effect. For the purposes of determining compliance with this subsection, the total finance charge does not include the following:

(a) The loan origination fee allowed under ~~section 201~~ of this chapter.

(b) The debtor paid mortgage broker fee, if any, paid to a person who does not control, is not controlled by, or is not under common control with, the creditor holding the loan at the time a consumer loan is prepaid.

(3) The creditor or mortgage servicer shall provide, in writing, an

accurate payoff amount for the consumer loan to the debtor within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's written request for the accurate consumer loan payoff amount. A payoff statement provided by a creditor or mortgage servicer under this subsection must show the date the statement was prepared and itemize the unpaid principal balance and each fee, charge, or other sum included within the payoff amount. A creditor or mortgage servicer who fails to provide the accurate consumer loan payoff amount is liable for:

- (a) one hundred dollars (\$100) if an accurate consumer loan payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's first written request; and
- (b) the greater of:
 - (i) one hundred dollars (\$100); or
 - (ii) the loan finance charge that accrues on the loan from the date the creditor or mortgage servicer receives the first written request until the date on which the accurate consumer loan payoff amount is provided;

if an accurate consumer loan payoff amount is not provided by the creditor or mortgage servicer within seven (7) business days (excluding legal public holidays, Saturdays, and Sundays) after the creditor or mortgage servicer receives the debtor's second written request, and the creditor or mortgage servicer failed to comply with subdivision (a).

A liability under this subsection is an excess charge under IC 24-4.5-5-202.

(4) As used in this subsection, "mortgage transaction" means a consumer loan in which a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a lien is created or retained against land upon which there is constructed or intended to be constructed a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes. This subsection applies to a mortgage transaction with respect to which any installment or minimum payment due is delinquent for at least sixty (60) days. The creditor, servicer, or the

creditor's agent shall acknowledge a written offer made in connection with a proposed short sale not later than five (5) business days (excluding legal public holidays, Saturdays, and Sundays) after the date of the offer if the offer complies with the requirements for a qualified written request set forth in 12 U.S.C. 2605(e)(1)(B). The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than thirty (30) business days (excluding legal public holidays, Saturdays, and Sundays) after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer. The thirty (30) day period described in this subsection may be extended for not more than fifteen (15) business days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the thirty (30) day period, the creditor, the servicer, or the creditor's agent notifies the debtor of the extension and the reason the extension is needed. Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or
- (b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted. As used in this subsection, "short sale" means a transaction in which the property that is the subject of a mortgage transaction is sold for an amount that is less than the amount of the debtor's outstanding obligation under the mortgage transaction. A creditor or mortgage servicer that fails to respond to an offer within the time prescribed by this subsection is liable in accordance with 12 U.S.C. 2605(f) in any action brought under that section.

(5) This section is not intended to provide the owner of real estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability

that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 12. IC 24-4.5-3-602, AS AMENDED BY P.L.137-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 602. (1) A "consumer related loan" is a loan in which the following apply:

- (a) The loan is made by a person who is not regularly engaged as a lender in credit transactions of the same kind.
- (b) The debtor is a person other than an organization.
- (c) The debt is primarily for a personal, family, or household purpose.
- (d) Either the debt is payable in installments or a loan finance charge is made.
- (e) Either:
 - (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed ~~fifty-three thousand five hundred dollars (\$53,500)~~ **or another the exempt threshold amount**, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
 - (ii) the debt is secured by an interest in land or by personal property used or expected to be used as the principal dwelling of the debtor.

(2) With respect to a consumer related loan, including one made pursuant to a revolving loan account, the parties may contract for the payment by the debtor of a loan finance charge not in excess of that permitted by the provisions on loan finance charge for consumer loans other than supervised loans (IC 24-4.5-3-201).

(3) A person engaged in consumer related loans is not required to comply with:

- (a) the licensing requirements set forth in section 503 of this chapter; or
- (b) IC 24-4.5-6-201 through IC 24-4.5-6-203.

SECTION 13. IC 24-4.5-3-604 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 604. Limitation on Default Charges in Consumer Related Loans — (1) The agreement with respect to a consumer related loan may provide for only the following charges as a result of the debtor's default:

- (a) reasonable attorney's fees and reasonable expenses incurred in realizing on a security interest;
- (b) deferral charges not in excess of ~~twenty-one~~ **twenty-five** percent (~~21%~~) (**25%**) per year of the amount deferred for the period of deferral; and
- (c) other charges that could have been made had the loan been a consumer loan.

(2) A provision in violation of this section is unenforceable.

SECTION 14. IC 28-1-2-6.5, AS ADDED BY P.L.57-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) A financial institution (as defined in IC 28-1-1-3(1)), except for a licensee under **IC 24-4.4**, IC 24-4.5, or **750 IAC 9**, shall comply with all state and federal money laundering statutes and regulations, including the following:

- (1) The Bank Secrecy Act (31 U.S.C. 5311 et seq.).
- (2) The USA Patriot Act of 2001 (P.L. 107-56).
- (3) Any regulations, policies, or reporting requirements established by the Financial Crimes Enforcement Network of the United States Department of the Treasury.
- (4) Any other state or federal money laundering statutes or regulations that apply to a financial institution (as defined in IC 28-1-1-3(1)) other than a licensee under **IC 24-4.4**, IC 24-4.5, or **750 IAC 9**.

(b) The department shall do the following:

- (1) To the extent authorized or required by state law, investigate potential violations of, and enforce compliance with, state money laundering statutes or regulations.
- (2) Investigate potential violations of federal money laundering statutes or regulations and, to the extent authorized or required by federal law:
 - (A) enforce compliance with the federal statutes or regulations; or
 - (B) refer suspected violations of the federal statutes or regulations to the appropriate federal regulatory agencies.

SECTION 15. IC 28-1-7-4, AS AMENDED BY P.L.27-2012, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) After the resolutions approving a joint agreement of merger have been adopted by the board of directors of each of the corporations, such resolutions and joint agreement shall be submitted for approval by the department. Subject to any approvals required under federal law, the department may, in its discretion, approve or disapprove the resolution and joint agreement.

(b) In deciding whether to approve or disapprove a resolution and joint agreement under this section, the department shall consider the following factors:

- (1) Whether the ~~institutions subject to~~ **institution resulting from** the proposed transaction ~~are~~ **will be** operated in a safe, sound, and prudent manner.
- (2) Whether the financial condition of any institution subject to the proposed transaction will jeopardize the financial stability of any other institutions subject to the proposed transaction.
- (3) Whether the proposed transaction under this chapter will result in an institution that has inadequate capital, unsatisfactory management, or poor earnings prospects.
- (4) Whether the proposed transaction, in the department's judgment and considering the available information under the prevailing circumstances, will result in an institution that is more favorable to the stakeholders than if the entities were to remain separate.
- (5) Whether the management or other principals of the institution that will result from the proposed transaction under this chapter are qualified by character and financial responsibility to control and operate in a legal and proper manner the resulting institution.
- (6) Whether the institutions subject to the proposed transaction under this chapter furnish all the information the department requires in reaching the department's decision.

SECTION 16. IC 28-1-7-12, AS AMENDED BY P.L.90-2008, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) After the resolution approving a joint agreement of consolidation has been adopted by the board of directors of each of the corporations, the resolutions and joint agreement shall be submitted to the department. The department may, in its discretion,

approve or disapprove the resolutions and joint agreement.

(b) In deciding whether to approve or disapprove a transaction under this chapter, the department shall consider the following factors:

- (1) Whether the ~~institutions subject to~~ **institution resulting from** the proposed transaction ~~are~~ **will be** operated in a safe, sound, and prudent manner.
- (2) Whether the financial condition of any institution subject to the proposed transaction will jeopardize the financial stability of any other institutions subject to the proposed transaction.
- (3) Whether the proposed transaction under this chapter will result in an institution that has inadequate capital, unsatisfactory management, or poor earnings prospects.
- (4) Whether the management or other principals of the institution that will result from the proposed transaction under this chapter are qualified by character and financial responsibility to control and operate in a legal and proper manner the resulting institution.
- (5) Whether the public convenience and advantage will be served by the resulting institution after the proposed transaction.
- (6) Whether the institutions subject to the proposed transaction under this chapter furnish all the information the department requires in reaching the department's decision.

SECTION 17. IC 28-1-11-3.1, AS AMENDED BY P.L.27-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) Any bank or trust company shall have the power to discount, negotiate, sell and guarantee promissory notes, bonds, drafts, acceptances, bills of exchange, and other evidences of debt; to buy and sell, exchange, coin and bullion; to loan money; to borrow money and to issue its notes, bonds, or debentures to evidence any such borrowing and to mortgage, pledge, or hypothecate any of its assets to secure the repayment thereof; to receive savings deposits and deposits of money subject to check, and deposits of securities or other personal property from any person or corporation, upon such terms as may be agreed upon by the parties; to contract for and receive on loans and discounts the highest rate of interest allowed by the laws of this state to be contracted for and received by individuals; to accept, for payment at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents at sight or on time, however, the letter of

credit must state a specific expiration date; and to exercise all the powers incidental and proper or which may be necessary and usual in carrying on a general banking business, but it shall have no right to issue bills to circulate as money.

(b) Subject to such regulations, rules, policies, and guidance as the department finds to be necessary and proper, any bank or trust company shall have the following powers:

(1) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance by the federal housing administrator, and to obtain such insurance.

(2) To make such loans secured by mortgages on real property or leasehold, as the federal housing administrator insures or makes a commitment to insure, and to obtain such insurance.

(3) To purchase, invest in, and dispose of notes or bonds secured by mortgage or trust deed insured by the federal housing administrator or debentures issued by the federal housing administrator, or bonds or other securities issued by national mortgage associations.

(4) To extend credit to any state agency, with the approval of the department, notwithstanding any other provisions or limitations of IC 28-1. No law of this state prescribing the nature, amount, or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made, shall be deemed to apply to loans, advances of credit, or purchases made pursuant to subdivisions (1), (2), and (3) and this subdivision.

(5) To purchase, take, hold, and dispose of notes, and mortgages securing such notes, made to any joint stock land bank heretofore incorporated, in any case in which not less than ninety-nine percent (99%) of the stock of said joint stock land bank is owned by the bank or trust company at the time such notes or mortgages be acquired by the bank or trust company; and upon dissolution of any such joint stock land bank, or at any stage in the process of such dissolution, any bank or trust company then owning not less than ninety-nine percent (99%) of the stock of such joint stock

land bank may take, hold, and dispose of any notes, mortgages, or other assets of such joint stock land bank of whatsoever nature, including real estate, wheresoever situated, which such joint stock land bank shall assign, transfer, convey, or otherwise make over to such bank or trust company by way of final or partial distribution of its assets to its stockholders upon such dissolution or in connection with the process of such dissolution. No law of this state prescribing the nature, amount, location, or form of security, or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loan or advances of credit may be made, or prescribing any ratio between the amount of any loan and the appraised value of the security for such loan, or requiring periodical reductions of the principal of any loan, shall be deemed to apply to loans, notes, mortgages, real estate, or other assets mentioned in this subdivision.

(6) To adopt stock purchase programs for employees and to grant options to purchase, and to issue and sell, shares of its capital stock to its employees, or to a trustee on their behalf (which may be the bank or trust company issuing such capital stock), without first offering the same to its shareholders, for such consideration, not less than par value, and upon such terms and conditions as shall be approved by its board of directors and by the holders of a majority of its shares entitled to vote with respect thereto, and by the department. In the absence of actual fraud in the transaction, the judgment of the directors as to the consideration for the issuances of such options and the sufficiency thereof shall be conclusive. Any bank or trust company exercising the powers granted in this subsection may, to the extent approved by the department, have authorized and unissued stock required to fulfill any stock option or other arrangement authorized herein.

(7) Subject to such restrictions as the department may impose, to become the owner or lessor of personal or real property acquired upon the request and for the use of a customer and to incur such additional obligations as may be incident to becoming an owner or lessor of such property.

(8) To purchase or construct buildings and hold legal title thereto

to be leased to municipal corporations or other public authorities, for public purposes, having resources sufficient to make payment of all rentals as they become due. Each lease agreement shall provide that upon expiration, the lessee will become the owner of the building.

(8.1) ~~Subject to the prior written approval of the department; and notwithstanding section 5 of this chapter; To purchase, hold, and convey real estate which is:~~

~~(A) improved or to be improved by a single, freestanding building; and~~

~~(B) to be used, in part, as a branch or the principal office of that bank or trust company and; in part, as rental property for one (1) or more lessees.~~

~~Unless a written extension of time is given by the department, the bank or trust company shall open the branch or principal office within two (2) years from the acquisition date of the real estate. If the bank or trust company does not open a branch or its principal office on the real estate in that time period or if the bank or trust company removes its branch or principal office from the real estate, the bank or trust company shall divest itself of all interest in the real estate within five (5) years from the acquisition date of the real estate, if a branch was not opened, or five (5) years from the removal date of the branch office, whichever applies. Except with the written approval of the department, the sum invested in real estate and buildings used for the convenient transaction of its business as provided in this subdivision shall not exceed fifty percent (50%) of the capital and surplus of the bank or trust company as provided in section 5 of this chapter. in accordance with section 5 of this chapter.~~

~~(9) Subject to section 3.2 of this chapter, to exercise the rights and privileges (as defined in section 3.2(a) of this chapter) that are or may be granted to national banks domiciled in Indiana.~~

~~(c) Any rule made and promulgated under and pursuant to this section may apply to one (1) or more banks or trust companies or to one (1) or more localities in the state as the department, in its discretion, may determine.~~

~~SECTION 18. IC 28-1-11-5, AS AMENDED BY P.L.216-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~

JULY 1, 2016]: Sec. 5. (a) **In addition to the powers set forth in section 3.1 of this chapter**, any bank or trust company shall have power to purchase, hold, and convey real estate for the following purposes, and for no others:

- (1) Such as shall be necessary for the convenient transaction of its business.
- (2) Such as shall be mortgaged to it or to its assignor immediate or remote, in good faith by way of security for debts.
- (3) Such as shall be conveyed to it in satisfaction of debts contracted in the course of its dealings, or in satisfaction of debts, notes, or mortgages purchased by or assigned to it, or in exchange for real estate so conveyed to it.
- (4) Such as it shall purchase at sales under judgments, decrees, or mortgages held by the bank or trust company or shall purchase to secure debts due it.

(b) Except with the approval in writing of the department, after July 1, 1933, the sum invested in real estate and buildings used for the convenient transaction of its business shall not exceed fifty percent (50%) of the capital and surplus of such bank or trust company. Such investment may be made in the stock of a corporation organized to own and hold the real estate and building occupied and used wholly or in part by such bank or trust company.

(c) No bank or trust company shall hold the title or possession of any real estate purchased or otherwise acquired to secure any debts due to it for a longer period than ten (10) years after such real estate is or has been purchased or otherwise acquired, or after July 1, 1933, without the consent in writing of the director unless the bank or trust company has entered into a bona fide contract that is being performed in accordance with its terms.

(d) For the purposes of subsection (a)(1), real estate purchased or held for the convenient transaction of the business of a bank or trust company includes the following:

- (1) Real estate on which the principal office or a branch office of the bank or trust company is located.
- (2) Real estate that is the location of facilities supporting the operations of the bank or trust company, such as parking facilities, data processing centers, loan production offices, automated teller machines, night depositories, facilities necessary for the

operations of a bank or trust company subsidiary, or other facilities that are approved by the director.

(3) Real estate that the board of directors of the bank or trust company expects, in good faith, to use as a bank or trust company office or facility in the future.

(e) If real estate referred to in subsection (d)(3) is held by a bank or trust company for one (1) year without being used as a bank or trust company office or facility, the board of directors of the bank or trust company shall state, by resolution, definite plans for the use of the real estate. A resolution adopted under this subsection shall be made available for inspection by the director.

(f) Real estate referred to in subsection (d)(3) may not be held by a bank or trust company for more than three (3) years without being used as a bank or trust company office or facility unless:

(1) the board of directors of the bank or trust company, by resolution:

(A) reaffirms annually that the bank or trust company expects to use the real estate as a bank or trust company office or facility in the future; and

(B) explains the reason why the real estate has not yet been used as a bank or trust company office or facility; and

(2) the director determines that:

(A) the continued holding of the real estate by the bank or trust company does not endanger the safety and soundness of the bank or trust company; and

(B) the bank or trust company is holding the real estate to use the real estate in the future for one (1) of the purposes set forth in subsection (d)(1) ~~and~~ or (d)(2).

(g) Real estate referred to in subsection (d)(3) may not be held by a bank or trust company for more than ten (10) years without being used as a bank or trust company office or facility unless the director consents in writing to the continued holding of the real estate by the bank or trust company.

(h) If a bank or trust company closes a principal or branch office or a facility on, or discontinues operations on, real estate described in subsection (d)(1) or (d)(2), the bank or trust company shall divest itself of the real estate not later than five (5) years from the date of the closing or discontinuation.

SECTION 19. IC 28-1-11-14, AS ADDED BY P.L.27-2012, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As used in this section, "community based economic development" refers to activities that seek to address **economic development through affordable housing development or the rehabilitation of qualified rehabilitated buildings or certified historic structures, or that seeks to address** economic causes of poverty within specific geographic areas, revitalizing the economic and social base of low income communities through activities that include:

- ~~(1)~~ **(1)** affordable housing development;
- ~~(2)~~ **(1)** small business and micro-enterprise support;
- ~~(3)~~ **(2)** commercial, industrial, and retail revitalization, retention, and expansion;
- ~~(4)~~ **(3)** capacity development and technical assistance support for community development corporations;
- ~~(5)~~ **(4)** employment and training efforts;
- ~~(6)~~ **(5)** human resource development; and
- ~~(7)~~ **(6)** social service enterprises.

(b) As used in this section, "community development corporation" means a private, nonprofit corporation:

- (1) whose board of directors is comprised primarily of community representatives and business, civic, and community leaders; and
- (2) whose principal purpose includes the provision of:
 - (A) housing;
 - (B) community based economic development projects; and
 - (C) social services;

that primarily benefit low-income individuals and communities.

(c) As used in this section, "capital and surplus" has the meaning set forth in IC 28-1-1-3(10).

(d) Subject to the limitations of this section, other laws, and any regulation, rule, policy, or guidance adopted by the department concerning investments in community based economic development, any bank or trust company may invest directly or indirectly in equity investments in a corporation, a limited partnership, a limited liability company, or another entity organized as:

- (1) a community development corporation;
- (2) an entity formed primarily to support community based economic development;

(3) an entity qualifying for the new markets tax credits under 26 U.S.C. 45D; **or**

(4) an entity approved by the director as being formed for a predominantly civic, community, or public purpose and that:

(A) primarily benefits low and moderate income individuals;

(B) primarily benefits low and moderate income areas;

(C) primarily benefits areas targeted for redevelopment by a government entity; or

(D) is a qualified investment under 12 CFR 25.23 for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.); **or**

(5) an entity making qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, as such terms are defined in section 47 of the Internal Revenue Code of 1986 or a similar state historic tax credit program, as provided for in Section 619(d)(1)(E) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 1851(d)(1)(E)).

(e) Except as provided in subsection (f), the aggregate of all equity investments by a bank or trust company under subsection (d) may not exceed:

(1) five percent (5%) of the capital and surplus of the bank or trust company without the prior written approval of the director; and

(2) fifteen percent (15%) of the capital and surplus of the bank or trust company under any circumstances.

(f) In determining whether to permit the aggregate of all equity investments by a bank or trust company under subsection (d) to exceed five percent (5%) of the capital and surplus of the bank or trust company under subsection (e)(1), the director shall consider whether:

(1) the aggregate of all equity investments under subsection (d) will pose a significant risk to the affected deposit insurance fund; and

(2) the bank or trust company is adequately capitalized.

(g) A bank or trust company shall not make any investment under this section if the investment would expose the bank or trust company to unlimited liability.

SECTION 20. IC 28-1-13-1.6 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.6. The limitations contained in section 1.5 of this chapter are subject to the following exceptions (1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse are not subject to any limitation based on capital and surplus. (2) The purchase of bankers' acceptances of the kind described in 12 U.S.C. 372 and issued by other banks are not subject to any limitation based on capital and surplus. (3) Loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples are subject to a limitation of thirty-five percent (35%) of capital and surplus in addition to the general limitations if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent (115%) of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure such staples. (4) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States or by other such obligation fully guaranteed as to principal and interest by the United States are not subject to any limitation based on capital and surplus. (5) Loans or extensions of credit to or secured by unconditional takeout commitment or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States are not subject to any limitation based on capital and surplus. (6) Loans or extensions of credit secured by a segregated deposit account in the lending bank are not subject to any limitation based on capital and surplus. (7) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of banks, or other agent in charge of the business and property of the financial institution, when such loans or extensions of credit are approved by the director, are not subject to any limitation based on capital and surplus. **set forth in 12 CFR 32.3.**

SECTION 21. IC 28-1-29-5.5, AS ADDED BY P.L.137-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) As used in this section, "**Nationwide Multistate Licensing System and Registry**" (or "Nationwide Mortgage Licensing System and Registry" or "NMLSR") means a

mortgage multistate licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators owned and operated by the State Regulatory Registry, LLC, or by any successor or affiliated entity, for the licensing and registration of creditors, mortgage loan originators, and other **mortgage or** financial services entities and their employees and agents. **The term includes any other name or acronym that may be assigned to the system by the State Regulatory Registry, LLC, or by any successor or affiliated entity.**

(b) Subject to subsection (g), the director may designate the NMLSR to serve as the sole entity responsible for:

- (1) processing applications and renewals for licenses under this chapter;
- (2) issuing unique identifiers for licensees and entities exempt from licensing under this chapter; and
- (3) performing other services that the director determines are necessary for the orderly administration of the department's licensing system under this chapter.

(c) Subject to the confidentiality provisions contained in IC 5-14-3 and this section, the director shall regularly report significant or recurring violations of this chapter to the NMLSR.

(d) Subject to the confidentiality provisions contained in IC 5-14-3 and this section, the director may report complaints received regarding licensees under this chapter to the NMLSR.

(e) The director may report publicly adjudicated licensure actions against a licensee to the NMLSR.

(f) The director shall establish a process by which licensees may challenge information reported to the NMLSR by the department.

(g) The director's authority to designate the NMLSR under subsection (b) is subject to the following:

- (1) Information stored in the NMLSR is subject to the confidentiality provisions of IC 5-14-3. A person may not:
 - (A) obtain information from the NMLSR, unless the person is authorized to do so by statute;
 - (B) initiate any civil action based on information obtained from the NMLSR if the information is not otherwise available to the person under any other state law; or
 - (C) initiate any civil action based on information obtained

from the NMLSR if the person could not have initiated the action based on information otherwise available to the person under any other state law.

(2) Documents, materials, and other forms of information in the control or possession of the NMLSR that are confidential under state or federal law and that are:

(A) furnished by the director, the director's designee, or a licensee; or

(B) otherwise obtained by the NMLSR;

are confidential and privileged by law and are not subject to inspection under IC 5-14-3, subject to subpoena, subject to discovery, or admissible in evidence in any civil action. However, the director may use the documents, materials, or other information available to the director in furtherance of any action brought in connection with the director's duties under this chapter.

(3) Disclosure of documents, materials, and information:

(A) to the director; or

(B) by the director;

under this subsection does not result in a waiver of any applicable privilege or claim of confidentiality with respect to the documents, materials, or information.

(4) Information provided to the NMLSR is subject to IC 4-1-11.

(5) This subsection does not limit or impair a person's right to:

(A) obtain information;

(B) use information as evidence in a civil action or proceeding; or

(C) use information to initiate a civil action or proceeding;

if the information may be obtained from the director or the director's designee under any law.

(6) The requirements under any federal law or IC 5-14-3 regarding the privacy or confidentiality of any information or material provided to the NMLSR, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to the information or material, continue to apply to the information or material after the information or material has been disclosed to the NMLSR. The information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority

without the loss of privilege or the loss of confidentiality protections provided by federal law or IC 5-14-3.

(7) For purposes of this section, the director may enter agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, or other associations representing governmental agencies, as established by rule or order of the director.

(8) Information or material that is subject to a privilege or confidentiality under subdivision (6) is not subject to:

(A) disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(B) subpoena, discovery, or admission into evidence in any private civil action or administrative process, unless with respect to any privileged information or material held by the NMLSR, the person to whom the information or material pertains waives, in whole or in part, in the discretion of the person, that privilege.

(9) Any provision of IC 5-14-3 that concerns the disclosure of:

(A) confidential supervisory information; or

(B) any information or material described in subdivision (6); and that is inconsistent with subdivision (6) is superseded by this section.

(10) This section does not apply with respect to information or material that concerns the employment history of, and publicly adjudicated disciplinary and enforcement actions against, a person described in section 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter and that is included in the NMLSR for access by the public.

(11) The director may require a licensee required to submit information to the NMLSR to pay a processing fee considered reasonable by the director. In determining whether the NMLSR processing fee is reasonable, the director shall:

(A) require review of; and

(B) make available;

the audited financial statements of the NMLSR.

(12) Notwithstanding any other provision of law, any:

(A) application, renewal, or other form or document that:

- (i) relates to licenses issued under this chapter; and
- (ii) is made or produced in an electronic format;
- (B) document filed as an electronic record in a multistate automated repository established and operated for the licensing or registration of financial services entities and their employees; or
- (C) electronic record filed through the NMLSR;

is considered a valid original document when reproduced in paper form by the department.

SECTION 22. IC 28-1-29-8, AS AMENDED BY P.L.186-2015, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) An agreement between a licensee and a debtor must:

- (1) be in a written form;
- (2) be dated and signed by the licensee and the debtor;
- (3) include the name of the debtor and the address where the debtor resides;
- (4) include the name, business address, and telephone number of the licensee;
- (5) be delivered to the debtor immediately upon formation of the agreement; and
- (6) disclose the following:
 - (A) The services to be provided.
 - (B) The amount or method of determining the amount of all fees and charges, individually itemized, to be paid by the debtor.
 - (C) The schedule of payments to be made by or on behalf of the debtor, including the amount of each payment, the date on which each payment is due, and an estimate of the date of the final payment.
 - (D) If a plan provides for regular periodic payments to creditors:
 - (i) each creditor of the debtor to which payment will be made, the amount owed to each creditor, and any concessions the licensee reasonably believes each creditor will offer; and
 - (ii) the schedule of expected payments to each creditor, including the amount of each payment and the date on which

the payment will be made.

(E) Each creditor that the licensee believes will not participate in the plan and to which the licensee will not direct payment.

(F) The manner in which the licensee will comply with the licensee's obligations under section 9(k) of this chapter.

(G) ~~A statement~~ That:

(i) the licensee may terminate the agreement for good cause, upon return of unexpended money of the debtor; and

(ii) the debtor may contact the department with any questions or complaints regarding the licensee.

(H) The address, telephone number, and Internet address or web site of the department.

(I) That the debtor has a right to terminate the agreement at any time without penalty (notwithstanding the close-out fee as permitted by section 8.3(d) of this chapter) or obligation.

(J) That the debtor authorizes any bank insured by the Federal Deposit Insurance Corporation in which the licensee or the licensee's agent has established a trust account to disclose to the department any financial records relating to the trust account.

(K) That the licensee shall notify the debtor within five (5) days after learning of a creditor's final decision to reject or withdraw from a plan under the agreement.

(b) For purposes of subsection (a)(5), delivery of an electronic record occurs when:

(1) the record is made available in a format in which the debtor may retrieve, save, and print the record; and

(2) the debtor is notified that the record is available.

(c) ~~An agreement must provide that: (1) the A debtor has a may exercise the debtor's~~ right to terminate the agreement at any time without penalty (notwithstanding the close-out fee as permitted by section 8.3(d) of this chapter) or obligation, **as described in subsection (a)(6)(I)**, by giving the licensee written or electronic notice, in which event:

~~(A)~~ **(I)** the licensee shall:

(A) refund all unexpended money that the licensee or the licensee's agent has received from or on behalf of the debtor

for the reduction or satisfaction of the debtor's debt; and
(B) notify immediately in writing all creditors in the debt management plan of the cancellation by the contract debtor; and

~~(B)~~ **(2)** all powers of attorney granted by the debtor to the licensee are revoked and ineffective.

~~(2)~~ **(2)** the debtor authorizes any bank insured by the Federal Deposit Insurance Corporation in which the licensee or the licensee's agent has established a trust account to disclose to the department any financial records relating to the trust account;

~~(3)~~ **(3)** the licensee shall notify the debtor within five (5) days after learning of a creditor's final decision to reject or withdraw from a plan under the agreement; and

~~(4)~~ **(d)** A licensee's notice under subdivision ~~(3)~~ **(3)** of a creditor's final decision to reject or withdraw from a plan under the agreement, as described in subsection ~~(a)(6)(K)~~ **(a)(6)(K)** must include:

~~(A)~~ **(1)** the identity of the creditor; and

~~(B)~~ **(2)** a statement that the debtor has the right to modify or terminate the agreement.

~~(d)~~ **(e)** All creditors included in the plan must be notified of the contract debtor's and licensee's relationship.

~~(e)~~ **(f)** A licensee shall give to the contract debtor a dated receipt for each payment, at the time of the payment, unless the payment is made by check, money order, or automated clearinghouse withdrawal as authorized by the contract debtor.

~~(f)~~ A licensee shall, upon cancellation by a contract debtor of the agreement, notify immediately in writing all creditors in the debt management plan of the cancellation by the contract debtor.

(g) A licensee may not enter into an agreement with a debtor unless a thorough, written budget analysis of the debtor indicates that the debtor can reasonably meet the payments required under a proposed plan. The following must be included in the budget analysis:

(1) Documentation and verification of all income considered. All income verification must be dated not more than sixty (60) days before the completion of the budget analysis.

(2) Monthly living expense figures, which must be reasonable for the particular family size and part of Indiana. If expenditure reductions are part of the planned budget for the debtor, details of

the expected savings must be documented in the debtor's file and set forth in the budget provided to the debtor.

(3) Documentation and verification, by a current credit bureau report, current debtor account statements, or direct documentation from the creditor, of monthly debt payments and balances to be paid outside the plan.

(4) Documentation and verification, by a current credit bureau report, current debtor account statements, or direct documentation from the creditor, of the monthly debt payments and current balances to be paid through the plan.

(5) The date of the budget analysis and the signature of the debtor.

(h) A licensee may not enter into an agreement with a debtor for a period longer than sixty (60) months.

(i) A licensee may provide services under this chapter in the same place of business in which another business is operating, or from which other products or services are sold, if the director issues a written determination that:

- (1) the operation of the other business; or
- (2) the sale of other products and services;

from the location in question is not contrary to the best interests of debtors.

(j) A licensee without a physical location in Indiana may:

- (1) solicit sales of; and
- (2) sell;

additional products and services to Indiana residents if the director issues a written determination that the proposed solicitation or sale is not contrary to the best interests of debtors.

(k) A licensee shall maintain a toll free communication system, staffed at a level that reasonably permits a contract debtor to speak to a counselor, debt specialist, or customer service representative, as appropriate, during ordinary business hours.

(l) A debt management company shall act in good faith in all matters under this chapter.

SECTION 23. IC 28-5-1-11, AS AMENDED BY P.L.217-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Any such company shall have the power to purchase, hold and convey real estate for the following purposes and for no others:

(1) Such as shall be necessary for the convenient transaction of its business, but the cost or value of such real estate as carried on its books shall not exceed fifty percent (50%) of the amount of its capital and surplus, without the written consent of the department.

(2) Such as shall be conveyed to it in satisfaction of debts or obligations previously contracted in the course of its dealings, or in exchange for real estate so conveyed to it.

(3) Such as it shall purchase at sales under judgments or decrees of foreclosure on mortgages held by such company or shall acquire as additional security for obligations due such company.

(4) Such as shall have been sold under a title-retaining, installment, real estate sales contract, the term of which does not exceed twelve (12) years, where such contract is either purchased by it or taken as collateral security for a loan. However, the total cost of all real estate sold on title-retaining installment sales contracts as carried on the books of the company shall not at any one (1) time exceed five percent (5%) of the total resources of the company when such real estate title-retaining installment sales contracts were acquired without the written approval of the department.

(b) No such company shall hold the title or possession of any real estate purchased or otherwise acquired to secure any debts or obligations due to it, for a longer period than ten (10) years after such real estate is or has been purchased or otherwise acquired without the consent in writing of the department. However, any such company may sell any real estate so purchased or otherwise acquired by it under a title-retaining installment real estate sales contract, the term of which shall not exceed twelve (12) years, and hold title or possession thereof until the same is conveyed to the purchaser thereof under the terms and provisions of any such contract.

(c) For the purposes of subsection (a)(1), real estate purchased or held for the convenient transaction of the business of a company includes the following:

(1) Real estate on which the principal office or a branch office of the company is located.

(2) Real estate that is the location of facilities supporting the operations of the company, such as parking facilities, data processing centers, loan production offices, automated teller

machines, night depositories, facilities necessary for the operations of a company subsidiary, or other facilities that are approved by the director.

(3) Real estate that the board of directors of the company expects, in good faith, to use as a company office or facility in the future.

(d) If real estate referred to in subsection (c)(3) is held by a company for one (1) year without being used as a company office or facility, the board of directors of the company shall state, by resolution, definite plans for the use of the real estate. A resolution adopted under this subsection shall be made available for inspection by the department.

(e) Real estate referred to in subsection (c)(3) may not be held by a company for more than three (3) years without being used as a company office or facility unless:

(1) the board of directors of the company, by resolution:

(A) reaffirms annually that the company expects to use the real estate as a company office or facility in the future; and

(B) explains the reason why the real estate has not yet been used as a company office or facility; and

(2) the director determines that:

(A) the continued holding of the real estate by the company does not endanger the safety and soundness of the company; and

(B) the company is holding the real estate to use the real estate in the future for one (1) of the purposes set forth in subsection (c)(1) ~~and~~ or (c)(2).

(f) Real estate referred to in subsection (c)(3) may not be held by a company for more than ten (10) years without being used as a company office or facility unless the department consents in writing to the continued holding of the real estate by the company.

(g) If a company closes a principal or branch office or a facility on, or discontinues operations on, real estate described in subsection (c)(1) or (c)(2), the company shall divest itself of the real estate not later than five (5) years from the date of the closing or discontinuation.

SECTION 24. IC 28-5-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. Every company shall make provision for adequate fidelity coverage for all officers and

employees having access to money or bonds of the company. The amount and form of fidelity coverage must be approved **annually** by the board of directors of the company. Coverage may be provided:

- (1) in the form of a blanket fidelity bond issued by a corporate surety authorized to transact business in Indiana; or
- (2) through the establishment of a separate reserve fund within the company for that purpose.

SECTION 25. IC 28-7-1-12, AS AMENDED BY P.L.35-2010, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Every credit union and every affiliate of a credit union shall be subject to examination **in accordance with IC 28-11-3-1** by the department. A credit union shall be examined by the department as often as the department shall deem necessary. The department shall at all times be given free access to all of the books, papers, securities, and other sources of information, including audit reports and audit working papers for any such credit union. The director, the members of the department, and the supervisor in charge of the division shall have the power to subpoena documents and examine witnesses under oath pertaining to the business of the credit union. The department may accept an audit by a certified public accountant and govern its examination procedures and examination fees accordingly. At the close of each examination, a conference shall be conducted to disclose to the board of directors the findings of the examination.

(b) If a credit union contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the credit union and be subject to the department's routine examination procedures, the person that provides the service to the credit union shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any credit union that receives services from the person refusing the examination to:

- (1) discontinue receiving one (1) or more services from the person; or
- (2) otherwise cease conducting business with the person.

SECTION 26. IC 28-7-1-33, AS AMENDED BY P.L.35-2010, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 33. (a) **Except as provided in section 33.1 of this chapter**, any two (2) or more credit unions may, with the approval of the department, merge. This section authorizes the merger of a credit union organized under this chapter with a credit union organized under any other law.

(b) The board of directors of each credit union participating in the merger must by majority vote approve a joint agreement of merger.

(c) After the resolutions approving a joint agreement of merger have been adopted by the board of directors of each credit union, the credit unions shall submit the resolutions and joint agreement to the department for approval. The department may, in the department's discretion, approve or disapprove the resolution and joint agreement. In deciding whether to approve or disapprove the resolution and joint agreement under this section, the department shall consider the following factors:

- (1) Whether the **surviving credit unions subject to union resulting from** the proposed transaction **are will be** operated in a safe, sound, and prudent manner.
- (2) Whether the financial condition of any credit union subject to the proposed transaction will jeopardize the financial stability of any other credit unions subject to the proposed transaction.
- (3) Whether the proposed transaction will result in a credit union that has inadequate capital, unsatisfactory management, or poor earnings prospects.
- (4) Whether the proposed transaction, in the department's judgment and considering the available information under the prevailing circumstances, will result in an institution that is more favorable to the stakeholders than if the entities were to remain separate.
- (5) Whether the management or other principals of the credit union that will result from the proposed transaction are qualified by character and financial responsibility to control and operate in a legal and proper manner the resulting credit union.
- (6) Whether the credit unions subject to the proposed transaction furnish all the information the department requires in reaching the department's decision.

(d) If the joint agreement is approved by the department, any credit union whose existence will terminate as a result of the merger shall submit the joint agreement to a vote of its shareholders at the meeting directed by the resolution of the board of directors. A majority of the shareholders present at the meeting may approve the joint agreement. However, the department may permit the merger to become effective without the affirmative vote of the membership of a credit union if that credit union is in danger of insolvency or if the qualified group or groups associated with the credit union either have ceased or will soon cease to exist.

(e) After approval of the joint agreement by the shareholders of the merging credit unions, each credit union shall execute in triplicate articles of merger, on forms furnished by the department, which shall set forth the following:

- (1) The time and place of the meeting of the board of directors at which the plan was approved.
- (2) The vote by which the plan was approved by the board.
- (3) A copy of the resolution or other action by which the plan was agreed upon.
- (4) The time and place of the meeting of the members at which the plan was approved.
- (5) The vote by which the plan was approved by the members.

(f) The articles, joint agreement, and resolutions shall be delivered to the department for certification, which shall be evidenced in the manner prescribed in IC 28-12-5, and shall be presented to the secretary of state for ~~recording~~ **filing**. The secretary of state shall file one (1) copy of the articles of merger and shall issue a certificate of merger and two (2) copies of the articles of merger to the surviving credit union. The date on which the secretary of state issues the certificate of merger is the effective date of the merger.

(g) The articles of merger shall be filed with the county recorder of the county in which the principal office of the surviving credit union is located.

SECTION 27. IC 28-7-1-33.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 33.1. The approval of the department of the merger of two (2) or more credit unions is not required under this chapter if the credit union surviving the**

merger is an institution organized or reorganized under the laws of the United States or a state (as defined in IC 28-2-17-19) other than Indiana. However, the surviving credit union shall:

- (1) notify the department of the merger;
- (2) provide satisfactory evidence to the department of compliance with the requirements of IC 28-1-22 relating to foreign corporations, if applicable; and
- (3) provide satisfactory evidence to the department of compliance with the requirements of section 34 of this chapter relating to credit unions organized in other states, if applicable.

SECTION 28. IC 28-10-1-1, AS AMENDED BY P.L.186-2015, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A reference to a federal law or federal regulation in this title is a reference to the law or regulation as in effect December 31, ~~2014~~ 2015.

SECTION 29. IC 28-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A corporation may not declare or pay any dividends to its shareholders in any form if, by the payment of the dividends, its capital stock will be thereby impaired.

(b) **Unless approved by the director**, a corporation may ~~never not~~ pay a dividend in an amount greater than the remainder of undivided profits then on hand after deducting losses, bad debts, or depreciation that the department may have determined, and all other expenses.

(c) A corporation must obtain department approval before reducing the corporation's capital stock, capital surplus, or preferred stock.

SECTION 30. IC 32-29-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The owner of the real estate subject to the issuance of process under a judgment or decree of foreclosure may, with the consent of the judgment holder endorsed on the judgment or decree of foreclosure, file with the clerk of the court a waiver of the time limitations on issuance of process set out in section 3 of this chapter. If the owner files a waiver under this section, process shall issue immediately. The consideration for waiver, whether or not expressed by its terms, shall be the waiver and release by the judgment holder of any deficiency judgment against the owner.

(b) **This section is not intended to provide the owner of real**

estate subject to the issuance of process under a judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of the borrower protections from liability that must be disclosed under 12 CFR 1026.38(p)(3) on the form required by 12 CFR 1026.38 ("Closing Disclosures" form under the Amendments to the 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and the 2013 Loan Originator Rule Under the Truth in Lending Act (Regulation Z)).

SECTION 31. An emergency is declared for this act.

P.L.74-2016

[H.1183. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 29-3-9-1, AS AMENDED BY P.L.81-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a) As used in this section, "department" means the department of child services established by IC 31-25-1-1.**

(b) As used in this section and except as otherwise provided in this section, "foster care" has the meaning set forth in IC 31-9-2-46.7.

~~(a)~~ **(c)** Except as provided in ~~subsection (b)~~, **subsections (d) and (h)**, by a properly executed power of attorney, a parent of a minor or a guardian (other than a temporary guardian) of a protected person may delegate to another person for:

- (1) any period during which the care and custody of the minor or protected person is entrusted to an institution furnishing care,

custody, education, or training; or

(2) a period not exceeding twelve (12) months;

any powers regarding health care, support, custody, or property of the minor or protected person. A delegation described in this subsection is effective immediately unless otherwise stated in the power of attorney.

~~(b)~~ **(d)** A parent of a minor or a guardian of a protected person may not delegate under subsection ~~(a)~~ **(c)** the power to:

(1) consent to the marriage or adoption of a protected person who is a minor; or

(2) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of a protected person as provided under ~~IC 29-3-9-12.2.~~ **section 12.2 of this chapter.**

~~(c)~~ **(e)** A person having a power of attorney executed under subsection ~~(a)~~ **(c)** has and shall exercise, for the period during which the power is effective, all other authority of the parent or guardian respecting the health care, support, custody, or property of the minor or protected person except any authority expressly excluded in the written instrument delegating the power. The parent or guardian remains responsible for any act or omission of the person having the power of attorney with respect to the affairs, property, and person of the minor or protected person as though the power of attorney had never been executed.

(f) A delegation of powers executed under subsection (c) does not, as a result of the execution of the power of attorney, subject any of the parties to any laws, rules, or regulations concerning the licensing or regulation of foster family homes, child placing agencies, or child caring institutions under IC 31-27.

(g) Any child who is the subject of a power of attorney executed under subsection (c) is not considered to be placed in foster care. The parties to a power of attorney executed under subsection (c), including a child, a protected person, a parent or guardian of a child or protected person, or an attorney-in-fact, are not, as a result of the execution of the power of attorney, subject to any foster care requirements or foster care licensing regulations.

(h) A foster family home licensed under IC 31-27-4 may not provide overnight or regular and continuous care and supervision to a child who is the subject of a power of attorney executed under

subsection (c) while providing care to a child placed in the home by the department or under a juvenile court order under a foster family home license. Upon request, the department may grant an exception to this subsection.

(i) A parent who:

(1) is a member in the:

(A) active or reserve component of the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, National Guard, or Coast Guard; or

(B) commissioned corps of the:

(i) National Oceanic and Atmospheric Administration;
or

(ii) Public Health Service of the United States Department of Health and Human Services;

detailed by proper authority for duty with the Army or Navy of the United States; or

(2) is required to:

(A) enter or serve in the active military service of the United States under a call or order of the President of the United States; or

(B) serve on state active duty;

may delegate the powers designated in subsection (c) for a period longer than twelve (12) months if the parent is on active duty service. However, the term of delegation may not exceed the term of active duty service plus thirty (30) days. The power of attorney must indicate that the parent is required to enter or serve in the active military service of the United States and include the estimated beginning and ending dates of the active duty service.

(~~h~~) (j) Except as otherwise stated in the power of attorney delegating powers under this section, a delegation of powers under this section may be revoked **at any time** by a written instrument of revocation that:

(1) identifies the power of attorney revoked; and

(2) is signed by the:

(A) parent of a minor; or

(B) guardian of a protected person;

who executed the power of attorney.

SECTION 2. IC 31-33-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: **Sec. 15. (a) If the department classifies an assessment as unsubstantiated, the department may provide information about community service programs that provide respite care, voluntary guardianship, or other support services for families in crisis to the parent or guardian of the child who is the subject of the assessment.**

(b) If the department provides information to a parent or guardian under subsection (a), the department may not initiate an investigation or assessment or substantiate an assessment of child abuse or neglect based solely on the provision of the information.

(c) If the department classifies an assessment as substantiated, the department may refer the parent or guardian to a community service program that provides respite care, voluntary guardianship, or other support services for families in crisis as appropriate to meet the needs of the family.

(d) The provision of information by the department under subsection (a) does not result in, or may not be considered to result in, any obligation on the part of the department.

(e) The department is not liable for any action arising out of having furnished the information in the manner required under subsection (a), including any delegation of powers executed under IC 29-3-9-1.

SECTION 3. IC 34-30-2-134.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 134.2. IC 31-33-8-15 (Concerning the department of child services providing information).**

P.L.75-2016
[H.1199. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 11-8-8-4.5, AS AMENDED BY P.L.168-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human trafficking **under** IC 35-42-3.5-1(a)(2). ~~if the victim is less than eighteen (18) years of age.~~

(16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).

~~(16)~~ (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

~~(17)~~ **(18)** Human trafficking **under** IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.

~~(18)~~ **(19)** Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

~~(19)~~ **(20)** An attempt or conspiracy to commit a crime listed in subdivisions ~~(1) through (18)~~: **this subsection.**

~~(20)~~ **(21)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions ~~(1) through (19)~~: **this subsection.**

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication

as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.168-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).

- (10) Sexual battery (IC 35-42-4-8).
 - (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (13) Possession of child pornography (IC 35-42-4-4(c)).
 - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
 - (15) Promotion of human trafficking **under** IC 35-42-3.5-1(a)(2). ~~if the victim is less than eighteen (18) years of age.~~
 - (16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).**
 - ~~(16)~~ (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
 - ~~(17)~~ (18) Human trafficking **under** IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.
 - ~~(18)~~ (19) Murder (IC 35-42-1-1).
 - ~~(19)~~ (20) Voluntary manslaughter (IC 35-42-1-3).
 - ~~(20)~~ (21) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
 - ~~(21)~~ (22) An attempt or conspiracy to commit a crime listed in subdivisions ~~(1) through (20)~~: **this subsection.**
 - ~~(22)~~ (23) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions ~~(1) through (21)~~: **this subsection.**
- (b) The term includes:
- (1) a person who is required to register as a sex or violent offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense

described in subsection (a) if committed by an adult; and (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

P.L.76-2016

[H.1211. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 5-2-16-2, AS ADDED BY P.L.151-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "methamphetamine abuse" means the:

- (1) use;
- (2) sale;
- (3) manufacture **or attempt to manufacture**;
- (4) transport; or
- (5) delivery;

of methamphetamine or of a methamphetamine precursor, if the precursor is being used, sold, manufactured, transported, ~~or~~ delivered, **or processed** to facilitate the manufacture of methamphetamine.

SECTION 2. IC 5-2-16-3, AS ADDED BY P.L.151-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A law enforcement agency that discovers

evidence of:

(1) methamphetamine abuse; or

(2) **a fire related to methamphetamine abuse;**

shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-6-18.

SECTION 3. IC 9-24-2-2.5, AS AMENDED BY P.L.125-2012, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is under an order entered by a court under ~~IC 35-43-1-2(c)~~: **IC 35-43-1-2(d)**.

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or ~~IC 35-43-1-2(e)~~: **IC 35-43-1-2(d)**.

SECTION 4. IC 35-43-1-2, AS AMENDED BY P.L.21-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least fifty thousand dollars (\$50,000);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship **without the consent of the owner, possessor, or occupant of the property that is damaged;**

(2) a school or community center **without the consent of the**

owner, possessor, or occupant of the property that is damaged;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1) **without the consent of the owner, possessor, or occupant of the property that is damaged;**

(4) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivisions (1) through (3) **or without the consent of the owner, possessor, or occupant of the property that is damaged;**

(5) personal property contained in a structure or located at a facility identified in subdivisions (1) through (3) **without the consent of the owner, possessor, or occupant of the property that is damaged;**

(6) property that is vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or

(7) property after the person has been denied entry to the property by a court order that was issued:

(A) to the person; or

(B) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

~~without the consent of the owner, possessor, or occupant of the property that is damaged;~~ commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least fifty thousand dollars (\$50,000).

(c) A person who recklessly, knowingly, or intentionally damages property:

(1) during:

(A) the dealing or manufacture of or attempted dealing or manufacture of cocaine or a narcotic drug (IC 35-48-4-1); or
(B) the dealing or manufacture of or attempted dealing or manufacture of methamphetamine (IC 35-48-4-1.1); and
(2) by means of a fire or an explosion;
commits controlled substances criminal mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.

~~(c)~~ **(d)** If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

~~(d)~~ **(e)** The court may rescind an order for suspension or invalidation under subsection ~~(c)~~ **(d)** and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

(f) For purposes of this section, "pecuniary loss" includes:

(1) the total costs incurred in inspecting, cleaning, and decontaminating property contaminated by a pollutant; and
(2) a reasonable estimate of all additional costs not already incurred under subdivision (1) that are necessary to inspect, clean, and decontaminate property contaminated by a pollutant, to the extent that the property has not already been:

(A) cleaned;

(B) decontaminated; or

(C) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under IC 13-14-1-15.

P.L.77-2016
[H.1233. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-2-6-23, AS AMENDED BY P.L.7-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) As used in this section, "board" refers to the sexual assault victim advocate standards and certification board established by subsection ~~(c)~~: (e).

(b) As used in this section, "division" refers to the victim services division of the Indiana criminal justice institute.

~~(b)~~ (c) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, to victims of sexual assault.

(d) As used in this section, "trauma informed sexual assault services" refers to:

- (1) victim centered care;**
- (2) acute medical care; or**
- (3) forensic medical services;**

provided by advanced medical providers for trauma sustained as a result of sexual assault. Trauma informed sexual assault services address the physical, psychological, and emotional needs of sexual assault victims for the duration of their lifespan.

~~(c)~~ (e) The sexual assault victim advocate standards and certification board is established. The board consists of the following twelve (12) members appointed by the governor:

- (1) A member recommended by the prosecuting attorneys council of Indiana.
- (2) A member from law enforcement.

- (3) A member representing a rape crisis center.
- (4) A member recommended by ~~the Indiana Coalition Against Sexual Assault.~~ **a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq.**
- (5) A member representing mental health professionals.
- (6) A member representing hospital administration.
- (7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection and recommended by the Indiana chapter of the International Association of Forensic Nurses.
- (8) A member who is an employee of the Indiana criminal justice institute.
- (9) A member who is a survivor of sexual violence.
- (10) A member who is a physician (as defined in IC 25-22.5-1-1.1) with experience in examining sexually abused children.
- (11) A member who is an employee of the office of the secretary of family and social services.
- (12) A member who is an employee of the state department of health, office of women's health.

~~(d)~~ **(f)** Members of the board serve a four (4) year term. Not more than seven (7) members appointed under ~~this~~ subsection **(e)** may be of the same political party.

~~(e)~~ **(g)** The board shall meet at the call of the chairperson. Seven (7) members of the board constitute a quorum. The affirmative vote of at least seven (7) members of the board is required for the board to take any official action.

~~(f)~~ **(h)** The board shall:

- (1) develop standards for certification as a sexual assault victim advocate;
- (2) set fees that cover the costs for the certification process;
- (3) adopt rules under IC 4-22-2 to implement this section; **and**
- ~~(4) administer the sexual assault victims assistance account established by subsection (h); and~~
- ~~(5)~~ **(4)** certify sexual assault victim advocates to provide advocacy services.

~~(g)~~ **(i)** Members of the board may not receive a salary per diem.

Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget.

~~(h)~~ **(j)** The sexual assault victims assistance ~~account~~ **fund** is established within the state general fund. The ~~board~~ **division** shall administer the ~~account~~ **fund** to provide financial assistance ~~to rape crisis centers.~~ **for any of the following:**

(1) To establish and maintain rape crisis centers.

(2) The enhancement of services provided by existing rape crisis centers.

(3) The development, implementation, and expansion of trauma informed sexual assault services.

Money in the account must be distributed to a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280b et seq. The account

(k) Money in the fund shall be distributed by the division. Before making a distribution, the division shall seek direction from a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. If no statewide nonprofit sexual assault coalition exists, the division may make distributions without seeking direction. The fund consists of:

(1) amounts transferred to the ~~account~~ **fund** from sexual assault victims assistance fees collected under IC 33-37-5-23;

(2) appropriations to the ~~account~~ **fund** from other sources;

(3) fees collected for certification by the board;

(4) grants, gifts, and donations intended for deposit in the ~~account;~~ **fund;** and

(5) interest accruing from the money in the ~~account.~~ **fund.**

~~(i)~~ **(l)** The expenses of administering the ~~account~~ **fund** shall be paid from money in the ~~account.~~ **fund.** The ~~board~~ **division** shall ~~may~~ designate ~~not more than~~ ten percent (10%) of the appropriation made each year to the ~~nonprofit corporation~~ **statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention** for program administration. The ~~board~~ **division** may not use more than ten percent (10%) of the money collected from certification fees to administer the certification program.

(j) **(m)** The treasurer of state shall invest the money in the **account fund** not currently needed to meet the obligations of the **account fund** in the same manner as other public money may be invested.

~~(k)~~ **(n)** Money in the **account fund** at the end of a state fiscal year does not revert to the state general fund.

(l) **(o)** The governor shall appoint a member of the commission each year to serve a one (1) year term as chairperson of the board.

SECTION 2. IC 33-37-7-2, AS AMENDED BY P.L.213-2015, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence

prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance ~~account~~ **fund** established by ~~IC 5-2-6-23(h)~~ **IC 5-2-6-23(j)** one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of

the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar

Foundation shall:

- (1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
- (2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 3. An emergency is declared for this act.

P.L.78-2016

[H.1263. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 12-15-27-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** The use and the disclosure of the information described in this chapter to persons authorized by law in connection with the official duties relating to:

- (1) financial audits;
- (2) legislative investigations; or
- (3) other purposes directly connected with the administration of the plan;

is permitted.

(b) The secretary shall provide to the legislative services agency, in the form and on the schedule specified by the executive director of the legislative services agency, all information or data described in section 1(1) through 1(4) of this chapter (including, but not limited to, applications, enrollments, claims, and encounters) and any additional information or data concerning a program described in this article or concerning the children's health insurance program established under IC 12-17.6 that is requested by the executive director of the legislative services agency. The legislative services agency:

(1) shall maintain the confidentiality of confidential information or data received under this subsection; and

(2) may use information or data received under this subsection only to estimate the fiscal impact of proposed legislation, prepare program evaluation reports, and forecast enrollment and program costs of the Medicaid program, the healthy Indiana plan, and the children's health insurance program.

(c) Unless:

(1) redaction of an identifier is required under subsection (d); or

(2) the executive director of the legislative services agency requests redaction of an identifier;

from the information or data requested under subsection (b), the information or data received under subsection (a) or (b) must include all identifiers specified in 45 CFR 164.514(b).

(d) Before information or data with names, addresses, or individualized identification numbers of applicants or individuals receiving services under the Medicaid program, the healthy Indiana plan, or the children's health insurance program is provided to the legislative services agency under subsection (a) or (b), the secretary or office shall as soon as practicable after a request provide the information or data to the legislative services agency after:

(1) redacting names, street addresses (other than county and ZIP code information), and individualized identification numbers used in the operation of the Medicaid program, the healthy Indiana plan, or the children's health insurance

program; and

(2) generating and substituting for each applicant or individual a unique number that is not used in the Medicaid program, the healthy Indiana plan, or the children's health insurance program but is maintained over time and is useful for longitudinal analysis described in subsection (b).

The system of numbering under subdivision (2) must be approved by the executive director of the legislative services agency.

SECTION 2. IC 25-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9.5. Telemedicine Services and Prescriptions

Sec. 1. (a) This chapter does not prohibit a provider, insurer, or patient from agreeing to an alternative location of the patient or provider to conduct telemedicine.

(b) This chapter does not supersede any other statute concerning a provider who provides health care to a patient.

Sec. 2. As used in this chapter, "distant site" means a site at which a provider is located while providing health care services through telemedicine.

Sec. 3. As used in this chapter, "originating site" means any site at which a patient is located at the time health care services through telemedicine are provided to the individual.

Sec. 4. As used in this chapter, "provider" means any of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's supervisory physician in accordance with IC 25-27.5-5-4.
- (3) An advanced practice nurse licensed and granted the authority to prescribe drugs under IC 25-23.
- (4) An optometrist licensed under IC 25-24.

Sec. 5. As used in this chapter, "store and forward" means the transmission of a patient's medical information from an originating site to the provider at a distant site without the patient being present.

Sec. 6. (a) As used in this chapter, "telemedicine" means the delivery of health care services using electronic communications and information technology, including:

(1) secure videoconferencing;
(2) interactive audio-using store and forward technology; or
(3) remote patient monitoring technology;
between a provider in one (1) location and a patient in another location.

(b) The term does not include the use of the following:

- (1) Audio-only communication.
- (2) A telephone call.
- (3) Electronic mail.
- (4) An instant messaging conversation.
- (5) Facsimile.
- (6) Internet questionnaire.
- (7) Telephone consultation.
- (8) Internet consultation.

Sec. 7. (a) A provider who provides health care services through telemedicine shall be held to the same standards of appropriate practice as those standards for health care services provided at an in-person setting.

(b) A provider may not use telemedicine, including issuing a prescription, for an individual who is located in Indiana unless a provider-patient relationship between the provider and the individual has been established. A provider who uses telemedicine shall, if such action would otherwise be required in the provision of the same health care services in a manner other than telemedicine, ensure that a proper provider-patient relationship is established. The provider-patient relationship by a provider who uses telemedicine must at a minimum include the following:

- (1) Obtain the patient's name and contact information and:
 - (A) a verbal statement or other data from the patient identifying the patient's location; and
 - (B) to the extent reasonably possible, the identity of the requesting patient.
- (2) Disclose the provider's name and disclose whether the provider is a physician, physician assistant, advanced practice nurse, or optometrist.
- (3) Obtain informed consent from the patient.
- (4) Obtain the patient's medical history and other information necessary to establish a diagnosis.
- (5) Discuss with the patient the:

- (A) diagnosis;
 - (B) evidence for the diagnosis; and
 - (C) risks and benefits of various treatment options, including when it is advisable to seek in-person care.
- (6) Create and maintain a medical record for the patient and, subject to the consent of the patient, notify the patient's primary care provider of any prescriptions the provider has written for the patient if the primary care provider's contact information is provided by the patient. The requirements in this subdivision do not apply when the provider is using an electronic health record system that the patient's primary care provider is authorized to access.
- (7) Issue proper instructions for appropriate follow-up care.
- (8) Provide a telemedicine visit summary to the patient, including information that indicates any prescription that is being prescribed.

Sec. 8. A provider may issue a prescription to a patient who is receiving services through the use of telemedicine even if the patient has not been seen previously by the provider in person if the following conditions are met:

- (1) The provider has satisfied the applicable standard of care in the treatment of the patient.
- (2) The issuance of the prescription by the provider is within the provider's scope of practice and certification.
- (3) The prescription is not for a controlled substance (as defined in IC 35-48-1-9).
- (4) The prescription is not for an abortion inducing drug (as defined in IC 16-18-2-1.6).
- (5) The prescription is not for an ophthalmic device, including:
 - (A) glasses;
 - (B) contact lenses; or
 - (C) low vision devices.

Sec. 9. (a) A provider who is physically located outside Indiana is engaged in the provision of health care services in Indiana when the provider:

- (1) establishes a provider-patient relationship under this chapter with; or
- (2) determines whether to issue a prescription under this

chapter for;
an individual who is located in Indiana.

(b) A provider described in subsection (a) may not establish a provider-patient relationship under this chapter with or issue a prescription under this chapter for an individual who is located in Indiana unless the provider and the provider's employer or the provider's contractor, for purposes of providing health care services under this chapter, have certified in writing to the Indiana professional licensing agency, in a manner specified by the Indiana professional licensing agency, that the provider and the provider's employer or provider's contractor agree to be subject to:

(1) the jurisdiction of the courts of law of Indiana; and

(2) Indiana substantive and procedural laws;

concerning any claim asserted against the provider, the provider's employer, or the provider's contractor arising from the provision of health care services under this chapter to an individual who is located in Indiana at the time the health care services were provided. The filing of the certification under this subsection shall constitute a voluntary waiver by the provider, the provider's employer, or the provider's contractor of any respective right to avail themselves of the jurisdiction or laws other than those specified in this subsection concerning the claim. However, a provider that practices predominately in Indiana is not required to file the certification required by this subsection.

(c) A provider shall renew the certification required under subsection (b) at the time the provider renews the provider's license.

(d) A provider's employer or a provider's contractor is required to file the certification required by this section only at the time of initial certification.

Sec. 10. (a) A provider who violates this chapter is subject to disciplinary action under IC 25-1-9.

(b) A provider's employer or a provider's contractor that violates this section commits a Class B infraction for each act in which a certification is not filed as required by section 9 of this chapter.

Sec. 11. A pharmacy does not violate this chapter if the pharmacy fills a prescription for a controlled substance and the pharmacy is unaware that the prescription was written by a

provider providing telemedicine services under this chapter.

Sec. 12. The Indiana professional licensing agency may adopt policies or rules under IC 4-22-2 necessary to implement this chapter. Adoption of policies or rules under this section may not delay the implementation and provision of telemedicine services under this chapter.

SECTION 3. IC 25-22.5-2-7, AS AMENDED BY P.L.232-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The board shall do the following:

- (1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:
 - (A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.
 - (B) The examination for licensure.
 - (C) The license or permit.
 - (D) Fees for examination, permit, licensure, and registration.
 - (E) Reinstatement of licenses and permits.
 - (F) Payment of costs in disciplinary proceedings conducted by the board.
- (2) Administer oaths in matters relating to the discharge of the board's official duties.
- (3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.
- (4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.
- (5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.
- (6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.
- (7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.
- (8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice

regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules or protocol establishing the following:

(A) An education program to be used to educate women with high breast density.

(B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(12) Adopt rules establishing standards and protocols for the prescribing of controlled substances.

(13) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

(c) The board may adopt rules under IC 4-22-2 establishing guidelines for the practice of telemedicine in Indiana. Adoption of rules under this subsection may not delay the implementation and provision of telemedicine services by a provider under IC 25-1-9.5.

SECTION 4. An emergency is declared for this act.

P.L.79-2016

[H.1264. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-31-3-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a) Each provider organization shall conduct an audit and review at least quarterly to assess, monitor, and evaluate the quality of patient care as follows:**

- (1) The audit must evaluate patient care and personnel performance.**
- (2) The results of the audit must be reviewed with the emergency medical service personnel.**
- (3) Documentation for the audit and review must include the following:**
 - (A) The criteria used to select audited runs.**
 - (B) Problem identification and resolution.**
 - (C) Date of review.**
 - (D) Attendance at the review.**
 - (E) A summary of the discussion at the review.**
- (4) The audit and review must be conducted under the direction of one (1) of the following:**
 - (A) The provider organization medical director.**
 - (B) An emergency department committee that is supervised by a medical director with a provider organization representative serving as a member of the committee.**
 - (C) A committee established by the provider organization and under the direction of the medical director or medical director's designee. If the medical director selects a designee, the designee must:**

- (i) be a physician licensed under IC 25-22.5;**
- (ii) have an active role in the delivery of emergency care;**
- and**
- (iii) be designated in writing by the medical director as the medical director's designee.**

(5) The audit must provide a method for identifying the need for staff development programs, basic training, in-service training, and orientation.

(6) The audit must evaluate all levels of care by emergency medical service personnel.

(b) An audit and review proceeding under this section is confidential, and any communication at the audit and review proceeding is a privileged communication.

(c) This section does not prevent participation by a provider organization in a peer review committee proceeding under IC 34-30-15.

(d) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 2. IC 34-6-2-117, AS AMENDED BY P.L.29-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

- (1) a physician licensed under IC 25-22.5;
- (2) a dentist licensed under IC 25-14;
- (3) a hospital licensed under IC 16-21;
- (4) a podiatrist licensed under IC 25-29;
- (5) a chiropractor licensed under IC 25-10;
- (6) an optometrist licensed under IC 25-24;
- (7) a psychologist licensed under IC 25-33;
- (8) a pharmacist licensed under IC 25-26;
- (9) a health facility licensed under IC 16-28-2;
- (10) a registered or licensed practical nurse licensed under IC 25-23;
- (11) a physical therapist licensed under IC 25-27;
- (12) a home health agency licensed under IC 16-27-1;
- (13) a community mental health center (as defined in IC 12-7-2-38);
- (14) a health care organization whose members, shareholders,

subsidiaries, affiliates, or partners are:

- (A) professional health care providers described in subdivisions (1) through (13);
- (B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or
- (C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in subdivisions (1) through (13);
- (15) a private psychiatric hospital licensed under IC 12-25;
- (16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
- (17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
- (18) a respiratory care practitioner licensed under IC 25-34.5;
- (19) an occupational therapist licensed under IC 25-23.5;
- (20) a state institution (as defined in IC 12-7-2-184);
- (21) a clinical social worker who is licensed under IC 25-23.6-5-2;
- (22) a managed care provider (as defined in IC 12-7-2-127(b));
- (23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order;
- (24) a nonprofit health care organization with one (1) or more hospital affiliates; ~~or~~
- (25) a health care organization that owns or controls, in whole or in part, one (1) or more entities described in subdivisions (1) through (24);
- (26) A provider organization (as defined in IC 16-18-2-296);**
- (27) a paramedic licensed under IC 16-31;**
- (28) an emergency medical technician certified under IC 16-31;**
- (29) an emergency medical responder certified under IC 16-31; or**
- (30) an advanced emergency medical technician certified under IC 16-31.**

SECTION 3. IC 34-30-15-8, AS AMENDED BY P.L.204-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Communications to, the records of, and determinations of a peer review committee may only be disclosed to:

- (1) the peer review committee of:
 - (A) a hospital;
 - (B) a nonprofit health care organization (described in IC 34-6-2-117(23));
 - (C) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
 - (D) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
 - (E) a provider organization (as defined in IC 16-18-2-296) that is not owned by a hospital that includes the provider organization's provision of services as part of the hospital's peer review committee review;**
 - ~~(F)~~ **(F)** another health facility; or
 - ~~(G)~~ **(G)** a medical school located in Indiana of which the professional health care provider who is the subject of the peer review is a faculty member;
- (2) the disciplinary authority of the professional organization of which the professional health care provider under question is a member; or
- (3) the appropriate state board of registration and licensure that the committee considers necessary for recommended disciplinary action;

and shall otherwise be kept confidential for use only within the scope of the committee's work, unless the professional health care provider has filed a prior written waiver of confidentiality with the peer review committee.

(b) However, if a conflict exists between this section and IC 27-13-31, the provisions of IC 27-13-31 control.

P.L.80-2016

[H.1267. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 15-17-5-11, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) **As provided in this section**, the board shall **exempt issue limited permits for** the operations of a **person an establishment that are exempt** from antemortem inspection and postmortem inspection and other requirements of this chapter if any of the following conditions exist:

- (1) To the extent the operations would be exempt from the corresponding requirements under the federal Meat Inspection Act, Section 23 (21 U.S.C. 623), or the Poultry Products Inspection Act, Section 14 (21 U.S.C. 464), if the operations were conducted in or for interstate commerce.
- (2) The state is designated under the federal acts as one in which the federal requirements apply to commerce in Indiana.

A person operating an establishment under subsection (f) shall obtain a limited permit from the board.

(b) **The board may enter and inspect the operation of an establishment described in subsection (a) to determine compliance with this chapter.** When the operation of an establishment ~~that is exempt under subsection (a)~~ appears to be a detriment to health and public welfare, the establishment may be brought under this chapter by executive order of the state veterinarian issued in compliance with IC 4-21.5.

(c) Livestock and poultry slaughtered according to the ritual requirements of a religious faith that prescribes a method of slaughter by which the livestock or poultry suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous

severance of the carotid arteries with a sharp instrument is a humane method under this chapter. However, livestock must be slaughtered immediately following total suspension from the floor.

(d) Except as required in an agreement between the United States Department of Agriculture and the board, a person operating under the inspection program of the federal acts, as amended, is exempt from this chapter.

(e) Except as provided in subsection (f), poultry products produced in an establishment operating under an exemption or limited permit described in subsection (a) must be labeled in accordance with rules adopted by the board and may only be distributed directly to a household consumer who:

- (1) is the last person to purchase the poultry product; and**
- (2) does not resell the poultry.**

Distribution directly to a household consumer includes sales at the farm, at a farmers market, at a roadside stand, and through delivery to the consumer.

(f) The board shall issue a limited permit to an establishment operating under subsection (a) and 9 CFR 381.10(a)(5) and 9 CFR 381.10(a)(6) to produce poultry products for distribution to retail stores, hotels, restaurants, and institutions that resell or serve the products to consumers, if the establishment meets the following additional requirements:

- (1) The establishment notifies the board of its operating schedule.**
- (2) The establishment meets the standards in 9 CFR Part 416.**
- (3) The establishment creates a food safety plan for the operation that includes an analysis of food safety hazards that are reasonably likely to occur in the production process and identification of control measures the establishment can apply to control those hazards.**
- (4) There is at least one (1) person who is responsible for all periods of the establishment's operations who has successfully completed a course of instruction in the application of food safety principles to meat and poultry product production.**
- (5) The poultry products are labeled in accordance with rules adopted by the board.**

The board may conduct microbial testing for food safety at establishments operating under this subsection. The board's

microbial testing may not be more stringent than the board's microbial testing at inspected establishments. The board may create and publish recommended standards for microbial testing by establishments operating under this subsection.

(g) The board may adopt rules under IC 4-22-2 to implement this section.

SECTION 2. IC 16-18-2-143.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 143.5. "Game animal" means an animal, the product of which is food, that is not:**

- (1) regulated under IC 15-17-5;
- (2) except for aquatic birds and mammals, an aquatic animal, including fish, crustaceans, mollusks, alligators, frogs, aquatic turtles, jellyfish, sea cucumbers, and sea urchins;
- (3) the roe from any aquatic animal described in subdivision (2); or
- (4) possessed or raised in violation of a state or federal law.

SECTION 3. IC 16-42-5-29, AS AMENDED BY P.L.202-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 29. (a) Except as provided in subsection (h),** this section applies to an individual vendor of a ~~farmer's~~ **farmers** market or roadside stand.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(c) An individual vendor of a ~~farmer's~~ **farmers** market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

- (1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;
- (2) is not a potentially hazardous food product;
- (3) is prepared by an individual who practices proper sanitary procedures, including:
 - (A) proper hand washing;
 - (B) sanitation of the container or other packaging in which the food product is contained; and

- (C) safe storage of the food product;
- (4) is not resold; and
- (5) includes a label that contains the following information:
 - (A) The name and address of the producer of the food product.
 - (B) The common or usual name of the food product.
 - (C) The ingredients of the food product, in descending order by predominance by weight.
 - (D) The net weight and volume of the food product by standard measure or numerical count.
 - (E) The date on which the food product was processed.
 - (F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."
- (d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:
 - (1) the state department determines that the individual vendor's food product is:
 - (A) misbranded under IC 16-42-2-3; or
 - (B) adulterated; or
 - (2) a consumer complaint has been received by the state department.
- (e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.
- (f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.
- (g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (c). The guidelines may include:

- (1) standards for best safe food handling practices;
- (2) disease control measures; and
- (3) standards for potable water sources.

(h) The department shall ~~adopt rules that~~ **exclude from the definition of food establishment the sale of products described in subsection (i):**

- ~~(1) exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10; as adopted by reference in 345 IAC 10-2.1-1, from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only to the end consumer on the farm where the poultry is produced; at a farmer's market; through delivery to the end consumer; or at a roadside stand;~~
- ~~(2) require that poultry processed under this section that is sold on a farm be refrigerated at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;~~
- (1) by an individual vendor of a farmers market or roadside stand; and**
- (2) by a farmer selling directly to the end consumer on the farm where the product is produced and through delivery to the end consumer.**

(i) Subsection (h) applies to the distribution of the following products:

- (1) Poultry products produced under IC 15-17-5-11. Poultry products sold at a farmers market or roadside stand must be frozen at the point of sale. Poultry products sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.**
- ~~(2) allow Rabbits to be that are~~ **(2) allow Rabbits to be that are** slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's ~~farmers~~ **farmers** market, and at a roadside stand. ~~(4) require that rabbits processed under this section be frozen at the point of sale; and Rabbit meat sold at a farmers market or roadside stand must be frozen at the point of sale. Rabbit meat sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.~~
- ~~(5) require that poultry processed under this section that is sold at a farmer's market, through delivery to the end consumer, or at a~~

roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10:

An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing. **Subsection (h) does not apply to the distribution of meat from a game animal.**

(j) An individual vendor of a farmer's farmers market or roadside stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to a food establishment relating to the sale of eggs.

(k) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer.

SECTION 4. IC 16-42-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 31. A food establishment may sell or serve poultry products produced by an establishment operating under a limited permit issued under IC 15-17-5-11(f) only if the poultry products are produced and labeled in accordance with the requirements of IC 15-17-5-11(f).**

P.L.81-2016

[H.1271. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

SECTION 1. IC 31-9-2-0.8, AS ADDED BY P.L.80-2010, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3, ~~and~~ IC 31-17-2-21.3, **IC 31-33-8-7, and IC 31-33-14-3**, means full-time service in:

- (1) the armed forces of the United States (as defined in IC 5-9-4-3); or
- (2) the National Guard (as defined in IC 5-9-4-4);

for a period that exceeds thirty (30) consecutive days in a calendar year.

SECTION 2. IC 31-33-8-7, AS AMENDED BY P.L.162-2011, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department's assessment, to the extent that is reasonably possible, must include the following:

- (1) The nature, extent, and cause of the known or suspected child abuse or neglect.
- (2) The identity of the person allegedly responsible for the child abuse or neglect.
- (3) The names and conditions of other children in the home.
- (4) An evaluation of the parent, guardian, custodian, or person responsible for the care of the child.
- (5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.
- (6) All other data considered pertinent.

(b) The assessment may include the following:

- (1) A visit to the child's home.
- (2) An interview with the subject child.
- (3) A physical, psychological, or psychiatric examination of any child in the home.

(c) If:

- (1) admission to the home, the school, or any other place that the child may be; or
- (2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

(d) If a custodial parent, a guardian, or a custodian of a child refuses to allow the department to interview the child after the caseworker has attempted to obtain the consent of the custodial parent, guardian, or custodian to interview the child, the department may petition a court to order the custodial parent, guardian, or custodian to make the child available to be interviewed by the caseworker.

(e) If the court finds that:

- (1) a custodial parent, a guardian, or a custodian has been informed of the hearing on a petition described under subsection (d); and
- (2) the department has made reasonable and unsuccessful efforts to obtain the consent of the custodial parent, guardian, or custodian to interview the child;

the court shall specify in the order the efforts the department made to obtain the consent of the custodial parent, guardian, or custodian and may grant the motion to interview the child, either with or without the custodial parent, guardian, or custodian being present.

(f) If a parent, guardian, or custodian of a child who is the subject of a substantiated investigation of abuse or neglect is an active duty member of the military, the department shall notify the United States Department of Defense Family Advocacy Program of the assessment concerning the child of the active duty member of the military.

SECTION 3. IC 31-33-8-9, AS AMENDED BY P.L.131-2009, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The department's report under section 8 of

this chapter shall be made available to:

- (1) the appropriate court;
- (2) the prosecuting attorney; **or**
- (3) the appropriate law enforcement agency; **or**
- (4) the United States Department of Defense Family Advocacy Program, if a parent, guardian, or custodian of a child who is the subject of a substantiated investigation of abuse or neglect is an active duty member of the military;**

upon request.

(b) If child abuse or neglect is substantiated after an assessment is conducted under section 7 of this chapter, the department shall forward its report to the office of the prosecuting attorney having jurisdiction in the county in which the alleged child abuse or neglect occurred.

(c) If the assessment substantiates a finding of child abuse or neglect as determined by the department, a report shall be sent to the coordinator of the community child protection team under IC 31-33-3.

SECTION 4. IC 31-33-14-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. If:**

- (1) the department determines that the best interests of the child require intervention by the department or action in the juvenile or criminal court; and**
- (2) a parent, guardian, or custodian of the child is an active duty member of the military, the department may seek the assistance of the United States Department of Defense Family Advocacy Program in determining and providing appropriate services for the child and family.**

P.L.82-2016
[H.1278. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-14-1-1.5, AS AMENDED BY P.L.103-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. The following definitions apply throughout this article:

- (1) "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
- (2) "Board" refers to the state board of dentistry established under this chapter.
- (3) "Deep sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual may:
 - (A) not be easily aroused;
 - (B) be able to respond purposefully following repeated or painful stimulation;
 - (C) have an impaired ability to independently maintain ventilatory function;
 - (D) require assistance in maintaining a patent airway; and
 - (E) have inadequate spontaneous ventilation.
- (4) "Dental assistant" means a qualified dental staff member, other than a licensed dental hygienist, who assists a licensed dentist with patient care while working under the dentist's direct supervision.
- (5) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental assistant.
- (6) "Enteral route of administration" means a technique of

administering an agent so that it is absorbed through the gastrointestinal tract or oral mucosa.

(7) "General anesthesia" means a drug induced loss of consciousness during which cardiovascular function may be impaired and the individual:

- (A) is not arousable, even by painful stimulation;
- (B) often has an impaired ability to independently maintain ventilatory function;
- (C) often requires assistance in maintaining a patent airway; and
- (D) may require positive pressure ventilation because of depressed spontaneous ventilation or drug induced depression of neuromuscular function.

(8) "INSPECT program" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.

~~(8)~~ (9) "Moderate sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual:

- (A) responds purposefully to verbal commands, either alone or with light tactile stimulation;
- (B) does not require intervention to maintain a patent airway; and
- (C) has adequate spontaneous ventilation.

~~(9)~~ (10) "Parenteral route of administration" means a technique of administering an agent by intravenous or intramuscular injection so that it bypasses the gastrointestinal tract.

SECTION 2. IC 25-14-1-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23.5. A dentist may include a report from the INSPECT program in a patient's medical file. Any disclosure or release of a patient's medical file must be in compliance with IC 35-48-7-11.1.**

SECTION 3. IC 25-22.5-1-1.1, AS AMENDED BY P.L.158-2013, SECTION 283, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. As used in this article:

(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:

- (1) Holding oneself out to the public as being engaged in:
 - (A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;
 - (B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;
 - (C) the performing of any kind of surgical operation upon a human being, including tattooing (except for providing a tattoo as defined in IC 35-45-21-4(a)), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or
 - (D) the prevention of any physical, mental, or functional ailment or defect of any person.
- (2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.
- (3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).
- (4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:
 - (A) are transmitted through electronic communications; and
 - (B) are on a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) "Physician assistant" means an individual who:

(1) is supervised by a physician;

(2) graduated from an approved physician assistant program described in IC 25-27.5-2-2;

(3) passed the examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and maintains certification; and

(4) has been licensed by the physician assistant committee under IC 25-27.5.

(j) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

(k) "INSPECT program" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.

SECTION 4. IC 25-22.5-13-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. A physician may include a report from the INSPECT program in a patient's medical file. Any disclosure or release of a patient's medical file must be in compliance with IC 35-48-7-11.1.**

SECTION 5. IC 25-23-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. As used in this chapter, "INSPECT program" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.**

SECTION 6. IC 25-23-1-19.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 19.9. (a) This section does not apply to certified registered nurse anesthetists.**

(b) An advanced practice nurse may include a report from the INSPECT program in a patient's medical file. Any disclosure or release of a patient's medical file must be in compliance with IC 35-48-7-11.1.

SECTION 7. IC 25-26-21-6, AS ADDED BY P.L.122-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6. (a) A person seeking to provide home medical equipment services in Indiana shall apply to the board for a license in the manner prescribed by the board.**

(b) A provider shall do the following:

(1) Comply with:

(A) federal and state law; and

(B) regulatory requirements;

for home medical equipment services.

(2) Maintain a physical facility and medical equipment inventory in Indiana.

(3) Purchase and maintain in an amount determined by the board:

(A) product liability insurance; and

(B) professional liability insurance;

and maintain proof of the insurance coverage.

(4) Establish procedures to ensure that an employee or a contractor of the provider who is engaged in the following home medical equipment activities receives annual training:

- (A) Delivery.
- (B) Orientation of a patient in the use of home medical equipment.
- (C) Reimbursement assistance.
- (D) Maintenance.
- (E) Repair.
- (F) Cleaning and inventory control.
- (G) Administration of home medical equipment services.

The provider shall maintain documentation of the annual training received by each employee or contractor.

(5) Maintain clinical records on a customer receiving home medical equipment services.

(6) Establish home medical equipment maintenance and personnel policies.

(7) Provide home medical equipment emergency maintenance services available twenty-four (24) hours a day.

(8) Comply with the rules adopted by the board under this chapter.

(c) An out-of-state provider may obtain a license to provide home medical equipment services in Indiana on the basis of reciprocity if:

- (1) the out-of-state provider possesses a valid license granted by another state;**
- (2) the legal standards for licensure in the other state are comparable to the standards under this chapter; and**
- (3) the other state extends reciprocity to providers licensed in Indiana.**

However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.

SECTION 8. IC 25-26-21-8, AS AMENDED BY P.L.105-2008, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A provider must be licensed by the board

before the provider may provide home medical equipment services. If a provider provides home medical equipment services from more than one (1) location in Indiana, the provider must obtain a license under this chapter for each location.

(b) An applicant shall submit the application to the board on a form adopted by the board. The nonrefundable application fee set by the board must be submitted with the application. The fee must be deposited in the state general fund.

(c) If the board determines that the applicant:

(1) meets the standards set forth by the board; and

(2) has satisfied the requirements under this chapter and the requirements established by the board by rule;

the board shall notify the applicant in writing that the license is being issued to the applicant. The license is effective on the applicant's receipt of the written notification.

(d) A license issued under this chapter expires biennially on a date established by the agency under IC 25-1-5-4. An entity that is licensed under this chapter shall display the license or a copy of the license on the licensed premises.

(e) A license lapses without any action by the board if an application for renewal has not been filed and the required fee has not been paid by the established biennial renewal date.

(f) If a license under this chapter has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements of IC 25-1-8-6(c).

(g) If a license under this chapter has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

(h) The board may adopt rules that permit an out-of-state provider to obtain a license on the basis of reciprocity if:

(1) the out-of-state provider possesses a valid license granted by another state;

(2) the legal standards for licensure in the other state are comparable to the standards under this chapter; and

(3) the other state extends reciprocity to providers licensed in Indiana.

However, if the requirements for licensure under this chapter are more

restrictive than the standards of the other state, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.

SECTION 9. IC 25-27.5-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. "INSPECT program" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.**

SECTION 10. IC 25-27.5-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. A physician assistant may include a report from the INSPECT program in a patient's medical file. Any disclosure or release of a patient's medical file must be in compliance with IC 35-48-7-11.1.**

SECTION 11. IC 25-29-1-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 10.5. "INSPECT program" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.**

SECTION 12. IC 25-29-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17. A podiatrist may include a report from the INSPECT program in a patient's medical file. Any disclosure or release of a patient's medical file must be in compliance with IC 35-48-7-11.1.**

SECTION 13. IC 35-48-7-11.1, AS AMENDED BY P.L.201-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.**

(b) The board shall carry out a program to protect the confidentiality of the information described in subsection (a). The board may disclose the information to another person only under subsection (c), (d), or (g).

(c) The board may disclose confidential information described in subsection (a) to any person who is authorized to engage in receiving, processing, or storing the information.

(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

- (1) A member of the board or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.
- (2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:
- (A) an investigation;
 - (B) an adjudication; or
 - (C) a prosecution;
- of a violation under any state or federal law that involves a controlled substance.
- (3) A law enforcement officer who is an employee of:
- (A) a local, state, or federal law enforcement agency; or
 - (B) an entity that regulates controlled substances or enforces controlled substances rules or laws in another state;
- that is certified to receive controlled substance prescription drug information from the INSPECT program.
- (4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.
- (5) A controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.
- (6) The state toxicologist.
- (7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.
- (8) A substance abuse assistance program for a licensed health care provider who:
- (A) has prescriptive authority under IC 25; and
 - (B) is participating in the assistance program.
- (9) An individual who holds a valid temporary medical permit issued under IC 25-22.5-5-4 or **a temporary fellowship permit issued under IC 25-22.5-5-4.6.**
- (10) Beginning July 1, 2016, a county coroner conducting a medical investigation of the cause of death.**
- (e) Information provided to an individual under:
- (1) subsection (d)(3) is limited to information:
 - (A) concerning an individual or proceeding involving the

unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and

(B) that will assist in an investigation or proceeding; and

(2) subsection (d)(4) may be released only for the purpose of:

(A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or pharmaceutical treatment to a patient.

(f) Before the board releases confidential information under subsection (d), the applicant must be approved by the INSPECT program in a manner prescribed by the board.

(g) The board may release to:

(1) a member of the board or another governing body that licenses practitioners;

(2) an investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive controlled substance prescription drug information; and

(B) approved by the board to receive the type of information released;

confidential information generated from computer records that identifies practitioners who are prescribing or dispensing large quantities of a controlled substance.

(h) The information described in subsection (g) may not be released until it has been reviewed by:

(1) a member of the board who is licensed in the same profession as the prescribing or dispensing practitioner identified by the data;

or

(2) the board's designee;

and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (i).

(i) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (g) may disclose the information to a law enforcement officer or an attorney for the

office of the attorney general for use as evidence in the following:

- (1) A proceeding under IC 16-42-20.
- (2) A proceeding under any state or federal law that involves a controlled substance.
- (3) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.

(j) The board may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering a controlled substance. Statistical reports compiled under this subsection are public records.

(k) Except as provided in IC 25-22.5-13, this section may not be construed to require a practitioner to obtain information about a patient from the data base.

(l) A practitioner **who checks the INSPECT program for the available data on a patient** is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner:

- (1) seeking ~~or not seeking~~ information from the INSPECT program; **and**
- (2) **in good faith using the information for the treatment of the patient.**

The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

(m) The board may review the records of the INSPECT program. If the board determines that a violation of the law may have occurred, the board shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.

(o) A practitioner's agent may act as a delegate and check

INSPECT program reports on behalf of the practitioner.

(p) A patient may access a report from the INSPECT program that has been included in the patient's medical file by a practitioner.

SECTION 14. IC 35-48-7-11.5, AS AMENDED BY P.L.109-2015, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.5. (a) Each board described in IC 25-0.5-11-1 that regulates a health care provider that prescribes or dispenses prescription drugs shall do the following:

(1) Establish prescribing norms and dispensing guidelines that, if ~~violated, exceeded,~~ justify the unsolicited dissemination of exception reports under section 11.1(d) of this chapter **not later than December 1, 2016.**

(2) Provide the information determined in subdivision (1) to the board.

(b) The exception reports that are disseminated based on the prescribing norms and dispensing guidelines established under subsection (a) must comply with the following requirements:

(1) A report of prescriptive activity of a practitioner to the practitioner's professional licensing board designee when the practitioner deviates from the dispensing guidelines or the prescribing norms for the prescribing of a controlled substance within a particular drug class.

(2) A reporting of recipient activity to the practitioners who prescribed or dispensed the controlled substance when the recipient deviates from the dispensing guidelines of a controlled substance within a particular drug class.

(c) The board designee may, at the designee's discretion, forward the exception report under subsection (b)(2) to ~~only the following a law enforcement agency~~ for purposes of an investigation.

~~(1) A law enforcement agency.~~

~~(2) The attorney general.~~

(d) The board designee may, at the designee's discretion, forward the exception report under subsection (b)(1) to the attorney general for purposes of an investigation.

P.L.83-2016
[H.1288. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-6-11-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. Each person who is requested to provide information for a poll authorized under section 1 of this chapter shall respond to the poll taker upon the exhibition of the certificate required under section 2 of this chapter. The person responding shall provide all information in the possession of the person concerning the name, residence, and other qualifications for voting of each person within the election district.~~

SECTION 2. IC 3-6-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~This subsection~~ **section** does not apply to the proprietor or manager of a residential mental health facility. ~~The proprietor or manager of each:~~

(b) As used in this section, "place of lodging" refers to any of the following:

- (1) ~~A~~ boarding house.
- (2) ~~A~~ lodging house.
- (3) ~~A~~ residential building.
- (4) ~~An~~ apartment. ~~or~~
- (5) ~~Any~~ other place within which persons are lodged.

(c) The proprietor or manager of a place of lodging shall maintain a complete and accurate list of all residents so domiciled during the period beginning seventy (70) days before each election and ending fifty (50) days before the election:

~~(b) The proprietor, manager, or association of co-owners of a condominium (as defined in IC 32-25-2-7) shall maintain a complete and accurate list of all residents of the condominium during the period beginning seventy (70) days before each election and ending fifty (50)~~

days before the election.

~~(c) allow~~ a poll taker for a political party or an independent candidate for a federal or a state office ~~is entitled~~ to enter a place described in subsection ~~(a) of lodging~~ or a condominium during reasonable hours to take a poll of residents.

SECTION 3. IC 3-6-11-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 6. The list required by section 5 of this chapter must state the following:

(1) Name and address (including apartment, room, or unit number) of each person residing:

(A) at the place of lodging listed in section 5(a) of this chapter;
or

(B) in the condominium.

(2) Address of each vacant place of lodging or living unit of the condominium.

SECTION 4. IC 3-6-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a) The proprietor, manager, or association of co-owners shall retain the list required by section 5 of this chapter for at least forty (40) days after the election.~~

~~(b) The list required by section 5 of this chapter shall be submitted to each poll taker for examination within ten (10) days after a request. The proprietor, manager, or association and the poll taker may agree that the list will be mailed to the poll taker or will be available at the place of lodging or condominium. If no agreement can be reached, the list shall be made available at the place of lodging or the condominium.~~

~~(c) (a) If the proprietor, manager, or association of co-owners does not~~

~~(1) permit a poll taker for a political party or an independent candidate for a federal or a state office to enter the place or condominium under section 5(c) of this chapter,~~

~~(2) maintain a complete and accurate list as required under section 5 of this chapter; or~~

~~(3) provide the list required under this section to a political party upon request;~~

the chairman of the county election board of the county in which the place or condominium is located shall call a meeting of the board under IC 3-6-5.

~~(d) (b) The secretary of the county election board shall notify the~~

proprietor, manager, or association of the meeting by certified mail, return receipt requested.

(e) (c) The county election board shall receive evidence concerning violations of this section and, if the board determines that reasonable cause exists to believe that a violation has occurred, forward a copy of the minutes of the meeting to the prosecuting attorney of the county in which the place or condominium is located for proceedings under IC 34-28-5.

SECTION 5. IC 3-6-11-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7.5. An organization that takes a poll of voters under this chapter or a poll taker taking the poll may not:~~

- ~~(1) use the poll list for any purpose except conducting a campaign or voter registration; or~~
- ~~(2) give, loan, sell, or transfer the poll list to a person who intends to use the list for any purpose except conducting a campaign or voter registration.~~

SECTION 6. IC 3-14-3-24 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 24. An organization that violates IC 3-6-11-7.5 commits a Class C infraction.~~

SECTION 7. An emergency is declared for this act.

ACTS 2016

Laws enacted by the

119th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION (2016)

VOLUME II

(P.L.84-2016 through P.L.153-2016)

By the authority of
INDIANA LEGISLATIVE COUNCIL
(IC 2-6-1.5)

Office of Code Revision
Legislative Services Agency

P.L.84-2016
[H.1322. Approved March 21, 2016.]

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

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

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

SECTION 2. IC 2-5-1.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The council may:

- (1) on its own initiative or at the direction of the general assembly or of the senate or house of representatives, study subjects of interest and concern, and based on such a study, recommend such legislation as the welfare of the state may require;
- (2) direct standing committees of the senate or house of representatives, or appoint committees and subcommittees subject to the authority of the council, to carry out studies on subjects of interest and concern;
- (3) recommend such codification and general revision of the constitution and the laws of the state as may from time to time be necessary;
- (4) require any officer or agency, board, commission, committee

or other instrumentality of the state or of a political subdivision of the state to provide information bearing on subjects under consideration by the council or by standing committee or any of its committees or subcommittees;

(5) by an affirmative vote of two-thirds (2/3) of its members present and voting:

(A) administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony and have the deposition of witnesses taken in the manner prescribed by law for taking depositions in civil actions bearing on subjects under consideration by the council or by any of its committees or subcommittees; **and**

(B) petition, through the presiding officer of the council, any circuit court, **superior court, or probate court** of the appropriate county for an order for compliance with any order or subpoenas issued under this section;

(6) adopt such rules and procedures and organize such agencies as may be necessary or appropriate to carry out its duties;

(7) receive appropriations and make allocations for the reasonable and necessary expenditures of the council and the standing and interim committees of the house of representatives, senate and general assembly;

(8) enter into whatever contracts or other arrangements deemed by it to be necessary or appropriate to exercising its rights, privileges, and powers and performing its duties under this chapter and IC 2-6-1.5 and to carrying out the intent, purposes, and provisions of this chapter and IC 2-6-1.5; and

(9) do all other things necessary and proper to perform the functions of the legislative department of government and to carry out the intent, purposes and provisions of this chapter.

(b) The council may authorize its executive director to act on its behalf and with its authority on any matter of administration under this chapter and under IC 2-6-1.5, including executing and implementing any contract or other arrangement under which it agrees to be bound.

SECTION 3. IC 3-6-5-34, AS ADDED BY P.L.230-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. Except as expressly provided by statute, an appeal may be taken from a decision of a county election board to the

circuit court, **superior court, or probate court**. An appeal taken under this section must be filed not later than thirty (30) days after the board makes the decision subject to the appeal.

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

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

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

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

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

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

(c) When a complaint is filed under subsection (b), the circuit court, **superior court, or probate court** shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

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

- (1) general election ballot; and
- (2) primary election ballot if no other person is:
 - (A) a member of the same political party as the person described in subsection (a); and
 - (B) a candidate on the ballot for the office sought by the person described in subsection (a).

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

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

- (1) files a petition of nomination under this chapter;
- (2) moves from the election district that the person sought to represent following the filing of the petition of nomination;
- (3) does not file a notice of withdrawal of candidacy under this chapter; and
- (4) is no longer an active candidate.

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

- (1) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants;
- (2) state that this section applies to the person; and
- (3) be filed not later than a notice of withdrawal could have been filed under this chapter.

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

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

(e) The candidate vacancy resulting from the removal of the name

of a candidate nominated by petition for a school board office may not be filled.

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

- (1) files a petition of nomination under this chapter;
- (2) moves from the election district that the person sought to represent following the filing of the petition of nomination;
- (3) does not file a notice of withdrawal of candidacy under section 13.5 of this chapter; and
- (4) is no longer an active candidate.

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

- (1) state that this section applies to the person;
- (2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants; and
- (3) be filed no later than a notice of withdrawal could have been filed under section 13.5 of this chapter.

(c) When a complaint is filed under subsection (b), the circuit court, **superior court, or probate court** shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

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

- (1) general election ballot; and
- (2) primary election ballot if no other person is:
 - (A) a member of the same political party as the person described in subsection (a); and
 - (B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1 if the candidate represents a political party not qualified to nominate candidates in a primary or by convention.

SECTION 9. IC 3-8-7-29 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 29. (a) This section applies:

- (1) if a person:
 - (A) has been certified as a candidate in a certificate of nomination filed under this chapter;
 - (B) moves from the election district that the person sought to represent following the filing of the certificate of nomination;
 - (C) does not file a notice of withdrawal of candidacy under section 28 of this chapter; and
 - (D) is no longer an active candidate; or
- (2) if a person is disqualified from being a candidate under IC 3-8-1-5.

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

- (1) state that this section applies to the person; and
- (2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants.

(c) When a complaint is filed under subsection (b), the circuit court, **superior court, or probate court** shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

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

- (1) general election ballot; and
- (2) primary election ballot if no other person is:
 - (A) a member of the same political party as the person described in subsection (a); and
 - (B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1 or IC 3-13-2.

SECTION 10. IC 3-12-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. If there is a disagreement between the members of a county election board as to how the vote of a precinct should be counted, the board shall:

- (1) immediately report the matter in dispute to the judge of the circuit court, **superior court, or probate court**; and
- (2) provide the judge with a written brief stating the grounds of the disagreement and all papers concerning the matter.

SECTION 11. IC 3-12-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. The judge of the circuit court, **superior court, or probate court** shall summarily determine a dispute presented under section 16 of this chapter and direct the county election board how to count the vote. The judge's determination is final with respect to the action of the board.

SECTION 12. IC 3-12-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Two (2) or more candidates for nomination or election to the same or a different office at the same election may join in a petition for a recount.

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

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

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

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

(1) in the circuit court, **superior court, or probate court** of each county in which is located a precinct in which the voter desires a recount; and

(2) with the election division.

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

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

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

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

SECTION 18. IC 5-1-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. ~~Removal from Office:~~ Any director may be removed from office for neglect of duty, incompetency, disability to perform ~~his~~ **the director's** duties, or any other good cause, by an order of the circuit court, **superior court, or probate court** in the county in which such authority is located, subject to the following procedure: a complaint may be filed by any person against such director, setting forth the charges preferred; the cause shall be placed on the advanced calendar and be tried as other civil causes are tried by the court without the intervention of a jury. If such charges be

sustained, the court shall declare such office vacant. A change of venue from the judge shall be granted upon motion but no change of venue from the county may be taken.

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

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

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana to determine the fair market value of the land or building. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land or building. Upon appointment, the appraisers shall fix the fair market value of the land or building and shall report that value within two (2) weeks from the date of their appointment. The county may then sell the land or building to the authority for an amount not less than the amount fixed by the appraisers as the fair market value. The amount shall be paid in cash upon delivery of the deed by the county to the authority. If a cumulative building fund exists at the time of the sale, the proceeds from the sale shall be placed in that fund. If a cumulative building fund does not exist at the time of the sale, the proceeds from the sale shall be paid into the county hospital fund with the principal and interest on the fund to be used solely by the county hospital for the purposes set forth in IC 16-22-5-3 (or IC 16-12.1-4-4 before its repeal on July 1, 1993). A sale of land or a building by a county to the authority shall be authorized by the board of commissioners by an order that shall be entered in the official records of the board. The deed shall be executed on behalf of the county by the board of county commissioners.

SECTION 20. IC 5-1-16.5-47, AS ADDED BY P.L.2-2007, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 47. Any holder of bonds issued under this chapter or a trustee under a trust agreement entered into under this chapter, except to the extent that the rights of a holder or a trustee are restricted

by any bond resolution, may, by any suitable form of legal proceedings, protect and enforce any rights under the laws of Indiana or granted by the bond resolution. These rights include the right:

- (1) to compel the performance of all duties of the authority required by this chapter or the bond resolution;
- (2) to enjoin unlawful activities; and
- (3) in the event of default with respect to the payment of any principal of, premium, if any, and interest on any bond or in the performance of any covenant or agreement on the part of the authority in the bond resolution, to apply to the circuit court, **superior court, or probate court** to appoint a receiver:

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

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

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

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

- (1) the sureties for the official bond of an officer have ceased to do business in Indiana;
- (2) the security for an official bond of an officer has become insufficient; or
- (3) the penalty has become inadequate to secure the faithful performance of the duties of an officer's office by the diminution of the penalty by suit, an increase of liabilities from the enactment of statutes after the commencement of an officer's term, or other sufficient cause;

the clerk shall issue a writ to the sheriff commanding the officer to appear before the judge of the circuit court, **superior court, or probate court** with jurisdiction in the county in which the officer resides ten (10) days after the service of process and answer the

complaint. The summons shall be served, return made, and fees charged as in the case of other summons.

SECTION 22. IC 5-4-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. Such clerk, upon the return of the process provided for in section 8 of this chapter, shall notify the judge of the circuit court, **superior court, or probate court** as is provided for in section 2 of this chapter.

SECTION 23. IC 5-8-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. The accusation must be delivered by the foreman of the grand jury to the prosecuting attorney of the county, except when ~~he~~ **the prosecuting attorney of the county** is the officer accused, who must cause a copy thereof to be served upon the defendant, and require, by notice in writing of not less than ten (10) days, that ~~he~~ **the defendant** appear before the circuit court **or superior court** of the county at the time mentioned in the notice, and answer the accusation. The original accusation must then be filed with the clerk of the court, or if ~~he~~ **be the clerk of the court** is the party accused, with the judge of the court.

SECTION 24. IC 5-8-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. The same proceedings ~~maybe~~ **may be** had on like grounds for the removal of a prosecuting attorney, except that the accusation must be delivered by the foreman of the grand jury to the clerk, and by ~~him~~ **the clerk** to the judge of the circuit court **or superior court** of the county, ~~or criminal court, if such court exists in the county~~, who must thereupon notify the attorney general to act as prosecuting officer in the matter, and shall designate some resident attorney to act as assistant to the attorney general in such prosecution, whose compensation shall be fixed by the court and paid out of the county treasury.

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

- (1) charging and collecting illegal fees for services rendered or to be rendered in ~~his~~ **the officer's** office;
- (2) refusing or neglecting to perform the official duties pertaining to ~~his~~ **the officer's** office; or

(3) violating IC 36-6-4-17(b) if the officer is the executive of a township;

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

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

(1) Enter a decree that the party accused be deprived of ~~his~~ **the party's** office.

(2) Enter a judgment as follows:

(A) For five hundred dollars (\$500) in favor of the prosecuting officer.

(B) For costs as are allowed in civil cases.

(C) For the amount of money that was paid to the officer in compensation from the day when the accusation was filed under this section to the day when judgment is entered in favor of the public entity paying the compensation to the officer.

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

(1) the officer prevails; and

(2) the court finds that the accusation is frivolous or vexatious.

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

SECTION 27. IC 5-16-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A public agency may not authorize or make any payments to a person under a contract containing the provision required by section 2 of this chapter unless the public agency is satisfied that such person has fully complied with that provision. Payments made to a person by a public agency which should not have been made as a result of this section shall be recoverable

directly from the contractor or subcontractor who did not comply with section 2 of this chapter by the attorney general upon suit filed in the circuit court, **superior court, or probate court** of the county in which the contract was executed or performed.

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

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

- (1) before October 20 of the calendar year immediately preceding the ensuing calendar year; or
- (2) in the case of a request described in section 16 of this chapter, before December 31 of the calendar year immediately preceding the ensuing calendar year;

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

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

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

(d) If an officer or member:

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

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

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

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

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

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

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

- (1) by registered or certified mail;
 - (2) in person by the county treasurer or the county treasurer's agent; or
 - (3) by proof of certificate of mailing.
- (b) The written demand required by this section shall contain:
- (1) a statement that the taxpayer is delinquent in the payment of personal property taxes;
 - (2) the amount of the delinquent taxes;
 - (3) the penalties due on the delinquent taxes;
 - (4) the collection expenses which the taxpayer owes; and
 - (5) a statement that if the sum of the delinquent taxes, penalties, and collection expenses are not paid within thirty (30) days from the date the demand is made then:
 - (A) sufficient personal property of the taxpayer shall be sold to satisfy the total amount due plus the additional collection expenses incurred; or
 - (B) a judgment may be entered against the taxpayer in the circuit court, **superior court, or probate court** of the county.
- (c) Subsections (d) through (g) apply only to personal property that:
- (1) is subject to a lien of a creditor imposed under an agreement entered into between the debtor and the creditor after June 30, 2005;
 - (2) comes into the possession of the creditor or the creditor's agent after May 10, 2006, to satisfy all or part of the debt arising from the agreement described in subdivision (1); and
 - (3) has an assessed value of at least three thousand two hundred dollars (\$3,200).
- (d) For the purpose of satisfying a creditor's lien on personal property, the creditor of a taxpayer that comes into possession of personal property on which the taxpayer is adjudicated delinquent in the payment of personal property taxes must pay in full to the county treasurer the amount of the delinquent personal property taxes determined under STEP SEVEN of the following formula from the proceeds of any transfer of the personal property made by the creditor or the creditor's agent before applying the proceeds to the creditor's lien on the personal property:
- STEP ONE: Determine the amount realized from any transfer of the personal property made by the creditor or the creditor's agent

after the payment of the direct costs of the transfer.

STEP TWO: Determine the amount of the delinquent taxes, including penalties and interest accrued on the delinquent taxes as identified on the form described in subsection (f) by the county treasurer.

STEP THREE: Determine the amount of the total of the unpaid debt that is a lien on the transferred property that was perfected before the assessment date on which the delinquent taxes became a lien on the transferred property.

STEP FOUR: Determine the sum of the STEP TWO amount and the STEP THREE amount.

STEP FIVE: Determine the result of dividing the STEP TWO amount by the STEP FOUR amount.

STEP SIX: Multiply the STEP ONE amount by the STEP FIVE amount.

STEP SEVEN: Determine the lesser of the following:

- (A) The STEP TWO amount.
- (B) The STEP SIX amount.

(e) This subsection applies to transfers made by a creditor after May 10, 2006. As soon as practicable after a creditor comes into possession of the personal property described in subsection (c), the creditor shall request the form described in subsection (f) from the county treasurer. Before a creditor transfers personal property described in subsection (d) on which delinquent personal property taxes are owed, the creditor must obtain from the county treasurer a delinquent personal property tax form and file the delinquent personal property tax form with the county treasurer. The creditor shall provide the county treasurer with:

- (1) the name and address of the debtor; and
- (2) a specific description of the personal property described in subsection (d);

when requesting a delinquent personal property tax form.

(f) The delinquent personal property tax form must be in a form prescribed by the state board of accounts under IC 5-11 and must require the following information:

- (1) The name and address of the debtor as identified by the creditor.
- (2) A description of the personal property identified by the creditor and now in the creditor's possession.

(3) The assessed value of the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).

(4) The amount of delinquent personal property taxes owed on the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).

(5) A statement notifying the creditor that this section requires that a creditor, upon the liquidation of personal property for the satisfaction of the creditor's lien, must pay in full the amount of delinquent personal property taxes owed as determined under subsection (d) on the personal property in the amount identified on this form from the proceeds of the liquidation before the proceeds of the liquidation may be applied to the creditor's lien on the personal property.

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

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

(b) The county treasurer shall levy upon personal property by calling upon the delinquent taxpayer at ~~his~~ **the delinquent taxpayer's** residence or place of business and making a list in duplicate of all of ~~his~~ **the delinquent taxpayer's** personal property. The county treasurer shall retain one (1) copy of the list and deliver the other copy to the

delinquent taxpayer. The county treasurer may require the delinquent taxpayer to give a list under oath of all the personal property owned by ~~him~~, **the delinquent taxpayer**, and the names of the owners of other personal property which is in the delinquent taxpayer's possession. If the delinquent taxpayer fails to provide the list, the county treasurer shall file a petition which states that fact in the circuit court, **superior court, or probate court** of the county, and the circuit court, **superior court, or probate court** shall order the delinquent taxpayer to provide the list.

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

SECTION 32. IC 6-1.1-36-4, AS AMENDED BY P.L.146-2008, SECTION 286, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An assessing official or a representative of the department of local government finance may file an affidavit with a circuit court, **superior court, or probate court** of this state if:

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

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

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

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

SECTION 33. IC 6-1.5-5-10 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The Indiana board may file an affidavit with a circuit court, **superior court, or probate court** of this state if:

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

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

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

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

SECTION 34. IC 8-1-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. If any telephone company shall violate any provision of law, or any rule or order of the commission or of any other lawful authority or shall fail to perform any duty imposed upon it by law or by any such rule or order, then, and in that event, in addition to all other remedies provided by law, the commission may, in a proper case, file a verified showing in any circuit court, **superior court, or probate court** in this state wherein is located the main or principal office or place of business of any telephone company, that such telephone company has failed, neglected, or refused to comply with such provision of law or with an order or requirement of said commission or other lawful authority and that the users of the telephone service furnished by such telephone company, or the public, will be damaged or injured by the continued noncompliance with such law, order or requirement, and that it would be to the interest of the public, that on ten (10) days notice to such

telephone company the court should appoint a receiver to operate said telephone company and to render such service or to comply with such law, order, or requirement of the said commission or other lawful authority. Such court may, upon such showing, appoint a receiver for such purpose who shall thereupon qualify as other receivers are qualified and shall thereupon have and exercise the same rights and be subject to the same duties and obligations as now provided by law for public utilities. Such receivership shall be continued, until it is found by the court that said telephone company will, in all reasonable probability, comply in the future with all rules and orders applicable thereto. Such finding shall be entered only after hearing upon notice to the commission. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of ~~his~~ **the officer's, agent's, or person's** employment shall in every case be deemed to be the act, omission, or failure of such public utility.

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

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

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

SECTION 36. IC 8-2-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The rates of ferriage, reasonable rules for operation, and the schedule upon which the ferry shall be operated shall be fixed by the legislative body at the time of

licensing the ferry, and from time to time thereafter as the body shall think proper. A list of rates, rules, and schedules shall be posted at one (1) or more conspicuous places on each ferryboat and at the place of landing. If the ferrykeeper, or any user of the ferry, is aggrieved by the establishing of the rates, rules, or schedules, the ferrykeeper or user shall have the right to appeal to the circuit court, **superior court, or probate court** of the proper county upon filing a bond, within thirty (30) days after the fixing of the rates, payable to the state, with security to be approved by the court, and conditioned for the due prosecution of the appeal, and the payment of all costs if judgment is rendered against the appellant. Upon appeal, the circuit court, **superior court, or probate court** shall have the power to review the rates of ferriage, rules, or schedules and fix the rates, rules, or schedules as may be just and proper.

SECTION 37. IC 8-2-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. If any ferry is not faithfully maintained and operated according to the terms of the recognizance provided for in section 4 of this chapter, the legislative body on complaint to them shall cause the proprietor of the ferry to be summoned before the legislative body to show cause why the ferry shall not be discontinued. The legislative body shall vacate the ferry or dismiss the complaint, according to the testimony, and may award costs against the complainant if such complaint is dismissed, or against the proprietor if the ferry be vacated. The vacation of the ferry shall not prevent the city or town, or any interested person, from recovering damages for any breach of the bond provided for in section 4 of this chapter. The ferrykeeper or any user of the ferry shall have the right to appeal from the decision of the legislative body to the circuit court, **superior court, or probate court** of the proper county upon filing therein a bond, within thirty (30) days thereafter, payable to the state, with security to be approved by the court, and conditioned for the due prosecution of the appeal, and the payment of all costs if judgment be rendered against the appellant. Upon appeal, the circuit court, **superior court, or probate court** shall have the power to try the question of whether cause for the discontinuance of the ferry has been established.

SECTION 38. IC 8-4-10-1, AS AMENDED BY P.L.113-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The owner or owners or their lessees of

lands, mills, blast-furnaces, quarries, iron ore, coal mines, or other minerals, or other real estate or any company of persons who desire to construct a lateral railroad, not exceeding ten (10) miles in length, may locate and construct the lateral railroad to any other railroad, canal, or slack-water navigation on, over, through, or under any intervening lands. ~~Their~~ **The** engineers, agents, artists, and assistants **of the owner or owners or their lessees** may enter upon any intervening lands, doing no unnecessary damage, and survey, mark, and lay out a route for the proposed lateral railroad.

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

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

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

(d) After five (5) days notice, to be given by the applicant to each of the owners, occupants, or agents of the intervening lands, of the time and place, and after being duly sworn to discharge their duties fairly and honorably as viewers, the viewers shall view the proposed route as marked and laid out for the railroad. ~~They;~~ **The viewers** or a majority of ~~them;~~ **the viewers** shall assess the damages, if any, that may be sustained by the owners, separately, of the intervening lands by reason of the location, construction, and use of the proposed lateral railroad, and report the assessment in writing to the clerk of the court immediately after the assessments are made. The report shall be filed in the office of the clerk of the court.

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

party rejects the report, the report shall stand for trial.

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

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

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

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

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

through or into which the road passes, then any county in which the road so sold passes.

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

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

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

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

SECTION 43. IC 8-6-2.1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) The board, through its engineer, shall keep an account of the total cost of the

improvement, of all disbursements made during the course of the work, and of all equitable settlements between the parties contributing to the cost; but the total cost may not exceed the estimate adopted in the resolution.

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

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

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

(e) All warrants may be drawn only against the special fund arising

from the special tax and special assessments provided for in this chapter and from equitable settlements.

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

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

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

(c) The special assessment shall be determined in accordance with this chapter, but the total amount of the additional benefits assessed shall not in any case exceed forty percent (40%) of the city's share of the total cost of the improvement; and the total amount of the additional benefits assessed and finally confirmed or adjudged against lots and parcels of land exclusive of improvements lying within two thousand (2,000) feet shall be deducted from the city's share of the total cost and the balance of the city's share of the total cost, is the amount of the benefits resulting to all property in the special taxing district, and the special tax shall be levied only for this balance. Any lot or parcel of land owned and used or occupied for railroad purposes at the time of the adoption of any resolution by any railroad company whose tracks

are affected by the resolution, or any lot or parcel of land devoted to railroad purposes in connection with and because of the improvement, is not subject to any special assessment for the particular benefits.

SECTION 45. IC 8-6-2.1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. Any person notified or considered to be notified under this chapter may appear before the board on the day fixed for hearing the remonstrances with regard to awards and assessments, and remonstrate in writing against them. All persons appearing before the board having an interest in the proceedings shall be given a hearing. After the remonstrances have been received and the hearings had, the board shall either sustain or modify, by increasing or decreasing, the awards or assessments. Any person remonstrating in writing who is aggrieved by the decision of the board may, within ten (10) days after the decision is made, take an appeal to the circuit court, **superior court, or probate court** of the county in which the city is located. The appeal affects only the amount of the assessment or award of the person appealing.

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

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

(c) The amount of the judgment in the court shall be final, and no

appeal may be taken. However, any party in interest may take an appeal from the judgment to the supreme court of Indiana, upon the sole ground that the property in question has or has not incurred damages recoverable under law.

SECTION 47. IC 8-6-2.1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) The board, upon the completion of the award of damages, if any, or upon the determination of the appeals taken, shall make out certificates for the proper amounts and in favor of the proper persons. Presentation of the certificates to the city controller or clerk-treasurer of the city entitles those persons to a warrant drawn on the city treasury. The controller or clerk-treasurer shall pay the persons named the amounts due them respectively, as shown by the certificates, out of the separate and specific funds derived from the sale of bonds and from benefit assessments provided for in section 30 of this chapter, or out of funds coming from equitable settlements between the parties, and these payments may not be made from any other source or funds.

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

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

SECTION 48. IC 8-6-3-1, AS AMENDED BY P.L.146-2008,

SECTION 361, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Whenever the separation of grades at the intersection of a railroad or railroads (as defined in IC 8-3-1-2) and a public street or highway is constructed, the railroad or railroads shall pay five (5) percent of the cost of the grade separation as provided in this chapter.

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

(c) If more than one (1) railroad (as defined in IC 8-3-1-2) is involved in a separation, the railroads involved shall divide the amount to be paid by the railroads by agreement between the railroads. If the railroads fail to agree, the circuit court, **superior court, or probate court** of the county in which the crossing is located shall have jurisdiction, upon the application of a party, to determine the division of the amount to be paid by the railroads. The decision of the court is final, unless one (1) or more parties deeming themselves aggrieved by the decision of the court shall appeal therefrom to the court of appeals of Indiana within thirty (30) days, or within additional time not exceeding ninety (90) days, as may be granted by the ~~circuit~~ court. The appeal shall be taken in substantially the same manner as an appeal in a civil case from the circuit court, **superior court, or probate court**.

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

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

(f) If such grade separation is on a highway or street not a part of the highways under the jurisdiction of the Indiana department of transportation, or a part of a route selected by it, but is within any city

or town of the state, the city or town shall pay one-half (1/2) of ninety-five percent (95%) of the total of such cost and the county in which the crossing is located shall be liable for and pay one-half (1/2) of the ninety-five percent (95%).

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

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

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

(j) In estimating and computing the cost of the grade separation, there shall be considered as a part of costs all expenses reasonably necessary for preliminary engineering, rights-of-way and all work required to comply with the plans and specifications for the work, including all changes in the highway and the grade thereof and the

approaches to the grade separation, as well as all changes in the roadbed, grade, rails, ties, bridges, buildings, and other structural changes in a railroad as may be necessary to effect the grade separation and to restore the railroad facilities aforesaid to substantially the same condition as before the separation.

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

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

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

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

(l) If the Indiana department of transportation or any city, town, or county is unable to reach an agreement with a railroad company after determining that construction or reconstruction of a grade separation, which replaces or eliminates the need for a grade crossing, is necessary to protect travelers on the roads and streets of the state, the appropriate unit or combination of units of government shall give a written notice of its intention to proceed with the construction or reconstruction of a grade separation to the superintendent or regional engineer of the railroad company. The notice of intention shall be made by the adoption of a resolution stating the need for the grade separation. If, after thirty (30) days, the railroad has not agreed to a division of inspections, plans and specifications, the number and type of jobs to be completed by each agency, a division of costs, and other necessary conditions, the Indiana department of transportation, city, town, or county may proceed with the grade separation exercising any and all of

its powers to construct or reconstruct a bridge and, notwithstanding other provisions of this chapter, may pay for up to one hundred percent (100%) of the cost of the project. If the railroad is unable, for good cause, to pay the share of the cost required by this section, the city, town, or county may certify the amount owed by the railroad to the county auditor who shall prepare a special tax duplicate to be collected and settled for by the county treasurer in the same manner and at the same time as property taxes are collected. However, before the Indiana department of transportation, city, town, or county undertakes to do the work themselves they shall notify an agent of the railroad as to the time and place of the work.

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

- (1) To adopt an official seal which shall not be the seal of the state of Indiana.
- (2) To maintain a principal office and sub-offices at such place or places within the state as it may designate.
- (3) To sue and be sued, and to plead and be impleaded in the name of the ports of Indiana. However, actions at law against the ports of Indiana shall be brought in the circuit court, **superior court, or probate court** of the county in which the principal office of the ports of Indiana is located or in the circuit court, **superior court, or probate court** of the county in which the cause of action arose, if the county is located within the state. All summonses and legal notices of every kind shall be served on the ports of Indiana by leaving a copy thereof at the principal office of the ports of Indiana with the person in charge thereof or with the secretary of the ports of Indiana. However, no such action shall be deemed commenced until a copy of the summons and complaint, cross complaint, petition, bill, or pleading is served upon the attorney general of Indiana.
- (4) To acquire, lease, construct, maintain, repair, police, and operate a port or project as provided in this chapter, and to establish rules and regulations for the use of the port or project, and other property subject to the jurisdiction and control of the ports of Indiana.

- (5) To issue both taxable and tax exempt revenue bonds of the state, payable solely from revenues, as herein provided, for the purpose of paying all or any part of the cost of a port or project.
- (6) To acquire, lease, and operate tug boats, locomotives, and any and every kind of motive power and conveyances or appliances necessary or proper to carry passengers, goods, wares, merchandise, or articles of commerce in, on, or around the port or project.
- (7) To fix and revise from time to time and to collect fees, rentals, tolls, and other charges for the use of any port or project.
- (8) To acquire, obtain option on, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter.
- (9) To designate the location and establish, limit, and control points of ingress to and egress from a port or project.
- (10) To lease to others for development or operation such portions of any port or project, on such terms and conditions as the ports of Indiana shall deem advisable.
- (11) To make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. Except as provided in section 29 of this chapter, when the cost of any such contract for construction, or for the purchase of equipment, materials, or supplies, involves an expenditure of more than one hundred fifty thousand dollars (\$150,000), the ports of Indiana shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in the county where the construction will occur and in such other publications as the ports of Indiana shall determine. The notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The ports of Indiana may reject any and all bids. A bond

with good and sufficient surety as shall be approved by the ports of Indiana shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract. A contract for construction or a contract for the purchase of materials or supplies requires only the approval of the commission. Upon the ports of Indiana's approval of a contract, the ports of Indiana may immediately proceed with the construction or purchase.

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

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

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

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

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

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

SECTION 50. IC 8-10-1-8, AS AMENDED BY P.L.98-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If the ports of Indiana shall find it necessary to change the location of any portion of any public road, highway,

railroad, or public utility facility, the ports of Indiana shall cause the same to be reconstructed at such location as the division of government having jurisdiction over such road, highway, railroad or public utility facility shall deem most favorable and of substantially the same type and in as good condition as the original road, highway, or railroad or public utility facility. The cost of such reconstruction, relocation, or removal and any damage incurred in changing the location of any such road, highway, railroad, or public utility facility, shall be ascertained and paid by the ports of Indiana as a part of the cost of the port or project. The ports of Indiana shall have authority to petition the circuit court, **superior court, or probate court** of the county wherein is situated any public road or part thereof, affected by the location therein of any port or project, for the vacation or relocation of such road or any part thereof with the same force and effect as statutes in effect on March 2, 1961, to the inhabitants of any municipality or governmental subdivision of the state. The proceedings upon such petition, whether it be for the appointment of appraisers or otherwise, shall be the same as provided by statutes in effect on March 2, 1961, for similar proceedings upon such petitions. In addition to the foregoing powers, the ports of Indiana and the authorized agents and employees of the ports of Indiana after proper notice, may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations as are necessary or proper for the purposes of this article, and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; provided, that before entering upon the premises of any railroad, notice shall be given to the superintendent of such railroad involved at least five (5) days in advance of such entry, and provided, that no survey, sounding, drilling, and examination shall be made between the rails, or so close to a railroad track, as would render said track unusable. The ports of Indiana shall make reimbursement for any actual damage resulting to such lands, waters, and premises and to private property located in, on, along, over, or under such lands, waters and premises, as a result of such activities. The state of Indiana, subject to the approval of the governor, hereby consents to the use of lands owned by the state of Indiana, including lands lying under water and riparian rights, which are necessary or proper for the construction or operation of any port or

project, provided adequate compensation is made for such use. The ports of Indiana shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (referred to in this section as "public utility facilities") of any public utility in, on, along, over, or under any port or project. Whenever the ports of Indiana shall determine that it is necessary that any such public utility facilities which are, on or after March 2, 1961, located in, on, along, over, or under any port or project should be relocated or should be removed from the port or project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the ports of Indiana. However, the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the ports of Indiana as a part of the cost of the port or project, excepting, however, cases in which such equipment or facilities are located within the limits of highways or public thoroughfares being constructed, reconstructed, or improved under the provisions of this chapter. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as the public utility had the right to maintain and operate such facilities in their former location or locations subject, however, to the state's right of regulation under its police powers.

SECTION 51. IC 8-17-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. Any taxpayer may file an objection to the work by filing a sworn statement with the auditor that the road has not been completed according to the plans, plats, profiles, specifications, and contract, stating which item has not been completed. After the objection is filed, then the county executive shall set a hearing on the issue where it may hear other proof, may cause witnesses to be subpoenaed, and hear sworn evidence in the same manner as other issues are heard before the executive. The executive shall determine whether the work has been done according

to the plans, plats, profiles, specifications, and contract. Any party aggrieved by the decision may appeal to the circuit court, **superior court, or probate court** of the county within ten (10) days of the date of the decision, by filing a bond approved by the auditor of the county, for the payment of all costs in the cause that may be adjudged in the circuit court, **superior court, or probate court** against the person taking the appeal. The proceedings shall be tried de novo in the circuit court, **superior court, or probate court**.

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

- (1) finance, construct, reconstruct, operate, maintain, and manage any toll road project acquired or financed under this chapter;
- (2) sue, be sued, plead, and be impleaded, but all actions against the authority must be brought in the circuit court, **superior court, or probate court** for the county in which the authority is located;
- (3) condemn, appropriate, purchase, and hold any real or personal property needed or considered useful in connection with a toll road facility;
- (4) acquire real or personal property by gift, devise, or bequest and hold, use, or dispose of that property for the purposes authorized by this chapter;
- (5) enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a toll road facility;
- (6) collect all money that is due on account of the operation, maintenance, or management of, or otherwise related to, a toll road facility, and expend that money for proper purposes;
- (7) employ the managers, superintendents, architects, engineers, attorneys, auditors, clerks, foremen, custodians, and other employees, necessary for the proper operation of a toll road facility and fix the compensation of those employees, but a contract of employment may not be made for a period of more than four (4) years although it may be extended or renewed from time to time;
- (8) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter; and

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

SECTION 53. IC 8-20-1-72 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 72. Any person aggrieved by any decision of the executive of any county in any proceeding relating to highways may appeal within thirty (30) days to the circuit court, **superior court, or probate court** of the county by filing a bond. If the proceedings involve more than one (1) county, the appeal shall be filed in the circuit court, **superior court, or probate court** of the county where the proceedings were first instituted. The auditor of each county, when notified of an appeal by the auditor of the county where the appeal is filed, shall transmit to the clerk of the court a transcript of all the proceedings in the county. After the appeal is decided, the clerk shall notify the auditors of all interested counties. The appeal shall be tried de novo. The court may make a final determination on the cause appealed, or may refer the case back to the county with directions on how to proceed.

SECTION 54. IC 8-21-9-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. If the department finds it necessary to change the location of any portion of any public road, railroad or public utility facility, it shall cause the same to be reconstructed at such location as the division of government having jurisdiction over such road, highway, railroad or public utility facility shall deem most favorable and of substantially the same type and in as good condition as the original road, highway or railroad or public utility facility. The cost of such reconstruction, relocation or removal and any damage incurred in changing the location of any such road, highway, railroad or public utility facility, shall be ascertained and paid by the department as a part of the cost of such airport or airport facility. The department may petition the circuit court, **superior court, or probate court** of the county wherein is situated any public road or part thereof, affected by the location therein of any airport or airport facility, for the vacation or relocation of such road or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any municipality or governmental subdivision of the state. The proceedings upon such petition, whether it be for the appointment of appraisers or otherwise, shall be the same as provided by existing laws for similar proceedings upon such petitions. In addition to the foregoing powers, the department and its authorized

agents and employees, after proper notice, may enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings, and examinations as are necessary or proper for the purposes of this chapter; and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; however, before entering upon the premises of any railroad, notice shall be given to the superintendent of such railroad involved at least five (5) days in advance of such entry. No survey, sounding, drilling and examination shall be made between the rails or so close to a railroad track as would render said track unusable. The department may make reimbursement for any actual damage resulting to such lands, waters and premises and to private property located in, on, along, over or under such lands, waters and premises, as a result of such activities. The State of Indiana, subject to the approval of the governor, hereby consents to the use of lands owned by it, including lands lying under water and riparian rights, which are necessary or proper for the construction or operation of any airport or airport facility, provided adequate compensation is made for such use. The department may also make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over or under any airport or airport facility. Whenever the department shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under any such airport or airport facility should be relocated, or should be removed from such airport or airport facility, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the department; however, the cost and expenses of such relocation or removal including the cost of installing such facilities in a new location or new locations and the cost of any lands, or any rights or interest in lands, and any other rights, acquired to accomplish such relocations or removal, shall be ascertained and paid by the department as a part of the cost of such airport or airport facility, excepting, however, cases in which such equipment or facilities are located within the limits of existing highways or public thoroughfares being constructed, reconstructed or improved under the

provisions of this chapter. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations subject, however, to the state's right of regulation under its police powers.

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

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

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

- (1) shall administer the program established under section 2 of this chapter;
- (2) shall submit claims under IC 33-37-8-6 for the disbursement of funds; and
- (3) may enter into contracts with individuals, firms, and corporations to provide the treatment described by section 2 of this chapter.

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

- (1) bring an action at law for damages for the employer's noncompliance; or
- (2) apply to the circuit court, **superior court, or probate court** for equitable relief that is just and proper under the circumstances.

SECTION 59. IC 10-18-3-5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) On the day designated by the auditor or clerk for a hearing under section 3 of this chapter, the petitioners may make proof of the publication and posting of the notice of the hearing and present the petition to the board of commissioners or common council. However, if on or before the day of the hearing a written remonstrance is filed with the board of commissioners or common council, the board of commissioners or common council shall fix a new hearing date at least thirty (30) days but less than forty (40) days after the original hearing date. A written remonstrance must:

- (1) be signed by citizens and taxpayers of the county or city;
- (2) be equal in number to the signers of the petition; and
- (3) ask that the memorial not be established or protest against the kind of memorial proposed and provide reasons for the protest. Before the new hearing date, additional names of citizens and taxpayers may be added to or withdrawn from the petition and remonstrance. A person who signs the petition may not be counted on a remonstrance against it. On or after the first day designated, a taxpayer may be added to a petition and remonstrance for hearing.

(b) If a remonstrance is not filed, the board of commissioners or common council may grant the petition and order the establishment of a memorial, subject to the conditions of this chapter. If a proper remonstrance is filed on the first day designated for the hearing, the board of commissioners or common council may grant the petition on or after the second day of the hearing as fixed by the board of commissioners, unless there is a greater number of qualified remonstrators against the memorial than petitioners for the memorial at that time. If this occurs, the petition shall be dismissed at the cost of the petitioners.

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

SECTION 60. IC 10-18-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) If a city legislative body wants to implement this chapter, the legislative body

must adopt an ordinance that must be in substance as follows:

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

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

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

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

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

(e) A taxpayer aggrieved by an action under this section may appeal the decision to the circuit court, **superior court, or probate court** of the county within ten (10) days in the same manner as other appeals are taken from an action of the board. The cause of action shall be tried de novo.

SECTION 61. IC 11-12-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The department shall inspect each county jail at least one (1) time each year to determine whether it is complying with the standards adopted under section 1 of this chapter. If the department determines that a jail is not complying with the standards, the commissioner shall give written notice of this determination to the county sheriff, the board of county commissioners, the prosecuting attorney, the circuit court, **superior court, or probate court**, and all courts having criminal or juvenile

jurisdiction in that county. This notice must specify which standards are not being met and state the commissioner's recommendations regarding compliance.

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

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

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

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

- (1) an applicant for public assistance is physically or mentally incapable of completing an application for assistance; or
- (2) a recipient of public assistance:
 - (A) is incapable of managing the recipient's affairs; or
 - (B) refuses to:
 - (i) take care of the recipient's money properly; or
 - (ii) comply with the director of the division's rules and policies.

(b) If the conditions of subsection (a) are satisfied, the county office may designate a responsible person to do the following:

- (1) Act for the applicant or recipient.

(2) Receive on behalf of the recipient the assistance the recipient is eligible to receive under any of the following:

- (A) This chapter.
- (B) IC 12-10-6.
- (C) IC 12-14-1 through IC 12-14-3.
- (D) IC 12-14-5 through IC 12-14-8.
- (E) IC 12-14-13 through IC 12-14-19.
- (F) IC 12-15.
- (G) IC 16-35-2.

(c) A fee for services provided under this section may be paid to the responsible person in an amount not to exceed ten dollars (\$10) each month. The fee may be allowed:

- (1) in the monthly assistance award; or
- (2) by vendor payment if the fee would cause the amount of assistance to be increased beyond the maximum amount permitted by statute.

SECTION 63. IC 12-19-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) A responsible person appointed under section 18 of this chapter shall make financial reports concerning the services provided by the responsible person at the time and in the manner prescribed by the ~~circuit~~ court. A responsible person shall account to the ~~circuit~~ court at least one (1) time every two (2) years. The ~~circuit~~ court may make rules regulating the administration and accounting of money paid to a responsible person.

(b) The powers of a responsible person, other than the filing of a final account for the approval of the ~~circuit~~ court, terminate on the appointment of a guardian for the recipient.

(c) Public assistance money received by a responsible person shall be used solely for the benefit of the recipient or the recipient's dependents.

SECTION 64. IC 12-30-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The board of commissioners of a county may remove the superintendent of the county home from office at any time, but only for cause, which must be entered in the record book of the board of commissioners. A superintendent removed from office under this section may appeal the removal action to the circuit court, **superior court, or probate court**

of the county within ten (10) days in the same manner as other appeals are taken from actions of the board of commissioners.

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

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

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

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

shall be passed and put into effect after the hearing.

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

- (1) kept on file in the office of the district; and
- (2) open to public inspection.

(c) Whenever the board acts under section 8(b) of this chapter, to change or readjust the rates and charges, the board shall mail, either separately or along with a periodic billing statement, a notice of the new rates and charges to each user affected by the change or readjustment. In the case of a sewage district, if the change or readjustment increases the rates and charges by the amount specified in section 15(c) of this chapter, the notice required by this subsection:

- (1) must include a statement of a ratepayer's rights under section 15 of this chapter; and
- (2) shall be mailed within the time specified in section 15(c) of this chapter.

(d) Following the passage of an ordinance under subsection (a), the lesser of fifty (50) or ten percent (10%) of the ratepayers of the district may file a written petition objecting to the initial rates and charges of the district. A petition filed under this subsection must:

- (1) contain the name and address of each petitioner;
- (2) be filed with a member of the district authority, in the county where at least one (1) petitioner resides, not later than thirty (30) days after the district adopts the ordinance; and
- (3) set forth the grounds for the ratepayers' objection.

(e) The district authority shall set the matter for public hearing not less than ten (10) business days but not later than twenty (20) business days after the petition has been filed. The district authority shall send notice of the hearing by certified mail to the district and the first listed petitioner and publish the notice of the hearing in a newspaper of general circulation in each county in the district.

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

- (1) Whether the board of trustees of the district, in adopting the ordinance establishing sewer rates and charges, followed the procedure required by this chapter.
- (2) Whether the sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

(g) After the district authority hears the evidence produced and makes the determinations set forth in subsection (f), the district

authority, by a majority vote, shall:

- (1) sustain the ordinance establishing the rates and charges;
- (2) sustain the petition; or
- (3) make any other ruling appropriate in the matter, subject to the standards set forth in section 9 of this chapter.

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

- (1) Whether the board of trustees of the district, in adopting the ordinance establishing sewer rates and charges, followed the procedure required by this chapter.
- (2) Whether the sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

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

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

- (1) must consist of an odd number of members;
- (2) must consist of at least three (3) members; and
- (3) may not include as a member any person who serves on the board of trustees of the district.

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

- (1) In the case of a regional sewage district located in one (1) county, the following members:
 - (A) If no members of the county executive are trustees of the regional sewage district, the county executive of the county.
 - (B) If:
 - (i) one (1) or more members of the county executive are trustees of the regional sewage district; and
 - (ii) no members of the county fiscal body are trustees of the

regional sewage district;

the members of the county fiscal body.

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

(i) Two (2) members appointed by the county executive. If not all of the members of the county executive are trustees of the district, the county executive may appoint either or both of the two (2) members required by this item from among the county executive's own membership, subject to subsection (a)(3).

(ii) One (1) member appointed by the county fiscal body. If not all of the members of the county fiscal body are trustees of the district, the county fiscal body may appoint the member required by this item from among the county fiscal body's own membership, subject to subsection (a)(3).

(2) In the case of a regional sewage district located in more than one (1) county, the following members:

(A) If:

(i) an odd number of counties are part of the regional sewage district; and

(ii) each county in the district has at least one (1) county executive member who is not a trustee of the regional sewage district;

one (1) county executive member, appointed by that member's county executive, from each county in which the district is located, subject to subsection (a)(3).

(B) If an even number of counties are part of the regional sewage district, the following members:

(i) Two (2) county executive members, appointed by those members' county executive, from the county that has the largest number of customers served by the district's sewer system. However, if the county that has the largest number of customers served by the district's sewer system does not have at least two (2) members of its executive who are not also trustees of the district, the county executive of that county may appoint one (1) or more of the members

required by this item from outside the county executive's own membership in order to comply with subsection (a)(3).

(ii) One (1) county executive member, appointed by that member's county executive, from each county, other than the county described in item (i), in which the district is located. However, if a county described in this item does not have at least one (1) member of its executive who is not also a trustee of the district, the county executive of that county may appoint the member required by this item from outside the county executive's own membership in order to comply with subsection (a)(3).

(C) If an odd number of counties are part of the regional sewage district and an odd number of those counties in the district do not have at least one (1) county executive member who is not also a trustee of the district, the following members:

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

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

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

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

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

(d) If subsection (c) applies, fifty (50) ratepayers of the district or ten percent (10%) of the district's ratepayers, whichever is fewer, may

file a written petition objecting to the rates and charges of the district. A petition filed under this subsection must:

- (1) contain the name and address of each petitioner;
- (2) be filed with a member of the district authority, in the county where at least one (1) petitioner resides, not later than thirty (30) days after the district adopts the ordinance establishing the rates and charges; and
- (3) set forth the grounds for the ratepayers' objection.

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

(e) The district authority shall set the matter for public hearing not less than ten (10) business days but not later than twenty (20) business days after the petition has been filed. The district authority shall send notice of the hearing by certified mail to the district and the first listed petitioner and publish the notice of the hearing in a newspaper of general circulation in each county in the district.

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

- (1) Whether the board of trustees of the district, in adopting the ordinance increasing sewer rates and charges, followed the procedure required by this chapter.
- (2) Whether the increased sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

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

- (1) sustain the ordinance establishing the rates and charges;
- (2) sustain the petition; or
- (3) make any other ruling appropriate in the matter, subject to the standards set forth in section 9 of this chapter.

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

following:

- (1) Whether the board of trustees of the district, in adopting the ordinance increasing sewer rates and charges, followed the procedure required by this chapter.
- (2) Whether the increased sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

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

SECTION 69. IC 14-11-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A member of the commission, a division director, or a hearing officer appointed by the commission may do the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 75. IC 14-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) At each annual meeting of the district, directors shall be elected to fill vacancies on the board due to expiration of terms, resignation, or otherwise. The election

shall be conducted by written ballots. Except as provided in subsection (c), to be elected an individual must receive a majority of the votes of the freeholders of the district who are:

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

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

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

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

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

SECTION 77. IC 14-33-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to a district if construction of works of improvement has not begun within six (6) years after the district plan is approved by the ~~circuit~~ court.

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

SECTION 78. IC 14-33-16.5-10, AS ADDED BY P.L.189-2005,

SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) After an election is held under this chapter, the assistant secretary of the smaller district shall do the following:

- (1) Keep the ballots safe and secure until the end of the voting period.
- (2) At the end of the voting period, present all ballots cast to the three (3) clerks.
- (3) Record the election results in the records of the smaller district.
- (4) Certify the results of the election to the county auditor and the ~~circuit~~ court having supervisory jurisdiction over the smaller district as promptly as possible.

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

- (1) Count the ballots.
- (2) Report the results of the election to the secretary in writing over the signature of each clerk.

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

- (1) make a full and final accounting to the ~~circuit~~ court having supervisory jurisdiction over the smaller district; and
- (2) file all records of the smaller district with the court.

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

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

- (1) the date the smaller district's board of directors complies with subsection (a)(1); or
- (2) the sixtieth day after the election.

(d) The larger district is directly responsible for payment of the smaller district's bonds or notes outstanding upon the larger district taking custody and control of the smaller district's operations,

obligations, and assets.

(e) When the smaller district's board of directors complies with subsection (a), the ~~circuit~~ court shall issue an order:

- (1) dissolving the smaller district; and
- (2) discharging the board of directors of the smaller district.

SECTION 80. IC 14-33-17-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. The circuit court, **superior court, or probate court** of the county in the merged district having the most land has exclusive jurisdiction over the merger and over all further hearings in connection with the district.

SECTION 81. IC 14-33-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A petition filed under section 3 of this chapter must be filed as follows:

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

SECTION 82. IC 14-33-20-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. If:

- (1) the:
 - (A) board defaults in the payment of the principal or interest on any of the bonds, notes, or other evidences of indebtedness payable from revenues after the bonds, notes, or other evidences of indebtedness have become due, whether at maturity or upon call for redemption; and
 - (B) default continues for a period of thirty (30) days; or
- (2) the board or the board's officers, agents, or employees:
 - (A) fail or refuse to comply with this chapter; or
 - (B) default in an agreement made with the holders of the bonds, notes, or other evidences of indebtedness;

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

SECTION 83. IC 14-33-20-31 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. Upon an application the circuit court, **superior court, or probate court**:

(1) may appoint; and

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

a receiver of the water facilities.

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

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

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

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

SECTION 86. IC 16-22-6-36 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. An authority may be liquidated after the authority's securities are redeemed, debts are paid, and leases are terminated if the board of directors files a report with ~~the judge~~ of the circuit court, **superior court, or probate court** showing the facts and stating that the liquidation is in the best public interest. The court shall find the facts and make an order book entry ordering the authority liquidated.

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

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

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

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

SECTION 90. IC 16-23.5-2-2, AS ADDED BY P.L.2-2007,

SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board of commissioners of the county may appoint in writing five (5) residents of the county as members of the executive board of the agency. Original appointments to the executive board must be made in the following manner:

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

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

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

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

(d) Persons appointed to the executive board must be knowledgeable and interested in the community health and medical care needs of the county and other areas of concern related to the development of a county medical center. However, only two (2) of the five (5) board members who are appointed under subsection (a) may be medical practitioners, administrators of a medical or health facility in the county, or on the faculty of a medical institution in the county.

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

- (1) A complaint may be filed by any person against the member setting forth the charges preferred.
- (2) The cause shall be placed on the advanced calendar and tried

as other civil causes are tried by the court without a jury.

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

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

SECTION 91. IC 16-33-3-10, AS AMENDED BY P.L.44-2009, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. Whenever the circuit court, **superior court, or probate court** having jurisdiction finds, upon application by the county office of the division of family resources, that the parent or guardian of a client placed in the center is unable to meet the costs that the parent or guardian is required to pay for the services of the center, the court shall order payment of the costs from the county general fund.

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

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

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

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

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

(c) The state department may order an operator to comply with this chapter or rules adopted under this chapter. If an operator fails to comply within the time specified by the order, the state department may initiate proceedings to force compliance in the circuit court, **superior court, or probate court** in the county of the operator's residence or in the county where the mobile home community is located. The court

may grant appropriate relief to ensure compliance with this chapter and rules adopted under this chapter.

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

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

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

SECTION 95. IC 22-6-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Either party to the dispute may within fifteen (15) days from the date such order is filed with the clerk of the court petition the circuit court, **superior court, or probate court** of any county, in which the employer operates or has an office or place of business, for a review of such order on the ground (a) that the parties were not given reasonable opportunity to be heard, or (b) that the board of arbitration exceeded its powers, or (c) that the order is unreasonable in that it is not supported by the evidence, or (d) that the order was procured by fraud, collusion, or other unlawful means or methods. A summons to the other party to the dispute shall be issued as provided by law in other civil cases; and either party shall have the same rights to a change of venue from the county, or to a change of judge, as provided by law in other civil cases. The judge of the circuit court, **superior court, or probate court**, without the intervention of a jury, shall hear the evidence adduced by both parties with respect to the issue raised by such petition and may reverse said order only if ~~he~~ **the judge** finds that (a) one (1) of the parties was not given reasonable opportunity to be heard, or (b) that the board of arbitration exceeded its powers, or (c) that the order is unreasonable in that it is not supported by the evidence, or (d) that the order was procured by fraud, collusion, or other unlawful means or methods. The decision of the judge ~~of the circuit court~~ shall be final. If the court reverses said order for one (1) of the reasons stated herein, the clerk of said court shall certify the court's decision to the governor, who may either attempt further conciliation or may appoint another board of arbitration, as hereinabove provided for, in the event that the parties do

not prefer first to engage in further collective bargaining in an attempt to settle such dispute.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 102. IC 25-6.1-2-5, AS AMENDED BY P.L.59-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 5. (a) The commission is empowered to do the following:

- (1) Administer and enforce the provisions of this article.
- (2) Adopt such rules in accordance with IC 4-22-2 and such forms as are necessary or appropriate for the administration and the effective and efficient enforcement of this article.
- (3) Issue, suspend, and revoke licenses in accordance with this article.
- (4) Subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, specifically including complaints respecting failure to comply with this article or the rules, and to take appropriate action pursuant to IC 25-1-11.
- (5) Bring actions, in the name of the state of Indiana, in an appropriate circuit court, **superior court, or probate court** in order to enforce compliance with this article or the rules by restraining order or injunction.
- (6) Hold public hearings on any matters for which a hearing is required under this article and to have all powers granted in IC 4-21.5.
- (7) Adopt a seal and, through its secretary, certify copies.

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

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

- (1) Standards for competent:
 - (A) practice as an auctioneer; and
 - (B) operation of an auction company.
- (2) Continuing education requirements for an individual who has reactivated an auctioneer license with less than twelve (12) months remaining in the licensing period.

SECTION 103. IC 25-6.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. ~~Cease and Desist Order.~~ (a) When the commission determines that a person not licensed under this article is engaged in or is believed to be engaged in activities for which a license is required under this article, the commission may issue an order to that person requiring ~~him~~ **the person** to show cause why ~~he~~ **the person** should not be ordered to cease and desist from such

activities. The show cause order shall set forth a time and place for a hearing at which the affected person may appear and show cause as to why ~~he~~ **the person** should not be subject to licensing under this article.

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

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

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

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

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

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

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

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

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

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

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

SECTION 105. IC 25-15-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. If a violation of any of sections 21 through 26 of this chapter is being committed:

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

SECTION 106. IC 25-20.2-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The board shall:

- (1) administer and enforce this article;
- (2) adopt rules under IC 4-22-2 that are reasonably necessary or appropriate for the administration and enforcement of this article;
- (3) prescribe the requirements for and the form of licenses, applications, and other documents that are required by this article;
- (4) grant, deny, suspend, and revoke approval of examinations and courses of study;
- (5) issue, deny, suspend, and revoke licenses in accordance with this article;
- (6) in accordance with IC 25-1-7, investigate complaints

concerning licensees or persons the board has reason to believe should be licensees, including complaints concerning failure to comply with this article or rules adopted under this article, and, when appropriate, take action under IC 25-20.2-8;

(7) bring actions in the name of the state in an appropriate circuit court, **superior court, or probate court** in order to enforce compliance with this article or rules adopted under this article;

(8) establish fees in accordance with IC 25-1-8;

(9) inspect the records of a licensee in accordance with rules adopted by the board;

(10) conduct or designate a member or other representative to conduct public hearings on any matter for which a hearing is required under this article and exercise all powers granted under IC 4-21.5;

(11) adopt a seal containing the words "Indiana Home Inspectors Licensing Board" and, through the board's secretary, certify copies and authenticate all acts of the board;

(12) in accordance with IC 25-1-6:

(A) use counsel, consultants, and other persons;

(B) enter into contracts; and

(C) authorize expenditures;

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

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

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

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

SECTION 107. IC 25-20.2-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) If the board determines that an individual not licensed under this article is engaged in or believed to be engaged in activities for which a license is required under this article, the board may issue an order to that individual requiring the individual to show cause why the individual should not be ordered to cease and desist from such activities. The show cause order must set forth a date, time, and place for a hearing at which the affected individual may appear and show cause why the individual

should not be subject to licensing under this article.

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

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

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

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

SECTION 109. IC 25-26-13-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. At the request of the board, the attorney general in the name of the state shall apply for

an injunction in the circuit court, **superior court, or probate court** of the county wherein a violation of this chapter is occurring.

SECTION 110. IC 25-28.5-1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. The commission conducting a hearing in any particular case shall have power to subpoena and order production of books and papers. In any hearing, the process issued by the commission shall extend to all parts of the state and the process shall be served either in like manner as are served writs of subpoena in the circuit court or by any person designated by the commission for that purpose. The person serving the process shall receive such compensation as may be allowed by the commission not to exceed the fee prescribed by law for similar services in the circuit courts and the fees shall be paid in the same manner as provided in this chapter for fees of witnesses subpoenaed at the instance of the commission. All witnesses who shall be subpoenaed and who appear in any proceeding before the commission shall receive the same fees and mileage as allowed by law to witnesses in the circuit courts, which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called. When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the commission the fees and mileage of the witness shall be paid from the funds appropriated to the use of the commission in the same manner as other expenses of the commission are paid.

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

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

of this chapter. The notice must be in writing and include the following information:

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

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

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

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

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

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

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

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

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

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

(e) The attorney general, the board, or the prosecuting attorney of

any county where a violation of section 23(b) of this chapter occurs may file an action in the name of the state for an injunction.

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

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

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

SECTION 114. IC 25-36.5-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. The department may, by application to any circuit court, **superior court, or probate court**, or to a judge thereof, obtain an injunction restraining any person who engages in the business of timber buying in this state without a certificate of registration (either because ~~his~~ **the person's** certificate has been revoked or because of a failure to obtain a certificate of registration in the first instance) from engaging in such business until such person complies with this chapter and qualifies for and obtains a certificate of registration. Upon refusal or neglect to obey the order of the court or judge, said court or judge may compel obedience thereof by proceedings for contempt.

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

- (1) Cover the shortage with grain that is fully paid for.
- (2) Give additional bond, letter of credit, or cash deposit as

required by the director.

(3) Submit to inspection as the director may deem necessary.

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

SECTION 116. IC 26-3-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. (a) The director may apply for, and the courts of this state are vested with jurisdiction to issue, a temporary or permanent injunction against the business operation of a licensee, or the issuance of receipts or tickets without a license and against interference by any person with the director, the director's designated representative, or a receiver appointed under section 31 of this chapter, in the performance of their duties and powers under this chapter.

(b) Upon a determination by the director that there is reasonable cause to believe that a licensee is unable to meet the licensee's storage or other grain obligations, and that the licensee is removing, or the director has reasonable cause to believe that the licensee may remove, grain from the licensed premises, the director may, under the conditions provided in, and in accordance with, the Indiana Rules of Trial Procedure, seek from the circuit court, **superior court, or probate court** of the Indiana county in which the licensee has the licensee's principal place of business a temporary restraining order

preventing the further sale or movement of any grain and requiring that proceeds from grain sales received after the issuance of the temporary restraining order should be held in the form in which they are received by the licensee and kept separate from all other funds held by the licensee.

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

(b) No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of this chapter or of any rule or order issued by the commissioner hereunder may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of a domestic insurer or any corporation controlling such insurer or unless the courts of this state have so ordered. If a domestic insurer, any corporation controlling such insurer or the commissioner has reason to believe that any security of the domestic insurer or any corporation controlling such insurer has been or is about to be acquired in contravention of the provisions of this chapter or of any rule or order issued by the commissioner hereunder, the domestic insurer, any corporation controlling such insurer or the commissioner may apply to the circuit court **or superior court** of Marion County or to the circuit court, **superior court, or probate court** of the county in which the domestic insurer or corporation

controlling such insurer has its principal place of business to enjoin any offer, request, invitation, agreement or acquisition commenced, entered into, or consummated in contravention of this chapter or any rule or order issued by the commissioner under this chapter, to enjoin the voting of any security so acquired, to void any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the domestic insurer's policyholders or the public may require.

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

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

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

- (1) with the prior authorization or release of the injured claimant;
or
- (2) without the prior authorization or release of the injured claimant if:
 - (A) there is a reasonable belief that the mere request for

authorization or a release will hinder a fraud investigation; and
 (B) a verified application is presented to the circuit court, **superior court, or probate court** in the county where the application or claim is presented that sets forth:

- (i) probable cause for the need to obtain the medical records and medical reports and medical related information contained in the medical records and medical reports without obtaining the proper release or authorization; and
- (ii) the specific medical records and medical reports and medical related information contained in the medical records and medical reports requested.

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

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

- (1) application has been denied; or
- (2) license has been suspended, revoked, or denied renewal by the commissioner;

may appeal to the circuit court, **superior court, or probate court** of the county from which the bail agent or recovery agent applied for the license. The appeal shall be heard de novo.

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

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

(b) Upon the filing of the notice under subsection (a), the clerk shall:

- (1) note the filing of the notice upon the records of the receivership court; and
- (2) enter the cause as a civil action upon the dockets of the court under the name and style of "In the matter of the liquidation of _____" (inserting the name of the financial institution).

(c) The receivership court may hear and determine all issues and matters pertaining to or connected with the liquidation of the financial institution, including:

- (1) the amount of the compensation and necessary expenses of any special representative, assistant, accountant, agent, or attorney employed by the department, or the receiver appointed by the department, as set forth in this chapter; and
- (2) all papers and pleadings pertaining to the liquidation proceedings.

(d) All entries, orders, judgments, and decrees of the receivership court in connection with the liquidation proceedings shall be filed and entered of record in the cause of action.

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

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

SECTION 121. IC 28-1-11-3.2, AS AMENDED BY P.L.35-2010, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) As used in this section, "rights and privileges" means the power:

- (1) to:
 - (A) create;

- (B) deliver;
- (C) acquire; or
- (D) sell;

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

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

national banks domiciled in Indiana.

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

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

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

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

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

- (1) national banks domiciled in Indiana do not possess the requested rights and privileges;
- (2) the exercise of the requested rights and privileges by the bank would adversely affect the safety and soundness of the bank;
- (3) the exercise of the requested rights and privileges by the bank would result in an unacceptable curtailment of consumer protection; or
- (4) the failure of the department to approve the requested rights and privileges will not result in a competitive disadvantage to the bank.

(e) The sixty (60) day period referred to in subsection (c) may be extended by the department based on a determination that the bank's letter raised issues requiring additional information or additional time for analysis. If the sixty (60) day period is extended under this

subsection, the bank may exercise the requested rights and privileges only if the bank receives prior written approval from the department. However:

(1) the department must:

- (A) approve or deny the requested rights and privileges; or
- (B) convene a hearing;

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

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

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

(g) If a bank receives approval to exercise the requested rights and privileges granted to national banks domiciled in Indiana, the department shall determine by order whether all banks may exercise the same rights and privileges. In making the determination required by this subsection, the department must ensure that the exercise of the rights and privileges by all banks will not:

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

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

SECTION 122. IC 28-1-20-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) When and if any bank ~~and/or~~ **or** trust company organized or reorganized under the provisions of this article, or any bank of discount and deposit or loan and trust and safe deposit company organized under any law enacted prior to February 24, 1933, shall be required to cease all banking operation within twenty (20) years from the time of its organization and promptly thereafter to close its business, such bank or trust company shall deliver over into the custody of the department all of its business and property for liquidation and the payment of its liabilities. Such

delivery may be made by an instrument in writing executed pursuant to a resolution of the board of directors. Before, after, or contemporaneously with the delivery of all of its business and property to the department, such bank or trust company may, pursuant to a resolution of its boards of directors, file a petition with the department for authority to reopen its business and resume its banking operations.

Such petition shall fix:

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

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

(b) Upon the filing of any such petition more than thirty (30) days before the day upon which such bank or trust company shall desire to reopen its business and resume its banking operations, the department shall approve or disapprove such petition, in writing, and notify such bank or trust company of its action not later than the last business day immediately preceding the day upon which such bank or trust company shall have requested the right to reopen its business and resume its banking operations. In the event that the department shall disapprove the right of such bank or trust company to reopen its business and resume its banking operations, such bank or trust company may appeal such order of the department to the circuit court, **superior court, or probate court** of the county in which it has its principal office, and

thereupon the matter shall be determined de novo.

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

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

(1) to:

- (A) create;
- (B) deliver;
- (C) acquire; or
- (D) sell;

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

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

national banks domiciled in Indiana.

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

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

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

(c) The department shall promptly notify the requesting company of the department's receipt of the letter submitted under subsection (b). Except as provided in subsection (e), the company may exercise the

requested rights and privileges sixty (60) days after the date on which the department receives the letter unless otherwise notified by the department.

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

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

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

(1) the department must:

- (A) approve or deny the requested rights and privileges; or
- (B) convene a hearing;

not later than sixty (60) days after the department receives the company's letter; and

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

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

(g) If a company receives approval to exercise the requested rights and privileges granted to national banks domiciled in Indiana, the department shall determine by order whether all industrial loan and

investment companies may exercise the same rights and privileges. In making the determination required by this subsection, the department must ensure that the exercise of the rights and privileges by all industrial loan and investment companies will not:

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

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

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

SECTION 125. IC 28-6.1-6-24, AS AMENDED BY P.L.35-2010, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) As used in this section, "rights and privileges" means the power:

- (1) to:
 - (A) create;
 - (B) deliver;
 - (C) acquire; or
 - (D) sell;

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

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

national banks domiciled in Indiana.

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

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

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

Code;

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

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

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

- (1) national banks domiciled in Indiana do not possess the requested rights and privileges;
- (2) the exercise of the requested rights and privileges by the savings bank would adversely affect the safety and soundness of the savings bank;
- (3) the exercise of the requested rights and privileges by the savings bank would result in an unacceptable curtailment of consumer protection; or
- (4) the failure of the department to approve the requested rights and privileges will not result in a competitive disadvantage to the savings bank.

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

- (1) the department must:
 - (A) approve or deny the requested rights and privileges; or
 - (B) convene a hearing;not later than sixty (60) days after the department receives the savings bank's letter; and
- (2) if a hearing is convened, the department must approve or deny

the requested rights and privileges not later than sixty (60) days after the hearing is concluded.

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

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

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

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

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

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

(c) A depositor of the savings bank aggrieved by the proposed conversion may, not more than twenty (20) days after submission of the

resolution of conversion with the court file in the court a verified statement of objection to the proposed conversion. The matter shall be docketed upon the books of the court, and entitled "In the Matter of the Conversion of _____ Savings Bank to _____" (inserting the names of the savings bank and the successor bank or trust company). The nature of an objection to the conversion is limited to the unfairness of the proposed conversion relative to the rights and interests of the objecting depositor. Without filing pleadings, the savings bank shall be considered to deny the objections.

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

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

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

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

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

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

- (1) to:
 - (A) create;
 - (B) deliver;
 - (C) acquire; or
 - (D) sell;

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

- (2) to engage in mergers, consolidations, reorganizations, or other

activities or to exercise other powers authorized for;
federal credit unions domiciled in Indiana.

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

- (1) granted to federal credit unions; but
- (2) not authorized for credit unions under the Indiana Code (except for this section) or any rule adopted under the Indiana Code;

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

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

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

- (1) federal credit unions domiciled in Indiana do not possess the requested rights and privileges;
- (2) the exercise of the requested rights and privileges by the credit union would adversely affect the safety and soundness of the credit union;
- (3) the exercise of the requested rights and privileges by the credit union would result in an unacceptable curtailment of consumer protection; or
- (4) the failure of the department to approve the requested rights and privileges will not result in a competitive disadvantage to the credit union.

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

approval from the department. However:

(1) the department must:

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

(B) convene a hearing;

not later than sixty (60) days after the department receives the credit union's letter; and

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

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

(g) If a credit union receives approval to exercise the requested rights and privileges granted to federal credit unions domiciled in Indiana, the department shall determine by order whether all credit unions may exercise the same rights and privileges. In making the determination required by this subsection, the department must ensure that the exercise of the rights and privileges by all credit unions will not:

(1) adversely affect their safety and soundness; or

(2) unduly constrain Indiana consumer protection provisions.

(h) If the department denies the request of a credit union under this section to exercise any rights and privileges that are granted to federal credit unions, the credit union may appeal the decision of the department to the circuit court, **superior court, or probate court** with jurisdiction in the county in which the principal office of the credit union is located. In an appeal under this section, the court shall determine the matter de novo.

SECTION 128. IC 28-11-3-6, AS AMENDED BY P.L.141-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) As used in this section:

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

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

(b) If the department determines that federal law has preempted a provision of IC 24, IC 26, IC 28, IC 29, or IC 30, the provision of

IC 24, IC 26, IC 28, IC 29, or IC 30 applies to a state chartered entity only to the same extent that the department determines the provision is applicable to the:

- (1) same; or
- (2) functionally equivalent;

type of federally chartered entity.

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

- (1) describing in detail; and
- (2) documenting the federal preemption of;

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

(d) The department shall notify the requesting entity of the department's receipt of the request not later than ten (10) business days after the department's receipt of a letter described in subsection (c). Except as provided in subsection (e), upon receipt of the notification, the requesting entity may operate as if it is exempt from the provision of IC 24, IC 26, IC 28, IC 29, or IC 30 ninety (90) days after the date on which the department receives the letter, unless otherwise notified by the department. This period may be extended for an additional ninety (90) days if the department determines that the requesting entity's letter raises issues requiring additional information or additional time for analysis. If the department extends the period for the department's review of the request, the requesting entity may operate as if the requesting entity is exempt from a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 during the extended period of review only if the requesting entity receives prior written approval from the department. However:

- (1) the department must:
 - (A) approve or deny the requested exemption; or
 - (B) convene a hearing;

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

- (2) if a hearing is convened, the department must approve or deny

the requested exemption not later than ninety (90) days after the hearing is concluded.

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

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

- (A) same; or
- (B) functionally equivalent;

type.

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

- (A) adversely affect the safety and soundness of the requesting entity; or
- (B) result in an unacceptable curtailment of consumer protection provisions.

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

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

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

(1) Determine whether the exemption shall apply to all financial institutions that, in the opinion of the department, possess a charter that is:

- (A) the same as; or
- (B) functionally the equivalent of;

the charter of the exempt institution.

(2) For purposes of the determination required under subdivision (1), ensure that applying the exemption to the financial institutions described in subdivision (1) will not:

- (A) adversely affect the safety and soundness of the financial

institutions; or

(B) unduly constrain Indiana consumer protection provisions.

(3) Issue an order published in the Indiana Register that specifies whether the exemption applies to the financial institutions described in subdivision (1).

(h) If the department denies the request of a financial institution under this section for exemption from Indiana Code provisions that are preempted for federally chartered institutions, the requesting institution may appeal the decision of the department to the circuit court, **superior court, or probate court** of the county in which the principal office of the requesting institution is located.

(i) If the department determines that federal law has preempted a provision of IC 24, IC 26, IC 28, IC 29, or IC 30 as the provision applies to an operating subsidiary of a federally chartered entity, the provision of IC 24, IC 26, IC 28, IC 29, or IC 30 applies to a qualifying subsidiary (as defined in IC 28-13-16-1) of a state chartered entity only to the same extent that the department determines the provision applies to the operating subsidiary of:

(1) the same; or

(2) the functionally equivalent;

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

SECTION 129. IC 28-15-2-2, AS AMENDED BY P.L.35-2010, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "rights and privileges" means the power:

(1) to:

(A) create;

(B) deliver;

(C) acquire; or

(D) sell;

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

(2) to engage in mergers, consolidations, reorganizations, or other

activities or to exercise other powers authorized for;
federal savings associations domiciled in Indiana.

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

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

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

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

(d) The department shall promptly notify the requesting savings association of its receipt of the letter submitted under subsection (c). Except as provided in subsection (f), the savings association may exercise the requested rights and privileges sixty (60) days after the date on which the department receives the letter unless otherwise notified by the department.

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

- (1) federal savings associations in Indiana do not possess the requested rights and privileges;
- (2) the exercise of the requested rights and privileges by the savings association would adversely affect the safety and soundness of the savings association;
- (3) the exercise of the requested rights and privileges by the savings association would result in an unacceptable curtailment of consumer protection; or
- (4) the failure of the department to approve the requested rights and privileges will not result in a competitive disadvantage to the savings association.

(f) The sixty (60) day period referred to in subsection (d) may be extended by the department based on a determination that the savings association letter raises issues requiring additional information or additional time for analysis. If the sixty (60) day period is extended

under this subsection, the savings association may exercise the requested rights and privileges only if the savings association receives prior written approval from the department. However:

(1) the department must:

- (A) approve or deny the requested rights and privileges; or
- (B) convene a hearing;

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

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

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

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

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

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

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

shall determine the matter de novo.

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

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

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

SECTION 133. IC 31-30-1-10, AS AMENDED BY P.L.206-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A circuit court ~~has~~ **and superior court have** concurrent original jurisdiction with the juvenile court, including the probate court described in IC 33-31-1-9(b), for the purpose of establishing the paternity of a child in a proceeding under:

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

to enforce a duty of support.

SECTION 134. IC 32-17-4-2, AS AMENDED BY P.L.41-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person described in section 1(a) of this chapter may file a petition to compel partition in the circuit court, ~~or~~

superior court, or probate court having probate jurisdiction of the county in which the land or any part of the land is located.

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

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

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

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

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

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

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

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

has jurisdiction to hear and determine the rights of the parties under this chapter. Proceedings under this chapter are commenced by complaint as in other civil actions.

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

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

the court shall appoint a special guardian ad litem who is not related to any of the parties interested in the property. The living members stand

for and represent the whole class, and the parties stand for and represent the full title and whole interest in the property.

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

- (1) remove the trustee; and
 - (2) appoint another suitable person as trustee.
- (b) A replacement trustee shall:
- (1) comply with the requirements specified in this chapter;
 - (2) immediately take possession and control of the property assigned; and
 - (3) enter upon the execution of the trust, as provided in this chapter.

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

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

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

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

(b) However, if the trustee is satisfied that the general fund would be materially increased by the payment of the liens or encumbrances, the trustee shall make application, by petition, to the judge of the circuit court, **superior court, or probate court** for an order to pay the liens and encumbrances before selling the property. Before the holder

of any lien or encumbrance is entitled to receive any part of the holder's debt from the general fund, the holder shall proceed to enforce the payment of the debt by sale, or otherwise, of the property on which the lien or encumbrance exists. For the residue of the claim, the holder of the lien or encumbrance shall share pro rata with the other creditors, if entitled to do so under Indiana law.

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

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

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

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

proceedings.

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

- (1) The request of each plaintiff that a trustee be appointed to execute a lease granting the plaintiff the right to mine and remove coal from the subject coal land.
- (2) The legal description of the coal land.
- (3) The interest of the plaintiff in the coal within the coal land.
- (4) The apparent interest of each defendant in the coal within the coal land.
- (5) A statement that the plaintiff is willing to purchase a mineral lease covering the interest of each defendant and that the existence of these unleased mineral interests is detrimental to and impairs the enjoyment of the interest of the plaintiff.

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

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

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

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

- (1) the matters in the plaintiff's petition; and
- (2) the prevailing terms of similar coal leases obtained in the vicinity of the coal land in the petition, including the length of the lease term, bonus money, delay rentals, royalty rates, and other forms of lease payments.

If, upon taking evidence and hearing testimony, the court determines that the material allegations of the petition are true and that there has been compliance with the required notice provisions, the court shall enter an order determining the interest of each defendant in the coal land sought to be leased. The court shall also appoint a trustee for the purpose of executing in favor of the plaintiff a coal lease covering the interest of each defendant. The court's judgment appointing the trustee

and authorizing the execution of the lease must specify the minimum terms that may be accepted by the trustee. Those terms must be substantially consistent with the terms of other similar coal leases obtained in the vicinity as determined by the court. The terms of the coal lease also must be substantially consistent with the terms of other existing leases, if any, covering the remaining coal interests in the land described in the petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 144. IC 32-30-10-3, AS AMENDED BY P.L.105-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Subject to IC 32-30-10.5 with respect to mortgage transactions described in IC 32-30-10.5-5, if a mortgagor defaults in the performance of any condition contained in a mortgage, the mortgagee or the mortgagee's assigns may proceed in the circuit court, **superior court, or probate court** of the county where the real estate is located to foreclose the equity of redemption contained in the mortgage.

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

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

- (1) the name and address of the patient as it appears on the records of the hospital;
- (2) the name and address of the operator of the hospital;
- (3) the dates of the patient's admission to and discharge from the hospital;
- (4) the amount claimed to be due for the hospital care; and
- (5) to the best of the hospital's knowledge, the names and addresses of anyone claimed by the patient or the patient's legal representative to be liable for damages arising from the patient's

illness or injury.

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

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

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

- (1) receives notice under subsection (b);
- (2) resides or has offices in a county where the lien was perfected or in a county where the lien was filed in the recorder's office as notice under this subsection; or
- (3) is an insurance company authorized to do business in Indiana under IC 27-1-3-20.

(d) A lien:

- (1) is effective under this chapter on the date a hospital complies with subsections (a) and (b); and
- (2) may not be made retroactive to any prior date.

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

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

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

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

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

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

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

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

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

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

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

- (1) The testimony of a witness whose name and address have not been furnished to the judge or justice under subsection (b).
- (2) Documentary evidence that has not been furnished to the judge or justice under subsection (b).
- (d) After formal proceedings have been instituted, the justice or

judge may request in writing that the counsel furnish to the justice or judge the names and addresses of all witnesses known at any time to the counsel who have information that may be relevant to a charge against or a defense of the justice or judge. The counsel shall provide to the justice or judge copies of documentary evidence that:

- (1) are known at any time to the counsel or in the possession at any time of the counsel or the commission;
- (2) are relevant to a charge against or defense of the justice or judge; and
- (3) have not previously been provided to the justice or judge.

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

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

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

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

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

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

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

SECTION 151. IC 33-38-14-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. (a) In all formal proceedings, discovery is available to the commission and the judge under the Indiana Rules of Civil Procedure. A motion requesting a

discovery order must be made to the circuit court, **superior court, or probate court** in the county in which the commission hearing is held.

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

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

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

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

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

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

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

record.

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

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

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

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

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

- (1) by the prosecuting attorney in the circuit court, **superior court, or probate court** of the proper county, upon the prosecuting attorney's own relation, whenever the prosecuting attorney:
 - (A) determines it to be the prosecuting attorney's duty to do so;
 - or
 - (B) is directed by the court or other competent authority; or
- (2) by any other person on the person's own relation, whenever

the person claims an interest in the office, franchise, or corporation that is the subject of the information.

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

- (1) the board of county commissioners adopts an ordinance under IC 6-1.1-4-31(f); or
- (2) the city-county council adopts an ordinance under IC 6-1.1-4-31(g).

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

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

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

- (1) issue writs of habeas corpus within their respective counties;
- (2) hear and determine writs of habeas corpus in favor of all persons arrested and held upon any charge in violation of Indiana criminal laws; and
- (3) admit to bail, or discharge the prisoner;

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

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

- (1) Upon process issued by any court or judge of the United States where the court or judge has exclusive jurisdiction.
- (2) Upon any process issued on a final judgment of a court of competent jurisdiction.
- (3) For any contempt of any court, officer, or body with authority

to commit.

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

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

SECTION 158. IC 34-26-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Restraining orders and injunctions may be granted by the circuit courts, **superior courts, or probate courts**, or the judges of the circuit courts, **superior courts, or probate courts**, in their respective counties.

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

(1) absent from their circuits; or

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

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

SECTION 159. IC 34-26-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The regular presiding judge in the county where the petition was filed shall hear and determine whether an injunction or restraining order issued under section 3(b) of this chapter (or IC 34-1-10-1 before its repeal) shall be made permanent.

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

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

SECTION 160. IC 34-28-2-2, AS AMENDED BY P.L.61-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The petition described in section 1 of this chapter must:

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

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

(A) under the penalties of perjury; and

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

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

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

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

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

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

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

(1) an appeal is taken from:

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

(B) any other person or tribunal;

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

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

(A) in substance or form; or

(B) for want of proper approval.

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

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

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

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

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

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

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

aggrieved.

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

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

- (1) affirming the decision of the executive; or
- (2) remanding the cause to the executive with directions as to how to proceed;

and may require the executive to comply with this decision.

SECTION 168. IC 36-2-2.5-12, AS ADDED BY P.L.77-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) If the single county executive is disqualified from acting in a quasi-judicial proceeding, the single county executive shall cease to act in that proceeding. Not later than ten (10) days after the finding that the single county executive is disqualified to act in a proceeding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court, **superior court, or probate court** for the county. If the judge affirms the disqualification of the single county executive, the judge shall appoint a disinterested and competent person to serve as a special executive in the proceeding.

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

SECTION 169. IC 36-2-2.5-17, AS ADDED BY P.L.77-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) An appeal under section 16 of this chapter shall be docketed among the other causes pending in the circuit court, **superior court, or probate court**, and shall be tried as an original cause.

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

(1) affirming the decision of the single county executive; or
 (2) remanding the cause to the single county executive with directions as to how to proceed;
 and may require the single county executive to comply with this decision.

SECTION 170. IC 36-2-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) The owner of property surveyed under this chapter may appeal that survey to the circuit court, **superior court, or probate court** for the county:

- (1) within ninety (90) days if ~~he~~ **the owner** is a resident of the county and was served with notice of the survey; or
- (2) within one (1) year if ~~he~~ **the owner** is not a resident of the county and notice was by publication.

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

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

- (1) determine the true boundary lines and corners of the lands included in the survey; and
- (2) order the county surveyor to:
 - (A) locate and perpetuate the boundary lines and corners according to the court's findings by depositing durable markers in the proper places, below the freezing point;
 - (B) mark the boundary lines and corners; and
 - (C) enter the boundary lines and corners in ~~his~~ **the county surveyor's** field notes.

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

SECTION 171. IC 36-4-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) An order under section 17 of this chapter may be appealed to the circuit court, **superior court, or probate court** for the county in which any part of the affected territory is located. If an appeal is brought, the matters determined at the original hearing shall be tried de novo, and the circuit court's, **superior court's, or probate court's** order may be appealed

in the same manner as other civil actions are tried and appealed. The municipality involved in the disannexation may, by its attorney, appear and defend its interests in the proceeding.

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

- (1) with a solvent, freehold surety who is a resident of the county in which the territory is located;
- (2) conditioned on the due prosecution of the appeal and the payment of all costs accrued by or to accrue against the appellant or appellants; and
- (3) in a sum considered adequate by the clerk.

If ~~he~~ **the clerk** approves the bond, the clerk shall immediately make a transcript of all proceedings in the cause and certify it, together with all papers in the cause, to the clerk of the court in which the appeal is filed.

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

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

(b) In a county containing a consolidated city, the petition shall be heard and determined by a five (5) member panel of judges from the superior court. The clerk of the court shall select the judges electronically and randomly. Not more than three (3) members of the five (5) member panel of judges may be of the same political party. The

first judge selected shall maintain the case file and preside over the proceedings.

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

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

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

- (1) the deputy mayor, if that position has been established under IC 36-4-9-7; or
- (2) a member of the city legislative body;

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

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

(c) Whenever the president or president pro tempore of the city

legislative body files with the circuit court, **superior court, or probate court** of the county in which the city is located a written statement suggesting that the executive is unable to discharge the powers and duties of ~~his~~ **the executive's** office, the circuit court, **superior court, or probate court** shall convene within forty-eight (48) hours to decide that question. After that, when the executive files with the circuit court, ~~his~~ **superior court, or probate court the executive's** written declaration that no inability exists, the circuit court, **superior court, or probate court** shall convene within forty-eight (48) hours to decide whether that is the case. Upon a decision that no inability exists, the executive shall resume the powers and duties of ~~his~~ **the executive's** office.

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

- (1) the deputy mayor, if that position has been established under IC 36-4-9-7; or
- (2) the president of the legislative body in a second class city, or the president pro tempore of the legislative body in a third class city, if there is no deputy mayor;

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

SECTION 174. IC 36-4-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The legislative body may investigate:

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

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

- (1) is entitled to access to all records pertaining to the investigation; and
- (2) may compel the attendance of witnesses and the production of evidence by subpoena and attachment served and executed in the

county in which the city is located.

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

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

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

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

SECTION 177. IC 36-6-4-16, AS AMENDED BY P.L.1-2010, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court, **superior court, or probate court** of the county, alleging that the township executive is incapable of performing ~~his~~ **the executive's** duties due to mental or physical incapacity, the clerk of the court shall issue a summons to be served on the executive. The summons is returnable not less than ten (10) days from its date of issue.

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

(c) If the court finds the executive incapable of performing the duties of office, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days,

appoint a resident of the township as acting executive of the township during the incapacity of the executive.

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

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

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

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

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

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

- (1) own or are interested in any lots or parts of lots; and
- (2) want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots;

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

- (A) a municipality, if all or any part of the public way or public place to be vacated is located within the corporate boundaries of that municipality; or
- (B) the county, if all or the only part of the public way or public place to be vacated is located outside the corporate boundaries of a municipality.

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

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

(c) The legislative body shall hold a hearing on the petition within

thirty (30) days after it is received. The clerk of the legislative body shall give notice of the petition and of the time and place of the hearing:

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

The petitioner shall pay the expense of providing this notice.

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

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

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

SECTION 179. IC 36-7-5.1-11, AS AMENDED BY P.L.119-2012, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Each member of the commission must have:

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

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

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

(d) In a joint district that contains all or part of a county having a population of more than seventy-five thousand (75,000) but less than seventy-seven thousand (77,000), two (2) of the members appointed by

the legislative body of that county under section 9(1) of this chapter must, in addition to the requirements of subsections (a) and (b), be residents of any township that is entirely or partially located within the joint district.

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

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

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

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

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

(c) If the chief of the department, after an investigation within the department, prefers charges against a member of the department for an alleged breach of discipline under subsection (b), including any civilian complaint of an alleged breach of discipline under subsection (b)(2)(F),

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

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

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

(e) The commission may:

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

(f) If a witness refuses to appear at a hearing of the commission after having received written notice requiring the witness's attendance, or refuses to produce evidence that the commission requests by written notice, the commission may file an affidavit in the circuit court, **superior court, or probate court** of the county setting forth the facts of the refusal. Upon the filing of the affidavit, a summons shall be issued from the circuit court, **superior court, or probate court** and

served by the sheriff of the county requiring the appearance of the witness or the production of information or evidence to the commission.

(g) Disobedience of a summons constitutes contempt of the circuit court, **superior court, or probate court** from which the summons has been issued. Expenses related to the filing of an affidavit and the issuance and service of a summons shall be charged to the witness against whom the summons has been issued, unless the circuit court, **superior court, or probate court** finds that the action of the witness was taken in good faith and with reasonable cause. In that case, and in any case in which an affidavit has been filed without the issuance of a summons, the expenses shall be charged to the commission.

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

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

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

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

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

(c) If a member of the police or fire department is refused a proper

assignment under subsection (b), ~~he~~ **the member of the police or fire department** may file an action in the circuit court, **superior court, or probate court** of the county in the manner prescribed by IC 36-8-3-4.

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

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

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

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

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

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

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

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

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

- (1) be a candidate for elective office and serve in that office if elected;
- (2) be appointed to an office and serve in that office if appointed; and
- (3) except when in uniform or on duty, solicit votes or campaign funds for the officer or others.

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

(e) An appeal under subsection (a) must be taken by filing in court, within thirty (30) days after the date the decision is rendered, a verified complaint stating in a concise manner the general nature of the charges against the officer, the decision of the board, and a demand for the relief asserted by the officer. A bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs only if the court finds that the board's decision should be affirmed. The bond must be approved as bonds for costs are approved in other cases. The county must be named as the

sole defendant and the plaintiff shall have a summons issued as in other cases against the county. Neither the board nor the members of it may be made parties defendant to the complaint, but all are bound by service upon the county and the judgment rendered by the court.

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

(g) The court shall make specific findings and state the conclusions of law upon which its decision is made. If the court finds that the decision of the board appealed from should in all things be affirmed, its judgment should so state. If the court finds that the decision of the board appealed from should not be affirmed in all things, then the court shall make a general finding, setting out sufficient facts to show the nature of the proceeding and the court's decision on it. The court shall either:

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

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

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

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

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

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

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

SECTION 185. IC 36-9-4-58, AS AMENDED BY P.L.153-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 58. (a) An urban mass transportation system operating under this chapter is considered a common carrier not operating under a franchise or contract granted by a municipality and not regulated by ordinance, and is subject to the authority of the department of state revenue under IC 8-2.1 to the same extent as any other common carrier. However, in determining the reasonableness of the fares and charges of such a system, the department of state revenue shall consider, among other factors, the policy of this chapter to foster and assure the development and maintenance of urban mass

transportation systems, and it is not necessary that the operating revenues of the system be sufficient to cover the cost to the system of providing adequate service.

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

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

SECTION 186. IC 36-9-13-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) Except as provided in subsection (b), the board of directors of a building authority, acting in the name of the authority, may:

- (1) finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, equip, operate, maintain, and manage land, government buildings, or systems for the joint or separate use of one (1) or more eligible entities;

- (2) lease all or part of land, government buildings, or systems to eligible entities;
- (3) govern, manage, regulate, operate, improve, reconstruct, renovate, repair, and maintain any land, government building, or system acquired or financed under this chapter;
- (4) sue, be sued, plead, and be impleaded, but all actions against the authority must be brought in the circuit court, **superior court, or probate court** for the county in which the authority is located;
- (5) condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with government buildings or systems regardless of whether that property is then held for a governmental or public use;
- (6) acquire real or personal property by gift, devise, or bequest and hold, use, or dispose of that property for the purposes authorized by this chapter;
- (7) enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a government building;
- (8) design, order, contract for, and construct, reconstruct, renovate, and maintain land, government buildings, or systems and perform any work that is necessary or desirable to improve the grounds, premises, and systems under its control;
- (9) determine, allocate, and adjust space in government buildings to be used by any eligible entity;
- (10) construct, reconstruct, renovate, maintain, and operate auditoriums, public meeting places, and parking facilities in conjunction with or as a part of government buildings;
- (11) collect all money that is due on account of the operation, maintenance, or management of, or otherwise related to, land, government buildings, or systems, and expend that money for proper purposes;
- (12) let concessions for the operation of restaurants, cafeterias, public telephones, news and cigar stands, and vending machines;
- (13) employ the managers, superintendents, architects, engineers, consultants, attorneys, auditors, clerks, foremen, custodians, and other employees or independent contractors necessary for the proper operation of land, government buildings, or systems and fix the compensation of those employees or independent

contractors, but a contract of employment may not be made for a period of more than four (4) years although it may be extended or renewed from time to time;

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

(15) provide coverage for its employees under IC 22-3 and IC 22-4; and

(16) accept grants and contributions for any purpose specified in this subsection.

(b) The building authority in a county having a consolidated city may not purchase, construct, acquire, finance, or lease any land, government building, or system for use by an eligible entity other than the consolidated city or county, unless that action is first approved by:

(1) the city-county legislative body; and

(2) the governing body of the eligible entity involved.

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

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

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

(2) a description of the boundaries of the affected area.

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

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

SECTION 188. IC 36-9-28-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) After the letting

of a contract or contracts under section 5 of this chapter, the ~~circuit~~ court shall appoint three (3) competent, disinterested residents of the county to serve as the board of assessors for the project. The assessors shall take an oath to honestly and faithfully perform their duties as assessors.

(b) The board of assessors shall:

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

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

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

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

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

The hearing may be continued from day to day.

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

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

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

(f) The board of assessors may correct a mistake or supply an

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

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

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

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

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

(h) The ~~circuit~~ court shall make reasonable allowances to the board of assessors and for attorney's fees, and shall tax these allowances with the other costs of the proceedings. The allowances are payable out of money available from bond proceeds, assessments, or the municipal treasury.

SECTION 189. IC 36-9-28-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) If the financing for a project under this chapter is to be provided by the federal government, one (1) or more bonds may be issued at any time after the filing of the assessment roll with the ~~circuit~~ court under section 6 of this chapter.

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

- (1) the assessments made or to be made against the property benefited; or
- (2) the money appropriated for that purpose by the municipality; and are not a general obligation of the municipality.

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

- (1) the interest rate or rates on the bonds and the assessments;
- (2) the time or times of maturities or of principal and assessment payments;
- (3) the terms, if any, for redemption of the bonds;
- (4) the medium and the place or places for payment of the bonds,

including payment by mail to an owner of any fully registered bond; and

(5) any other necessary terms and conditions.

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

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

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

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

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

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

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

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

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

(1) the municipal works board, if all or part of the municipality is located in the area affected by the project;

(2) the executive and legislative body of a township, if all or part

- of the township is located in the area affected by the project;
- (3) any twenty-five (25) landowners who reside in a municipality and whose lands are located in the area affected by the improvement; or
- (4) any twenty-five (25) landowners who do not reside in a municipality and whose lands are located in the area affected by the project.

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

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

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

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

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

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

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

- (1) the district should not be established;

- (2) the works should not be constructed; or
- (3) their property should or should not be included in the proposed district.

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

(c) If the court finds that a necessity exists for the establishment of a flood control district and the construction and installation of flood control works as requested by the petition, the court shall render judgment accordingly and shall enter a decree establishing the district, describing it in such a manner that the property included in it may be sufficiently identified and segregated to permit the levy and collection of the special taxes provided for by this chapter. There is no appeal from such a judgment, and, after the entry of such a decree, the establishment of the district may not be questioned in any action or proceeding, except as otherwise provided by this chapter.

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

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

(f) The date for a hearing under subsection (e) may not be less than ten (10) nor more than fifteen (15) days after the order. The court shall direct the clerk of the court to publish a notice of the hearing that sets out a brief summary of the order, including a brief description of the changes the court proposes to make in respect to the boundaries or works. The notice shall be published in accordance with IC 5-3-1. The notice must state the time and place for the continuation of the hearing on the petition, and advise all parties affected by the proposed changes that they may appear and be heard. Objections may be filed in the manner prescribed by subsection (a), but must be filed at least two (2) days before the time fixed for the continuation of the hearing and must

be based solely on the changes proposed to be made. If, at the conclusion of the continued hearing, the court finds that all or part of the proposed changes should be made, or that the district should be established and the works constructed as provided for in the declaratory resolution, the court shall render judgment accordingly and enter a decree as provided under subsection (c).

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

SECTION 194. IC 36-9-29-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36. All court proceedings relating to the establishment or maintenance of the flood control district, or the performance of any act under this chapter, must be brought and determined only in and by the circuit court, **superior court, or probate court** establishing the district. The jurisdiction of the court in all such matters is conclusive and its judgment is final, except as otherwise provided in this chapter. All proceedings had under this chapter shall be heard by the court without the intervention of a jury, except as otherwise provided in this chapter. Laws with respect to change of venue from the county do not apply to proceedings under this chapter, but changes of venue from the judge may be had as in other civil cases.

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

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

(c) If an objection is filed with the circuit court, **superior court, or probate court** and the objection is overruled or decided adversely to

the objecting party, the court costs incurred in the filing, hearing, and determination of the objection shall be taxed to the objecting party. If the objection is sustained or determined in favor of the objecting party, then the costs shall be taxed to the flood control district.

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

(b) When costs are assessed, they become a lien upon the property to the same extent, are enforceable in the same manner, and have the same rights to payment by installments and appeal as are provided for street and sidewalk improvements ordered by the works board.

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

(d) If land along one (1) side of a parkway, pleasure driveway, or boulevard is owned by the city or used by it for park purposes, one-half (1/2) of the cost of the improvements under this section, as well as any part of the other one-half (1/2) of the cost of the improvements that cannot be met by special assessments against abutting property, is considered to be benefits accruing to all of the property, real and personal, not exempt from taxation under this chapter and located

within the boundaries of the district. The cost shall be paid out of the proceeds of the bonds of the taxing district that are issued and sold for those purposes. Payment shall be made as provided in sections 35 and 37 of this chapter.

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

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

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

SECTION 198. IC 36-10-10-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. An authority may be liquidated after redemption of all of its securities, payment of all of its debts, and termination of all of its leases if the board files a report with the judge of the circuit court, **superior court, or probate court** showing those facts and stating that liquidation would be in the best public interest. If the court finds those facts to be true, it shall make an order book entry ordering the authority liquidated.

P.L.85-2016

[H.1331. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

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

SECTION 1. IC 30-2-12-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.4. This chapter may be cited as the Uniform Prudent Management of Institutional Funds Act.**

SECTION 2. IC 30-2-12-13, AS AMENDED BY P.L.226-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) With the consent of the donor in a record, an institution may modify or release, in whole or in part, a restriction in a gift instrument on the management, investment, and purpose of an institutional fund. **A donor may give prior consent to an institution for release or modification of a restriction or a charitable purpose in a gift instrument that also includes a restriction or stated charitable purpose subject to this section.**

(b) A release under this section may not allow an institutional fund to be used for purposes other than the charitable purposes of the institution affected.

(c) An institution may petition a court to modify, in a manner consistent with the donor's intentions to the extent practicable, a restriction in a gift instrument concerning the management or investment of an institutional fund if:

- (1) the restriction is impracticable or wasteful;
- (2) the restriction impairs the management or investment of the fund; or
- (3) due to unanticipated circumstances, the modification will further the purposes of the institutional fund.

An institution shall notify the attorney general of a petition under this

subsection. A court shall provide the attorney general an opportunity to be heard on the petition.

(d) An institution may petition a court to modify, in a manner consistent with the gift instrument, the charitable purpose of a fund or a restriction on the use of a fund if the charitable purpose or use becomes unlawful, impracticable, impossible, or wasteful. An institution shall notify the attorney general of a petition under this subsection. A court shall provide the attorney general an opportunity to be heard on the petition.

(e) If an institution determines that a restriction in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible, or wasteful, **the following apply:**

(1) The institution shall notify send written notice of the determination to the attorney general.

(2) If, not more than sixty (60) days after providing notice under this subsection, receiving written notice of the determination under subdivision (1), the attorney general sends a written objection to a release or modification of the restriction, the institution may not release or modify the restriction unless one (1) of the following occurs:

(A) The attorney general sends written notice to the institution that the attorney general withdraws the objection.

(B) A court, in a court petition filed under this section, approves the release or modification.

A release or modification of a restriction under clause (A) or (B) is subject to subdivision (4).

(3) If:

(A) the attorney general has not, within sixty-three (63) days after the institution sends written notice under subdivision (1), sent a written objection to a release or modification of the restriction; or

(B) the institution is permitted to release or modify the restriction as provided in subdivision (2)(A) or (2)(B); the institution, subject to subdivision (4), may release or modify the restriction.

(4) Not less than sixty (60) days after sending the written notice required by subdivision (1), the institution may release or

modify all or part of the restriction if:

- (1) **(A)** the value of the institutional fund subject to the restriction is less than ~~twenty-five~~ **two hundred fifty** thousand dollars ~~(\$25,000);~~ **(\$250,000);**
- (2) **(B)** the institutional fund was established more than twenty (20) years earlier; and
- (3) **(C)** the institution uses the institutional fund in a manner consistent with the charitable purposes expressed in the gift instrument.

However, the institution may release or modify all or part of the restriction as provided in this subdivision within the sixty (60) day period described in this section if the attorney general sends to the institution written notice that the attorney general does not object to a release or modification of the restriction.

(f) If:

- (1) an institution makes a determination described in subsection (e); and**
- (2) the institutional fund does not meet the criteria for release or modification of a restriction described in subsection (e)(4)(A) through (e)(4)(C);**

the institution may file a court petition under subsection (c) or (d), whichever is applicable, to seek approval of a release or modification. The attorney general may, after receiving notice of the petition, notify the court that the attorney general does not object to the release or modification and waives any interest or hearing on the petition.

P.L.86-2016
[H.1340. Approved March 21, 2016.]

AN ACT concerning trade regulation.

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

SECTION 1. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(c) The legislative council is urged to assign to an appropriate study committee during the 2016 legislative interim the topic of granting lenders that are licensed to make small loans under the Indiana Uniform Consumer Credit Code the authority to make long term small installment loans.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee may consider, as part of its study, the following:

(1) Appropriate loan amounts, finance charges, and other terms and conditions with respect to long term small installment loans.

(2) Appropriate regulatory requirements and prohibitions with respect to long term small installment loans and lenders authorized to make such loans.

(3) Other matters concerning long term small installment loans that:

(A) are set forth in the introduced version of HB 1340-2016; or

(B) the study committee considers appropriate.

(e) If the topic described in subsection (c) is assigned to a study committee, the study committee may, in conducting its study, consult with:

- (1) the department of financial institutions or other appropriate state agencies;
- (2) lenders that are licensed to make small loans under the Indiana Uniform Consumer Credit Code;
- (3) consumers and consumer advocates;
- (4) regulators in other states; and
- (5) other interested parties or consultants the study committee considers appropriate;

subject to the study committee's budget and to the rules and policies of the legislative council.

(f) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the considerations set forth in subsection (d), in an electronic format under IC 5-14-6 not later than November 1, 2016.

(g) This SECTION expires December 31, 2016.

P.L.87-2016

[H.1347. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.1. "Advanced practice nurse", for purposes of IC 12-15-5-14, has the meaning set forth in IC 12-15-5-14(a).**

SECTION 2. IC 12-7-2-35, AS AMENDED BY P.L.53-2014, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 35. "Committee" means the following:**

(1) For purposes of IC 12-15-33, the meaning set forth in IC 12-15-33-1.

(2) For purposes of IC 12-17.2-3.6, the meaning set forth in IC 12-17.2-3.6-1.

(3) For purposes of IC 12-21-4.5, the meaning set forth in IC 12-21-4.5-1.

SECTION 3. IC 12-7-2-134, AS AMENDED BY P.L.160-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 134. "Office" means the following:

(1) Except as provided in subdivisions (2) through ~~(4)~~; **(7)**, the office of Medicaid policy and planning established by IC 12-8-6.5-1.

(2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.

(3) For purposes of IC 12-15-5-14, the meaning set forth in IC 12-15-5-14(b).

(4) For purposes of IC 12-15-5-15, the meaning set forth in IC 12-15-5-15(b).

~~(5)~~ **(5) For purposes of IC 12-15-5-16, the meaning set forth in IC 12-15-5-16(b).**

(6) For purposes of IC 12-15-13, the meaning set forth in IC 12-15-13-0.4.

~~(7)~~ **(7) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.**

SECTION 4. IC 12-15-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. **(a) As used in this section, "advanced practice nurse" means:**

(1) a nurse practitioner; or

(2) a clinical nurse specialist;

who is a registered nurse licensed under IC 25-23 and qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the equivalent as determined by the Indiana state board of nursing.

(b) As used in this section, "office" includes the following:

(1) The office of the secretary of family and social services.

(2) A managed care organization that has contracted with the

office of Medicaid policy and planning under this article.

(3) A person that has contracted with a managed care organization described in subdivision (2).

(c) The office shall reimburse eligible Medicaid claims for the following services provided by an advanced practice nurse employed by a community mental health center if the services are part of the advanced practice nurse's scope of practice:

- (1) Mental health services.
- (2) Behavioral health services.
- (3) Substance use treatment.
- (4) Primary care services.
- (5) Evaluation and management services for inpatient or outpatient psychiatric treatment.
- (6) Prescription drugs.

(d) The office shall include an advanced practice nurse as an eligible provider for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services, if the supervision is in the advanced practice nurse's scope of practice, education, and training.

(e) This section:

- (1) may not be construed to expand an advanced practice nurse's scope of practice; and
- (2) is subject to IC 25-23-1-19.4(c) and applies only if the service is included in the advanced practice nurse's practice agreement with a collaborating physician.

SECTION 5. IC 12-15-5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) This section is effective upon approval by the federal government of the office's Medicaid state plan amendment to implement the requirements of this section. The office shall submit the Medicaid state plan amendment not later than December 1, 2016.**

(b) As used in this section, "office" includes the following:

- (1) The office of the secretary of family and social services.
- (2) A managed care organization that has contracted with the office of Medicaid policy and planning under this article.
- (3) A person that has contracted with a managed care organization described in subdivision (2).

(c) The office shall authorize Medicaid reimbursement for

eligible Medicaid services provided by a student who:

(1) is currently enrolled in a graduate or postgraduate degree level:

- (A) medical;**
- (B) nursing;**
- (C) mental health;**
- (D) behavioral health; or**
- (E) addiction treatment;**

accredited college or university program;

(2) has been approved by the college or university to work as an intern or practicum student at a community mental health center under the direct supervision of a licensed professional who holds a master's degree or doctoral level degree related to the area of study; and

(3) the services being provided by the student are within the scope of practice of the supervising practitioner.

(d) Medicaid claims for eligible Medicaid services provided under this section must be submitted by the supervising practitioner. Only one (1) Medicaid claim may be submitted per episode of care.

(e) A community mental health center that allows intern and practicum students to provide services under this section shall have a policy and procedure for the intern and practicum students to receive supervision and a method for documenting the supervision provided.

SECTION 6. IC 12-15-5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) This section is effective upon approval by the federal government of the office's Medicaid state plan amendment to implement the requirements of this section. The office shall submit the Medicaid state plan amendment not later than December 1, 2016.

(b) As used in this section, "office" includes the following:

- (1) The office of the secretary of family and social services.**
- (2) A managed care organization that has contracted with the office of Medicaid policy and planning under this article.**
- (3) A person that has contracted with a managed care organization described in subdivision (2).**

(c) The office shall reimburse a clinical addiction counselor

licensed under IC 25-23.6 for an eligible Medicaid behavioral health or addictions service that is within the counselor's scope of practice if the clinical addiction counselor is under the clinical supervision of a physician or health service provider in psychology.

SECTION 7. IC 27-19-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. (a)** The department shall, in consultation with the office of the secretary of family and social services, review, study, and make recommendations concerning the current capacity, training, adequacy, and barriers to navigators who provide assistance to individuals in applying for and obtaining public health insurance program coverage.

(b) Before September 30, 2016, the department shall report, in writing and in an electronic format under IC 5-14-6, the department's findings under this section to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.

(c) This section expires December 31, 2016.

P.L.88-2016

[H.1369. Approved March 21, 2016.]

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 2-5-36-9, AS AMENDED BY P.L.156-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a)** The commission shall do the following:

- (1) Study and evaluate the following:
 - (A) Access to services for vulnerable youth.
 - (B) Availability of services for vulnerable youth.
 - (C) Duplication of services for vulnerable youth.

- (D) Funding of services available for vulnerable youth.
 - (E) Barriers to service for vulnerable youth.
 - (F) Communication and cooperation by agencies concerning vulnerable youth.
 - (G) Implementation of programs or laws concerning vulnerable youth.
 - (H) The consolidation of existing entities that serve vulnerable youth.
 - (I) Data from state agencies relevant to evaluating progress, targeting efforts, and demonstrating outcomes.
 - (J) Crimes of sexual violence against children.
 - (K) The impact of social networking web sites, cellular telephones and wireless communications devices, digital media, and new technology on crimes against children.
- (2) Review and make recommendations concerning pending legislation.
 - (3) Promote information sharing concerning vulnerable youth across the state.
 - (4) Promote best practices, policies, and programs.
 - (5) Cooperate with:
 - (A) other child focused commissions;
 - (B) the judicial branch of government;
 - (C) the executive branch of government;
 - (D) stakeholders; and
 - (E) members of the community.
 - (6) Submit a report not later than July 1 of each year regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.
- (b) Not later than November 1, 2016, the commission shall:**
- (1) study and evaluate innovative juvenile justice programs, including juvenile community corrections; and**
 - (2) consult with the justice reinvestment advisory council under IC 33-38-9.5 concerning how funds should be distributed for innovative juvenile justice programs and juvenile community corrections.**
- The commission shall submit a report, not later than December 1,**

2016, regarding the commission's work required under this subsection. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6. This subsection expires January 1, 2018.

SECTION 2. IC 33-38-9.5-2, AS ADDED BY P.L.179-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

- (1) The executive director of the Indiana public defender council or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.
- (3) The director of the division of mental health and addiction or the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the president's designee.
- (5) The commissioner of the Indiana department of correction or the commissioner's designee.
- (6) The executive director of the Indiana judicial center or the executive director's designee.
- (7) The executive director of the Indiana criminal justice institute or the executive director's designee.
- (8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.
- (9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(b) The executive director of the Indiana judicial center shall serve as chairperson of the advisory council.

(c) The purpose of the advisory council is to conduct a state level review and evaluation of:

- (1) local corrections programs, including community corrections, county jails, and probation services; and
- (2) the processes used by the department of correction and the division of mental health and addiction in awarding grants.

(d) The advisory council may make a recommendation to the department of correction, community corrections advisory boards, and

the division of mental health and addiction concerning the award of grants.

(e) The Indiana judicial center shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the Indiana judicial center from funds appropriated to the Indiana judicial center for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (k);
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction; and
- (5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council shall issue an annual report, before October 1 of each year, to the:

- (1) legislative council;
- (2) chief justice; and
- (3) governor.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(k) The report described in subsection (j) must include the following:

- (1) The recidivism rate of persons participating in the program or treatment plan, including the recidivism rate (when available):
 - (A) while participating in the program or treatment plan;
 - (B) within six (6) months of completing the program or treatment plan;
 - (C) within one (1) year of completing the program or treatment plan;
 - (D) within two (2) years of completing the program or treatment plan; and
 - (E) within three (3) years of completing the program or treatment plan.
- (2) The overall success and failure rate of a program and treatment plan and the measures used to determine the overall success and failure rate.
- (3) The number of persons who complete or fail to complete a program or treatment plan, and, for persons who do not complete the plan, the reason that the person did not complete the plan, if available.
- (4) The number of persons participating in the program or treatment plan and the duration of their participation.
- (5) The number and percentage of persons able to obtain employment after participating in the plan, the type of employment obtained, the length of time required to obtain employment, and, when available, the number of persons still employed after six (6) months and after one (1) year.
- (6) Other information relevant to the operation of the program or treatment plan.

(I) Not later than November 1, 2016, the advisory council shall consult with the commission on improving the status of children in Indiana under IC 2-5-36 concerning how funds should be distributed for innovative juvenile justice programs and juvenile community corrections. This subsection expires January 1, 2018.

SECTION 3. An emergency is declared for this act.

P.L.89-2016

[S.109. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 14-8-2-37.6 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 37.6: "~~Cervidae~~", for purposes of IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-1.

SECTION 2. IC 14-8-2-37.7 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 37.7: "~~Cervidae livestock operation~~", for purposes of IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-2.

SECTION 3. IC 14-8-2-37.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 37.8: "~~Cervidae products~~", for purposes of IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-3.

SECTION 4. IC 14-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2016]: Sec. 1. This chapter applies to applications for licenses under the following:

- (+) ~~IC 14-22-26-3(2)~~ (wild animals);
- (2) IC 14-26-2 (lake preservation).
- (3) IC 14-26-5 (dams).
- (3) IC 14-28-1 (flood control).
- (4) IC 14-29-3 (removal of substances from streams).
- (5) IC 14-29-4 (construction of channels).

SECTION 5. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals, except those that are:

- (1) legally owned ~~or being held in captivity~~ under a license or permit as required by this article; or
 - (2) otherwise excepted in this article;
- are the property of the people of Indiana.

(b) The department shall ~~protect~~ **provide for the protection** and

properly manage the fish and wildlife resources of proper management of all legally or publicly owned wild animals in Indiana.

SECTION 6. IC 14-22-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. This article does not apply to legally owned captive bred cervidae.**

SECTION 7. IC 14-22-1-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.7. This article does not apply to legally owned captive bred members of the bovidae family described in IC 15-17-14.7-3.**

SECTION 8. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) The owner of a hunting preserve licensed under IC 15-17-14.7 is not required to obtain a game breeder's license under this section.**

(b) The owner of a cervidae livestock operation under IC 15-17-14.5 is not required to obtain a game breeder's license under this section.

(c) The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

- (1) propagate in captivity; and
- (2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

SECTION 9. IC 14-22-20.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Cervidae and Cervidae Products).

SECTION 10. IC 14-22-31-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to a hunting preserve licensed under IC 15-17-14.7.**

SECTION 11. IC 14-22-38-4, AS AMENDED BY P.L.195-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that involves:

- (1) unlawfully taking or possessing a deer or wild turkey;
- (2) taking or possessing a deer or wild turkey by illegal methods

or with illegal devices; or

(3) except as provided in subsections (c) and (d), selling, offering to sell, purchasing, or offering to purchase a deer or wild turkey or a part of a deer or wild turkey;

the court may order the person to reimburse the state five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

(1) fails to pick up the processed deer within a reasonable time;

or

(2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

~~(d) Notwithstanding section 6 of this chapter, deer meat and products from farm raised deer that meet the requirements under IC 15-17 may be sold to the public.~~

~~(e)~~ (d) In addition to being liable for the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

(1) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or

(2) a device used as a silencer;

commits unlawful hunting while using or possessing a silencer, a Class C misdemeanor.

SECTION 12. IC 15-17-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Cervidae", for purposes of IC 15-17-14.5 and IC 15-17-14.7, means privately owned members of the cervidae family, including deer, elk, moose, reindeer, and caribou.**

SECTION 13. IC 15-17-2-38.5 IS ADDED TO THE INDIANA

CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. "Hunting preserve", for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-1.**

SECTION 14. IC 15-17-2-82.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 82.5. "Permitted animal", for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-3.**

SECTION 15. IC 15-17-7-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) This section does not apply to cervidae on a cervidae hunting preserve licensed under IC 15-17-14.7.**

~~(a)~~ **(b)** Owners of cattle, goats, or cervids that are destroyed because they have:

- (1) reacted positively to a tuberculin test administered by:
 - (A) the state veterinarian or the state veterinarian's agent; or
 - (B) an agent of the United States Department of Agriculture;
- or
- (2) been exposed to tubercular animals;

are entitled to be indemnified for the cattle, goats, or cervids under the rules of the board and the United States Department of Agriculture, as applicable.

~~(b)~~ **(c)** Indemnification by the state may not exceed the per animal limit set in the rules of the board.

~~(c)~~ **(d)** Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal.

~~(d)~~ **(e)** State indemnity may not exceed federal indemnity on each animal.

SECTION 16. IC 15-17-10-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), an indemnity payment may not be made for the following:

- (1) Animals or objects belonging to the United States.
- (2) Animals or objects belonging to the state.
- (3) Animals or objects brought into the state or moved in violation of this article, the rules of the board, or an agreement for the

control of diseases or pests.

(4) Animals that were previously affected by any other disease or pest, which, from its nature and development, caused an incurable condition and was necessarily fatal.

(5) Animals or objects affected with disease or pest of animals that the owner purchased, knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects purchased from a place where a contagious disease or pest of animals was known to exist.

(6) Any animal or object that the owner or the owner's agent intentionally infects with or exposes to a disease or pest of animals.

(7) Any animal or object for which the owner received indemnity or reimbursement from any other source.

(8) Any cervidae or objects on a hunting preserve licensed under IC 15-17-14.7.

(b) The board may pay indemnity for animals or objects described in subsection (a)(3) through (a)(5) if the board finds that payment of indemnity is necessary to accomplish the purposes of this article.

SECTION 17. IC 15-17-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14.5. Cervidae and Cervidae Products

Sec. 1. As used in this chapter, "cervidae livestock operation" means an operation that:

(1) contains privately owned cervidae; and

(2) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

Sec. 2. As used in this chapter, "cervidae products" means products, coproducts, or byproducts of cervidae.

Sec. 3. Cervidae and cervidae products legally produced, purchased, possessed, or acquired within Indiana or imported into Indiana are the exclusive property of the owner.

Sec. 4. Meat and products derived from privately owned cervidae that are from a cervidae livestock operation may be sold to the general public, subject to IC 15-17-5.

Sec. 5. The board may establish under IC 15-17-3-23 standards

of care for animals on cervidae livestock operations.

SECTION 18. IC 15-17-14.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14.7. Hunting Preserves

Sec. 1. As used in this chapter, "hunting preserve" means an area of land where permitted animals are hunted.

Sec. 2. As used in this chapter, "licensed owner" means an owner of a hunting preserve who holds a license issued under this chapter.

Sec. 3. As used in this chapter, "permitted animal" means a legally owned captive bred wild animal classified as follows:

- (1) A member of the cervidae family.
- (2) A member of the bovidae family genus ovis.
- (3) A member of the bovidae family genus capra.

Sec. 4. (a) The board shall issue an initial hunting preserve license to a person who:

- (1) meets all other requirements of this chapter; and
- (2) pays a fee of three hundred dollars (\$300).

(b) A hunting preserve license issued under this section may be transferred or assigned. If a person acquires a hunting preserve through a sale, a lease, or a change in ownership of the hunting preserve, the person must:

- (1) obtain a hunting preserve license from the board; and
- (2) meet the requirements set forth in this chapter;

before allowing hunting on the hunting preserve.

(c) A hunting preserve must pass an annual inspection by the board.

(d) A person who:

- (1) meets the requirements set forth in this chapter; and
- (2) pays an annual fee of three hundred dollars (\$300);

is entitled to renew a license.

(e) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter.

Sec. 5. Permitted animals, including their products, are the property of the licensed owner of the hunting preserve containing the permitted animals.

Sec. 6. (a) A hunting preserve must:

(1) provide sufficient space and cover to allow permitted animals the opportunity to evade hunters; and

(2) meet the following requirements:

(A) The hunting preserve must meet the applicable minimum size requirement of subsection (b).

(B) The hunting preserve must be enclosed by a fence that is at least eight (8) feet in height and not more than six (6) inches above the ground.

(C) Reasonable efforts must be made to clear the hunting preserve of wild deer.

(D) The hunting preserve may not be bisected by a public road, fencing, or any other barrier.

(E) The fence enclosing the hunting preserve must be marked with signs that meet the specifications of the board.

(b) A hunting preserve must contain:

(1) an aggregate total of at least eighty (80) acres in the areas where permitted animals are hunted if the hunting preserve was in operation during the 2015 calendar year; or

(2) at least one hundred (100) contiguous acres in the area where permitted animals are hunted if the hunting preserve was not in operation during the 2015 calendar year.

Sec. 7. If a permitted animal escapes from a hunting preserve, the owner shall report the escape to the board within twenty-four (24) hours after the escape is discovered.

Sec. 8. A licensed owner may not do the following:

(1) Release a permitted animal into the wild.

(2) Release any cervid other than a permitted animal on the hunting preserve.

Sec. 9. (a) Hunting on a hunting preserve is not regulated by the department of natural resources. A person who takes or hunts a permitted animal on a hunting preserve is not required to hold a license under IC 14-22.

(b) A person who takes or hunts a permitted animal on a hunting preserve is required to have a special hunting permit issued by the board.

(c) The board:

(1) shall issue a special hunting permit that is required under subsection (b); and

(2) may appoint owners or managers of a hunting preserve as agents to sell the special hunting permit.

(d) A special hunting permit expires on March 2 immediately following the date the license is effective.

(e) The fee for a special hunting permit issued under this section to take a buck is equal to the fee set by the natural resources commission under IC 14-22-12-1(a)(15) per animal.

(f) The fee for a special hunting permit issued under this section to take a doe, a sheep, or a goat is equal to the fee set by the natural resources commission under IC 14-22-12-1(a)(6) per animal.

(g) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter.

(h) The name, mailing address, electronic mail address, and telephone number of an individual issued a special hunting permit under this section is confidential for purposes of IC 5-14-3-4.

Sec. 10. (a) The board shall provide a licensed owner with a transportation tag or a cull tag to be affixed as follows to every permitted animal taken on the licensed owner's hunting preserve:

(1) The licensed owner shall cause a transportation tag to be affixed to each permitted animal taken by a hunter on the hunting preserve.

(2) The licensed owner shall cause a cull tag to be affixed to each animal culled by the licensed owner.

(b) A hunter may not transport or possess a permitted animal taken on a hunting preserve unless a transportation tag is affixed to the permitted animal. A transportation tag affixed to a permitted animal taken by a hunter on a hunting preserve is considered to be the bill of sale for the sale of the permitted animal by the licensed owner to the hunter.

(c) A licensed owner may not transport a permitted animal culled from the hunting preserve by the licensed owner unless a cull tag is affixed to the permitted animal. A culled permitted animal may be transported from the hunting preserve to be processed for the personal consumption of the licensed owner or to be donated to charity. The board may not charge a licensed owner for a cull tag provided under this section.

Sec. 11. (a) A licensed owner shall keep records that accurately represent the following:

(1) The permitted animals entering and leaving the hunting preserve.

(2) The individuals who use the hunting preserve.

(3) Information that documents compliance with this chapter as determined by rules adopted by the board.

(b) The records under subsection (a) must be maintained for a period determined by the board and must be open for inspection by employees of the board during regular business hours.

Sec. 12. (a) Permitted animals may be hunted on a hunting preserve licensed under this chapter from September 1 through March 1 between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset.

(b) For permitted animals taken on a hunting preserve there is not a bag limit, and both male and female animals may be taken.

(c) A licensed owner may charge fees for hunting on the hunting preserve that reflect the class of permitted animal hunted.

Sec. 13. (a) Only weapons that may be used legally in hunting on other property in Indiana may be used in hunting on a hunting preserve.

(b) A hunting preserve may not allow computer assisted remote hunting.

(c) If a permitted animal has been sedated, the hunting preserve may not allow the permitted animal to be hunted within twenty-four (24) hours of sedation. In addition, the board may adopt rules governing the use of a permitted animal for food after the permitted animal has been sedated or treated with medication.

(d) Hunting on a hunting preserve is prohibited within one hundred fifty (150) yards of an artificial feeding site.

Sec. 14. (a) The board may establish under IC 15-17-3-23 standards of care for permitted animals on hunting preserves licensed under this chapter.

(b) The board may not adopt rules that have the effect of prohibiting or unreasonably restricting the operation of a hunting preserve. However, the board's ability to regulate animal diseases and food safety is not restricted by this subsection.

(c) The board may inspect a hunting preserve to investigate a complaint at any reasonable time.

(d) The board may inspect a hunting preserve to investigate an issue concerning animal health at any reasonable time.

Sec. 15. (a) Except as provided in subsection (b), a person who violates this chapter is subject to the penalties set forth in IC 15-17-18-12.

(b) A person who knowingly or intentionally violates section 7, 8, 13(b), or 13(c) of this chapter commits a Level 6 felony.

Sec. 16. (a) The captive cervidae programs fund is established. The board may use money in the fund to pay the expenses of:

- (1) administering IC 15-17-14.5 and this chapter; and**
- (2) implementing programs to control diseases in cervidae authorized under this article.**

(b) The fund shall be administered by the board.

(c) The fund consists of all fees collected under this chapter.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 19. IC 35-52-15-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. IC 15-17-14.7-15 defines crimes concerning a hunting preserve.

SECTION 20. [EFFECTIVE APRIL 1, 2016] (a) IC 14-11-4-1, as amended by this act, applies to applications for licenses filed after March 31, 2016.

(b) This SECTION expires January 1, 2017.

SECTION 21. An emergency is declared for this act.

P.L.90-2016

[S.145. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 10-17-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. (a) The definitions under IC 23-14-54.5-2 through IC 23-14-54.5-6 apply to this section.**

(b) As used in this section, "cremated remains" has the meaning set forth in IC 23-14-31-7.

(c) A veterans' service organization may apply to the department for approval to receive the following from a licensed funeral director under IC 23-14-54.5:

(1) Verification information.

(2) Cremated remains of a veteran or dependent of a veteran.

(d) The department shall establish standards that a veterans' service organization must meet to receive approval by the department under this section, including:

(1) an application for approval;

(2) the information that a veterans' service organization is required to submit to the department; and

(3) criteria and standards for approval.

(e) If a veterans' service organization meets the standards established by the department under subsection (d), the department shall approve the veterans' service organization for eligibility to receive verification information and cremated remains under IC 23-14-54.5.

(f) The department shall:

(1) maintain a list, with names and contact information, of veterans' service organizations that have been approved

under subsection (e); and

(2) publish the list on the department's Internet web site.

(g) The department shall prepare and provide, upon request, sample forms for transfer of cremated remains and release of liability between a funeral director and an approved veterans' service organization.

SECTION 2. IC 23-14-54.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 54.5. Unclaimed Remains of Veterans and Dependents of Veterans

Sec. 1. The definitions in IC 23-14-31-1 through IC 23-14-31-21 apply to this chapter.

Sec. 2. As used in this chapter, "dependent of a veteran" means a spouse or a dependent child (as recognized by the United States Department of Veterans Affairs) of a veteran.

Sec. 3. As used in this chapter, "funeral director" means a person who holds a funeral director license issued under IC 25-15.

Sec. 4. As used in this chapter, "verification information" means data required by the United States Department of Veterans Affairs to verify whether a deceased person is a veteran or a dependent of a veteran and is eligible for burial in a national or state cemetery, including:

- (1) a copy of the person's or veteran's death certificate; and
- (2) the person's or veteran's:
 - (A) name;
 - (B) service number;
 - (C) branch of service;
 - (D) military rank;
 - (E) Social Security number;
 - (F) date and place of birth; and
 - (G) date of death.

Sec. 5. As used in this chapter, "veteran" means a person who:

- (1) served:
 - (A) in the active military or naval service of the United States;
 - (B) in active duty in a force of any organized state militia in a full-time status; or
 - (C) in the reserve armed forces of the United States on

active duty; and

(2) was released from the service described in subdivision (1) other than by dishonorable discharge.

Sec. 6. As used in this chapter, "veterans' service organization" means a veterans' organization that:

(1) is qualified as tax exempt under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code;

(2) is organized for the verification and burial of veterans and dependents of veterans; and

(3) meets one (1) or more of the following:

(A) Is recognized by the United States Department of Veterans Affairs.

(B) Is federally chartered by the Congress of the United States.

Sec. 7. (a) This section applies only if all the following apply:

(1) A funeral director has had possession of cremated remains for at least one (1) year.

(2) The funeral director has complied with any notice or other requirements under law concerning cremated remains that have not been claimed by an authorizing agent.

(3) No attempt has been made to claim the cremated remains by a person who has the right to serve as an authorizing agent.

(b) A veterans' service organization that is approved by the Indiana department of veterans' affairs under IC 10-17-1-4.5 may request a funeral director to release verification information concerning cremated remains in the possession of the funeral director.

(c) A funeral director may release verification information concerning cremated remains to a veterans' service organization described in subsection (b).

(d) If:

(1) the United States Department of Veterans Affairs or the Indiana department of veterans' affairs verifies that the cremated remains are the remains of a veteran or a dependent of a veteran and are eligible for burial in a state or national cemetery; and

(2) a veterans' service organization enters into a signed transfer and release of liability with the funeral director who

has possession of the cremated remains;
the funeral director may release the cremated remains to the veterans' service organization.

Sec. 8. (a) A veterans' service organization that receives cremated remains under section 7 of this chapter shall:

- (1) transport the cremated remains to a state or national cemetery; and
- (2) inter, entomb, or inurn the cremated remains in the state or national cemetery in accordance with any applicable state or federal law.

(b) A veterans' service organization shall provide, in writing to the funeral director who released the cremated remains, the following information concerning the location of the cremated remains that were interred, entombed, or inurned:

- (1) The city and state.
- (2) The cemetery name.
- (3) The plot.
- (4) The name of the cemetery owner.
- (5) The date the cremated remains were interred, entombed, or inurned.
- (6) The contact information of the veterans' service organization.

(c) This section may not be construed to require the funeral director who released the cremated remains under section 7 of this chapter to be present at the interment, entombment, or inurnment of the cremated remains.

Sec. 9. A veterans' service organization that in good faith receives and inters, entombs, or inurns cremated remains under this chapter is immune from civil liability for any acts or omissions by the veterans' service organization in receiving or interring, entombing, or inurning the cremated remains.

Sec. 10. A funeral director who in good faith releases:

- (1) verification information as required under this chapter; or
- (2) the cremated remains of a veteran or a dependent of a veteran as provided under this chapter;

is immune from civil liability for any acts or omissions in releasing the verification information or cremated remains.

SECTION 3. IC 34-30-2-90.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: **Sec. 90.3. IC 23-14-54.5-9 (Concerning a veterans' service organization receiving and interring, entombing, or inurning cremated remains).**

SECTION 4. IC 34-30-2-90.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 90.4. IC 23-14-54.5-10 (Concerning funeral directors releasing verification information or cremated remains to a veterans' service organization).**

P.L.91-2016

[S.151. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-30-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies only to a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city.**

(b) This section applies in the absence of an agreement in effect for payment by the reuse authority to the excluded city for police, fire protection, and utility services provided by the excluded city.

(c) As used in this section, "city services" means police, fire protection, and utility services.

(d) After December 31, 2016, the municipal military base reuse authority shall pay the excluded city for city services that are provided by the excluded city to the reuse area. The amount the municipal military base reuse authority shall pay for the city services is as follows:

(1) Police and fire protection services must be paid at the same property tax rate imposed on taxpayers located within

the excluded city.

(2) Utility services must be paid at the same rates and charges imposed upon property owners located within the excluded city.

(e) The payment for city services under this section is subordinate to those debt service payments for bonds of the municipal military base reuse authority issued before January 1, 2016.

(f) The payment for city services under this section shall be determined by a financial advisor with the approval, by written agreement, of the excluded city and the municipal military base reuse authority not later than August 1 of each year. Any deficiencies in payment of the fee for city services in a budget year must be replenished from the next available municipal military base reuse revenues subordinate to payment of debt service.

P.L.92-2016

[S.154. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 10-16-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) A member of the Indiana national guard who is wounded or disabled or was disabled in the service of the state including service related to:

- (1) a riot;
- (2) a tumult;
- (3) a breach of the peace;
- (4) a resistance to process;
- (5) an invasion;

- (6) a public disaster;
- (7) the aid of civil authority; or

(8) a lawfully ordered parade, drill, encampment, or inspection; within ten (10) years preceding the member's application for a pension under this chapter shall, upon proof of the disability, be placed on the roll of invalid pensioners of the state and shall receive out of money in the state treasury not otherwise appropriated, upon the audit of the adjutant general and approval of the governor, the same pension or reward that a person under similar circumstances would receive from the United States. In case of a wound, an injury, or a disease that results in death, the surviving spouse, dependent children, or dependent parent of the member of the Indiana national guard shall receive the pension and reward dating from the time of receiving the injuries on account of which the pension or reward is allowed. An officer or enlisted person is not entitled while in active service to apply for or receive a pension.

(b) If a member of the Indiana national guard dies in the active service of the state, the member's reasonable funeral expenses, not exceeding ~~four thousand~~ **eight thousand eight hundred** dollars (~~\$4,000~~; **\$8,800**), shall be paid by the state in the manner as the governor directs.

(c) This section does not make applicable any provision of the national service life insurance law of the United States, and the pension or reward granted under this section shall be that provided for by the pension laws of the United States in substance, without regard to form.

P.L.93-2016

[S.189. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-3-9.4, AS AMENDED BY P.L.43-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9.4. (a) Beginning January 1, 2010, the department may obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information to:

- (1) access the information at any time; and
 - (2) accurately determine:
 - (A) where each student is enrolled and attending classes; and
 - (B) the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation;
- as of any date after December 31, 2009, occurring before two (2) regular instructional days before the date of the inquiry.

Each school corporation and charter school shall provide the information to the department in the form and on a schedule that permits the department to comply with this section. The department shall provide technical assistance to school corporations and charter schools to assist school corporations and charter schools in complying with this section.

(b) Beginning with the 2015-2016 school year, each school corporation and charter school shall annually:

- (1) determine, **on a form prescribed by the department, whether a student who attends an adult high school (as defined under IC 20-24-1-2.3) or a student's parent or a member of the same household** is a member of:
 - (A) the armed forces of the United States who is on active

duty;

(B) the reserve component of a branch of the armed forces of the United States; or

(C) the national guard; and

(2) provide **to the department** a list ~~to the department~~ of the students who have been identified under subdivision (1).

The information collected by a school corporation or charter school under subdivision (1) is considered confidential and shall be collected by the school corporation or charter school under guidelines for maintaining confidentiality established by the department. The department shall assign each student identified under subdivision (1) a unique identifier, which may be a modification of the student's test number assigned under subsection (a), by which data concerning military connected students may be disaggregated, **including information concerning attendance records and academic progress.**

P.L.94-2016

[S.219. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-1-9-20 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 20: The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:~~

~~(1) license;~~

~~(2) certificate;~~

~~(3) registration; or~~

(4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana:

SECTION 2. IC 25-1-11-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:~~

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana:

SECTION 3. IC 25-1-17-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11. (a) The board shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:**

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

of a military spouse whose husband or wife is assigned to a duty station in Indiana.

(b) A rule adopted by a board under IC 25-1-9-20 (before its repeal) or IC 25-1-11-21 (before its repeal) is valid and effective until the board adopts a new rule under IC 4-22-2 that supersedes the original rule in whole or in part.

P.L.95-2016

[S.238. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning natural resources and to make an appropriation.

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

SECTION 1. IC 6-6-11-12.5, AS AMENDED BY P.L.151-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12.5. (a) The lake and river enhancement fund is established and allocated for the following purposes:

- (1) One-half (1/2) of the fund shall be used to pay costs incurred by the department of natural resources in implementing the lake and river enhancement projects. ~~required by IC 14-32-7-12(b)(7).~~
- (2) One-half (1/2) of the fund shall be used by the department of natural resources to pay for lake or river (as defined in IC 14-32-7-12) projects, including, but not limited to, projects to:
 - (A) remove sediment;
 - (B) control exotic or invasive plants or animals; or
 - (C) remove logjams or obstructions.

For purposes of this subdivision, the fund may not be used for projects relating to a ditch or manmade channel.

(b) The fund shall be administered by the director of the department of natural resources.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the revenue from the lake and river enhancement fee paid by boat owners and deposited under section 12(c)(1) of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) With the approval of the governor and the budget agency, the money in the fund allocated under subsection (a)(1) may be used to

augment and supplement the funds appropriated for the implementation of lake and river enhancement projects. ~~required by IC 14-32-7-12(b)(7).~~

SECTION 2. IC 6-7-1-29.1, AS AMENDED BY P.L.241-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29.1. (a) One-sixth (1/6) of the money in the cigarette tax fund is annually appropriated **as follows:**

(1) The amount to which subsection (d) applies is annually appropriated to the division of soil conservation for the purpose set forth in subsection (d).

(2) The remainder of one-sixth (1/6) of the money in the cigarette tax fund is annually appropriated to the department of natural resources for the purposes set forth in subsections (b) and (c).

(b) The department **of natural resources** shall use at least two percent (2%) but not more than twenty-one percent (21%) of the money appropriated to it under this section for:

(1) flood control and water resource projects, including multiple-purpose reservoirs; and

(2) applied research related to technical water resource problems.

The department **of natural resources** may use the money **to which this subsection applies** to plan, design, acquire land for, or construct the projects.

(c) The department **of natural resources** shall use at least thirty-six percent (36%) of the money appropriated to it under this section to construct, reconstruct, rehabilitate, or repair general conservation facilities or to acquire land.

(d) ~~The department~~ **division of soil conservation of the Indiana state department of agriculture** shall use at least forty-three percent (43%) of the money appropriated ~~to the department~~ under this section for soil conservation. ~~and lake and river enhancement under IC 14-32-~~

SECTION 3. IC 14-32-7-12, AS AMENDED BY P.L.175-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As used in this section, "river" includes streams and the tributaries of rivers.

(b) The division of soil conservation shall do the following:

(1) Perform all administrative duties required by the rules of the board.

- (2) Provide professional assistance to districts in planning, coordinating, and training for the following:
 - (A) Adult soil and water conservation education.
 - (B) Natural resources conservation information programs for elementary and secondary schools.
 - (C) Supervisors and staff.
- (3) Provide professional soil conservation technical assistance to districts.
- (4) Provide nonagricultural soils interpretive and erosion control expertise on a regional basis.
- (5) Assist the districts and other federal, state, and local entities in encouraging and monitoring compliance with those aspects of the programs that are related to erosion and sediment reduction.
- (6) Administer a cost share program for installation of erosion control structural measures on severely eroding cropland and for conversion of highly erodible land from crop production to permanent vegetative cover.
- ~~(7) Administer a lake and river enhancement program to do the following:~~
 - ~~(A) Control sediment and associated nutrient inflow into lakes and rivers.~~
 - ~~(B) Accomplish actions that will forestall or reverse the impact of that inflow and enhance the continued use of Indiana's lakes and rivers.~~
- ~~(8)~~ (7) Provide professional assistance to districts in conservation needs assessments, program development, and program evaluation.

SECTION 4. IC 14-32-8-8, AS AMENDED BY P.L.1-2007, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) In addition to funds provided to a district under section 7 of this chapter or from any other source, the division of soil conservation shall pay to the district one dollar (\$1) for every one dollar (\$1) the district receives:

- (1) from a political subdivision; or
- (2) if a district receives no funding from a political subdivision, from any other funding source.**

The board shall consider funds received from a source referred to in subdivision (2) as qualifying for matching payments under this

subsection.

(b) **Except as provided in section 8.2 of this chapter**, the state is not obligated to match more than ten thousand dollars (\$10,000) under this section.

(c) In order to receive funding under this section each year, a district must certify to the division of soil conservation the amount of money the district received from all ~~political subdivisions~~ **sources described in subsection (a)(1) or (a)(2)** during the one (1) year period beginning January 1 of the previous year. The information prepared under this subsection must be part of the annual financial statement prepared and provided to the board under IC 14-32-4-22. The division of soil conservation shall make distributions under this section not later than July 15 of each year.

(d) Before making distributions under this section, the division of soil conservation shall determine the total amount of money that has been certified by all districts as having been provided by ~~political subdivisions~~ **sources described in subsection (a)(1) or (a)(2)**. If the cumulative amount to be distributed to all districts exceeds the amount appropriated to the fund, the division of soil conservation shall reduce the distribution to each district proportionately.

(e) A district must spend money received under this section for the purposes of the district.

SECTION 5. IC 14-32-8-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 8.2. (a) This section applies to a district if, as the result of:**

- (1) the merger of two (2) or more districts; or**
- (2) the changing of the boundaries of one (1) or more districts under IC 14-32-6.5;**

the territory of the district is larger than the entire area of one (1) county.

(b) The limit in section 8(b) of this chapter on the funds from political subdivisions that the state may be obligated to match shall be adjusted under this section in the case of a district described in subsection (a).

(c) If the territory of a district includes the entire area of two (2) or more counties, the limit on the funds from political subdivisions that the state may be obligated to match is ten thousand dollars

(\$10,000) multiplied by a whole number equal to the number of counties whose entire area is included in the territory of the district.

(d) If the territory of a district includes some of but less than the entire area of a particular county, the limit on the funds from political subdivisions that the state may be obligated to match is the sum of:

(1) ten thousand dollars (\$10,000) multiplied by a percentage equal to the percentage of the particular county's entire area that is included in the territory of the district; plus

(2) either:

(A) ten thousand dollars (\$10,000), if the territory of the district also includes all the area of one (1) other county; or

(B) the figure calculated under subsection (c), if the territory of the district also includes all the area of two (2) or more counties.

SECTION 6. IC 14-32-8-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.3. (a) This section applies to a district if, as the result of:**

(1) the merger of two (2) or more districts; or

(2) the changing of the boundaries of one (1) or more districts under IC 14-32-6.5;

the territory of the district is smaller than the entire area of one (1) county.

(b) The limit in section 8(b) of this chapter on the funds from political subdivisions that the state may be obligated to match shall be adjusted under this section in the case of a district described in subsection (a).

(c) If the territory of a district contains less than the entire area of one (1) county, the limit on the funds from political subdivisions that the state may be obligated to match is the product of:

(1) ten thousand dollars (\$10,000); multiplied by

(2) a percentage equal to the percentage of the county's entire area that is included in the territory of the district.

SECTION 7. IC 15-11-4-3, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. (a) The division shall do the following:**

(1) Provide administrative and staff support for the soil

conservation board.

(2) Administer all programs relating to land and soil conservation in Indiana.

(3) Manage Indiana's watersheds.

(4) Administer the clean water Indiana program.

(5) Perform other functions assigned by the secretary or the director.

(b) The duties of the division do not include administering the Lake Michigan Coastal program. The Lake Michigan Coastal program shall administer the state's compliance with and provide assistance under the federal Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

~~(c) The duties of the division do not include those listed in IC 14-32-7-12(b)(7).~~

P.L.96-2016

[S.255. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-25.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25.7. "Claimant", as used in **this chapter**, IC 13-23-8, and IC 13-23-9, refers to a person that ~~submits a claim under IC 13-23-8-1.~~ **makes an ELTF claim.**

SECTION 2. IC 13-11-2-62.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 62.5. "Eligible party", as used in IC 13-23, means any of the following:**

(1) An owner, as defined in IC 13-11-2-150.

(2) An operator, as defined in IC 13-11-2-148(d) and IC 13-11-2-148(e).

- (3) A former owner or operator of a UST.**
- (4) A transferee of property upon which a UST is located.**
- (5) A transferee of property upon which a UST was located but from which the UST has been removed.**

SECTION 3. IC 13-11-2-62.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 62.7. "Eligible release", as used in IC 13-23, means a release of petroleum that meets all of the following criteria:**

- (1) The release is from a UST that was registered with the department before the date of the ELTF claim.**
- (2) The release is reported to the department not later than thirty (30) days after the date on which the claimant discovered the release.**
- (3) An initial site characterization of the facility on which the release occurred is submitted to the department as required by rules adopted by the environmental rules board.**
- (4) The release from the UST is from the tank or dispensing components of the UST, not including the nozzle or hose connecting the nozzle to the pump.**

SECTION 4. IC 13-11-2-63.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 63.5. "ELTF", as used in this chapter and IC 13-23, refers to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.**

SECTION 5. IC 13-11-2-63.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 63.6. "ELTF claim", as used in this chapter and IC 13-23, means any claim for payment from the ELTF.**

SECTION 6. IC 13-11-2-63.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 63.7. "ELTF indemnity claim", as used in IC 13-23, means any ELTF claim for the indemnification of a third party.**

SECTION 7. IC 13-11-2-73 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 73. "Excess liability trust fund", for purposes of IC 13-23, refers to the underground**

petroleum storage tank excess liability trust fund **(or ELTF)** established by IC 13-23-7-1.

SECTION 8. IC 13-11-2-87, AS AMENDED BY P.L.57-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 87. (a) "Fund", for purposes of IC 13-14-12, refers to the environmental management special fund.

(b) "Fund", for purposes of IC 13-15-10, refers to the waste facility operator trust fund.

(c) "Fund", for purposes of IC 13-15-11, refers to the environmental management permit operation fund.

(d) "Fund", for purposes of IC 13-17-6, refers to the asbestos trust fund.

(e) "Fund", for purposes of IC 13-17-8, refers to the Title V operating permit program trust fund.

(f) "Fund", for purposes of IC 13-18-8-5, refers to a sanitary fund.

(g) "Fund", for purposes of IC 13-18-13, refers to the wastewater revolving loan fund established by IC 13-18-13-2.

(h) "Fund", for purposes of IC 13-18-21, refers to the drinking water revolving loan fund established by IC 13-18-21-2. The term does not include the supplemental fund established by IC 13-18-21-22.

(i) "Fund", for purposes of IC 13-19-5, refers to the environmental remediation revolving loan fund established by IC 13-19-5-2.

(j) "Fund", for purposes of IC 13-20-4, refers to the municipal waste transportation fund.

(k) "Fund", for purposes of IC 13-20-13, refers to the waste tire management fund.

(l) "Fund", for purposes of IC 13-20-22, refers to the state solid waste management fund.

(m) "Fund", for purposes of IC 13-21-7, refers to the waste management district bond fund.

(n) "Fund", for purposes of IC 13-21-13-2, refers to a district solid waste management fund.

(o) "Fund", for purposes of IC 13-23-6, refers to the underground petroleum storage tank trust fund.

(p) "Fund", for purposes of IC 13-23-7 **and IC 13-23-8**, refers to the underground petroleum storage tank excess liability trust fund **(or ELTF)**.

(q) "Fund", for purposes of IC 13-25-4, refers to the hazardous

substances response trust fund.

(r) "Fund", for purposes of IC 13-25-5, refers to the voluntary remediation fund.

(s) "Fund", for purposes of IC 13-28-2, refers to the voluntary compliance fund.

SECTION 9. IC 13-11-2-241, AS AMENDED BY P.L.113-2014, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 241. (a) "Underground storage tank" (**or UST**), for purposes of ~~section 161~~ of this chapter and IC 13-23, means one (1) tank or a combination of tanks:

(1) that is used to contain an accumulation of regulated substances; and

(2) the volume of which, including the volume of the underground connected pipes described in subsection (b), is at least ten percent (10%) beneath the surface of the ground.

(b) If:

(1) a single tank; or

(2) a combination of tanks;

constitutes an underground storage tank under subsection (a), any underground pipes that are connected to the single tank or combination of tanks are also part of the underground storage tank.

(c) The term defined in subsection (a) includes a single tank:

(1) that meets the definition set forth in subsection (a); and

(2) in which there are separate compartments.

(d) The term does not include any of the following:

(1) A farm or residential tank with a capacity of not more than one thousand one hundred (1,100) gallons that is used for storing motor fuel for noncommercial purposes.

(2) A tank used for storing heating oil for consumptive use on the premises on which the tank is stored.

(3) A septic tank.

(4) A pipeline facility, including gathering lines, that:

(A) is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.);

(B) is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.); or

(C) is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (A) through (B).

- (5) A surface impoundment, pit, pond, or lagoon.
- (6) A stormwater or wastewater collection system.
- (7) A flow-through process tank.
- (8) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
- (9) A storage tank situated in an underground area such as:
 - (A) a basement;
 - (B) a cellar;
 - (C) a mineworking;
 - (D) a drift;
 - (E) a shaft; or
 - (F) a tunnel;if the storage tank is situated upon or above the surface of the floor.
- (10) Any other tank exempted by a rule adopted by the board in accordance with regulations adopted by the Administrator of the United States Environmental Protection Agency.
- (11) A pipe connected to a tank described in subdivisions (1) through (10).

SECTION 10. IC 13-11-2-244.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 244.3. "UST", as used in this chapter and IC 13-23, refers to an underground storage tank, as defined in section 241 of this chapter.**

SECTION 11. IC 13-23-5-1, AS AMENDED BY P.L.221-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Subject to section 2 of this chapter, and except as provided in subsection (b), an underground storage tank, whether of single or double wall construction, may not be installed before the effective date of the rules adopted under IC 13-23-1-2 for the purpose of storing regulated substances unless:

- (1) the tank will prevent releases due to corrosion or structural failure for the operational life of the tank;
- (2) the tank is:
 - (A) cathodically protected against corrosion;
 - (B) constructed of noncorrosive material;
 - (C) steel clad with a noncorrosive material; or
 - (D) designed to prevent the release or threatened release of

any stored substance;

(3) the material used in the construction or lining of the tank is compatible with the substance to be stored; and

(4) after July 1, 2007, all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the board.

(b) An underground storage tank system that contains alcohol blended fuels composed of greater than fifteen percent (15%) alcohol is a petroleum UST system (as defined in 329 IAC 9-1-36 as in effect January 1, 2007) and may be installed during the period referred to in subsection (a) if the system is otherwise in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks and ancillary equipment, including dispensing equipment, used in the storing or dispensing of alcohol blended fuels for purposes of

~~(1) IC 13-23-8-3(1)(A); and~~

~~(2) all other provisions of this article.~~

(c) Owners and operators of underground storage tank systems that store, carry, or dispense alcohol blended fuels composed of greater than fifteen percent (15%) alcohol that comply with subsection (b) are considered to meet the standards of:

(1) compatibility under subsection (a)(3); and

(2) compliance for purposes of

~~(A) IC 13-23-8-3; and~~

~~(B) all other provisions of this article.~~

SECTION 12. IC 13-23-7-1, AS AMENDED BY P.L.105-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~Subject to subsection (b);~~ The underground petroleum storage tank excess liability trust fund **(or ELTF)** is established for the following purposes:

(1) Assisting owners and operators of underground petroleum storage tanks to establish evidence of financial responsibility as required under IC 13-23-4.

(2) Providing a source of money to satisfy liabilities ~~incurred by owners and operators of underground petroleum storage tanks under IC 13-23-13-8~~ for corrective action.

(3) Providing a source of money for the indemnification of third

parties under IC 13-23-9-3.

(4) Providing a source of money to pay for the expenses of the department incurred in:

(A) paying and administering claims against the ~~trust fund~~ **Money may be provided under this subdivision only ELTF** for those job activities and expenses that consist exclusively of administering the ~~excess liability trust fund~~; **ELTF**;

(5) Providing a source of money to pay for the expenses of the department incurred in (B) inspecting underground storage tanks; **and**

(6) Providing a source of money to pay expenses incurred by the department in (C) establishing and implementing an **online** underground storage tank operator training program (A) ~~on an Internet web site~~; **and (B)** that complies with the requirements of the federal Energy Policy Act of 2005.

(5) Providing a source of money to pay for the expenses of the department incurred under section 7(b) of this chapter.

(b) The ~~combined amount of payments~~ **expenses** described in subsection (a)(4) ~~(a)(5)~~; **and (a)(6) that are paid** from the ~~underground petroleum storage tank excess liability trust fund~~ **ELTF** in a state fiscal year may not exceed eleven percent (11%) of the fund income in the immediately preceding state fiscal year.

(c) The ELTF is designated as a trust fund.

SECTION 13. IC 13-23-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Sources of money for the ~~trust fund~~ **ELTF** are the following:

~~(1) Fees and penalties paid under IC 13-23-12.~~

~~(2) (1) Appropriations from the general assembly.~~

~~(3) (2) Gifts and donations intended for deposit in the fund.~~

~~(4) (3) Inspection fees paid under IC 16-44-2.~~

~~(5) (4) Bond revenue under IC 4-4-11.2-7(a)(1).~~

~~(6) (5) Any other money authorized to be deposited in or appropriated to the trust fund.~~

SECTION 14. IC 13-23-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The commissioner or the commissioner's designee shall administer the ~~trust fund~~ **ELTF**.

SECTION 15. IC 13-23-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The expenses of

administering the provisions of this article that are funded by the ~~trust fund~~, ELTF, including:

- (1) IC 13-23-8;
- (2) IC 13-23-9;
- (3) IC 13-23-11; and
- (4) IC 13-23-12;

shall be paid from money in the ~~fund~~: ELTF.

SECTION 16. IC 13-23-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The treasurer of state shall invest the money in the ~~trust fund~~ ELTF not currently needed to meet the obligations of the ~~fund~~ ELTF in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the ~~fund~~: ELTF. At least one (1) time each year, the treasurer of state shall provide the financial assurance board a report detailing the investments made under this section.

SECTION 17. IC 13-23-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Money in the ~~trust fund~~ ELTF at the end of a state fiscal year does not revert to the state general fund.

SECTION 18. IC 13-23-7-7, AS AMENDED BY P.L.181-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a)** The state board of accounts shall audit the ~~excess liability trust fund~~: ELTF.

(b) Once every five (5) years, the department shall arrange for an independent actuarial study examining the future obligations and fiscal sustainability of the ELTF.

SECTION 19. IC 13-23-7-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8. ~~On July 1, 1996, the underground petroleum storage tank excess liability fund established by section 1 of this chapter is renamed as the underground petroleum storage tank excess liability trust fund. The petroleum storage tank excess liability trust fund shall be considered a trust fund.~~

SECTION 20. IC 13-23-7-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9. ~~A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for financial assistance from the fund commits a Level 6 felony.~~

SECTION 21. IC 13-23-7-10 IS REPEALED [EFFECTIVE JULY

1, 2016]. Sec. 10: (a) The department of revenue may impose a lien on the property of an owner or operator, if the owner or operator fails to pay fees that are due under IC 13-23-12-1 according to the provisions in IC 6-8.1-8-2. The lien may secure the payment to the state of an amount equal to the amount of the fees that are due.

(b) If the department of revenue fails to impose a lien on the property described in subsection (a); no penalties or interest may be collected on the tax under IC 6-8.1-8-2.

SECTION 22. IC 13-23-8-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1: The department, under rules adopted by the underground storage tank financial assurance board under IC 4-22-2, shall use money in the excess liability trust fund; to the extent that money is available in the excess liability trust fund; to pay claims submitted to the department for the following:

(1) The payment of the costs allowed under IC 13-23-9-2; excluding:

(A) liabilities to third parties; and

(B) the costs of repairing or replacing an underground storage tank;

arising out of releases of petroleum:

(2) Providing payment of part of the liability of owners and operators of underground petroleum storage tanks:

(A) to third parties under IC 13-23-9-3; or

(B) for reasonable attorney's fees incurred in defense of a third party liability claim.

SECTION 23. IC 13-23-8-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: Except as provided in section 6 of this chapter, payments under section 1 of this chapter may not exceed two million dollars (\$2,000,000) per occurrence for which claims are made under this chapter.

SECTION 24. IC 13-23-8-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3: For the purposes of section 2 of this chapter, the following amounts shall be used:

(1) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is not in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage

tanks before the date the tank is required to be in compliance with the requirements; and

(B) is in compliance on a date required under the requirements described under section 4 of this chapter at the time a release was discovered;

the amount is thirty-five thousand dollars (\$35,000).

(2) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is not a double walled underground petroleum storage tank; and

(C) has piping that does not have secondary containment;

the amount is thirty thousand dollars (\$30,000).

(3) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is not a double walled underground petroleum storage tank; and

(C) has piping that has secondary containment;

the amount is twenty-five thousand dollars (\$25,000).

(4) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is a double walled underground petroleum storage tank; and

(C) has piping that does not have secondary containment;

the amount is twenty-five thousand dollars (\$25,000).

(5) If the underground petroleum storage tank that was involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is a double walled underground petroleum storage tank; and

(C) has piping that has secondary containment;

the amount is twenty thousand dollars (\$20,000).

SECTION 25. IC 13-23-8-4, AS AMENDED BY P.L.244-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided under subsection (b); and subject to section 4.5 of this chapter, an owner or operator may receive money from the excess liability trust fund under section 1 of this chapter only if the owner or operator is in substantial compliance (as defined in 328 IAC 1-1-9) with the following requirements:

(1) The owner or operator has complied with the following:

(A) This article or IC 13-7-20 (before its repeal).

(B) Rules adopted under this article or IC 13-7-20 (before its repeal).

A release from an underground petroleum storage tank may not prevent an owner or operator from establishing compliance with this subdivision to receive money from the excess liability fund:

(2) The owner or operator has paid all registration fees that are required under rules adopted under IC 13-23-8-4.5.

(3) The owner or operator has provided the commissioner with evidence of payment of the amount of liability the owner or operator is required to pay under section 2 of this chapter.

(4) A corrective action plan is approved by the commissioner or deemed approved under this subdivision. The corrective action plan for sites with a release from an underground petroleum storage tank that impacts soil or groundwater, or both, is automatically deemed approved only as long as:

(A) the plan conforms with:

(i) 329 IAC 9-4 and 329 IAC 9-5; and

(ii) the department's cleanup guidelines set forth in the Underground Storage Tank Branch Guidance Manual; including the department's guidance on remediation and closure standards; and

(B) the soil and groundwater contamination is confined to the owner's or operator's property:

If the corrective action plan fails to satisfy any of the requirements of clause (A) or (B), the plan is automatically deemed disapproved. If a corrective action plan is disapproved, the claimant may supplement the plan. The corrective action plan is automatically deemed approved when the cause for the disapproval is corrected. For purposes of this subdivision, in the event of a conflict between compliance with the corrective action plan and the department's standards in clause (A), the department's standards control. For purposes of this subdivision, if there is a conflict between compliance with the corrective action plan and the board's rules, the board's rules control. The department may audit any corrective action plan. If the commissioner denies the plan, a detailed explanation of all the deficiencies of the plan must be provided with the denial.

The administrator shall pay ELTF claims that are:

- (1) for costs related to eligible releases;
- (2) submitted by eligible parties; and
- (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

(b) An owner, operator, or transferee of property under subsection (e) is eligible to receive money from the fund before the owner, operator, or transferee has a corrective action plan approved or deemed approved if:

- (1) the work for which payment is sought under IC 13-23-9-2 was an initial response to a petroleum release that created the need for emergency action to abate an immediate threat of harm to human health, property, or the environment;
- (2) the work is for a site characterization completed in accordance with 329 IAC 9-5; or
- (3) the department has not acted upon a corrective action plan submitted under IC 13-23-9-2 within ninety (90) days after the date the department receives the:
 - (A) plan; or

(B) application to the fund;
whichever is later.

(c) The amount of money an owner, operator, or transferee of property under subsection (c) is eligible to receive from the fund under subsection (b) must be calculated in accordance with 328 IAC 1-3.

(d) (b) An owner, an operator, or a transferee of property described in subsection (c) eligible to receive money from the fund under this section **party** may assign that **the right to receive payment of an ELTF claim** to another person.

(e) A transferee of property upon which a tank was located is eligible to receive money from the fund under this section if:

- (1) the transferor of the property was eligible to receive money under this section with respect to the property;
- (2) the transferee acquired ownership or operation of an underground petroleum storage tank as a result of a bona fide, good faith transaction, negotiated at arm's length, between parties under separate ownership; and
- (3) the transferee pays all applicable tank fees under IC 13-23-12-1, including past due fees and interest for each tank, not more than thirty (30) days after receiving notice of the indebtedness.

For purposes of subdivision (3), past due fees include fees, interest, and penalties assessed by the department of revenue.

SECTION 26. IC 13-23-8-4.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4.5. The financial assurance board shall adopt rules under IC 4-22-2 to do the following:

- (1) Establish standards, procedures, and penalties for submitting or resubmitting a claim under section 1 of this chapter when the owner or operator has failed to:
 - (A) register an underground petroleum storage tank from which a release has occurred; or
 - (B) pay all registration fees that are due under IC 13-23-12-1 by the date the fees are due.
- (2) Determine eligibility for new owners or operators that acquire ownership or operation of the underground petroleum storage tank as a result of:
 - (A) a bona fide, good faith transaction, negotiated at arm's length, between parties under separate ownership and control;

- ~~(B)~~ a foreclosure or a deed transferred in lieu of a foreclosure;
- ~~(C)~~ the exercise of the person's lien rights; or
- ~~(D)~~ an inheritance.

SECTION 27. IC 13-23-8-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5. The financial assurance board shall adopt rules under IC 4-22-2 to define the manner in which the priority order of liability claims and loan guaranties is established. The rules must give priority to liability claims associated with releases from underground storage tanks that pose an immediate and significant threat to the environment.

SECTION 28. IC 13-23-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a) If the balance in the ELTF drops below twenty-five million dollars (\$25,000,000), the administrator shall pay claims according to the priority payment system established by rules adopted by the financial assurance board under IC 13-23-11-7(a)(1)(D).**

~~(a)~~ **(b)** If the balance in the excess liability trust fund ELTF is insufficient to pay:

- ~~(1)~~ **ELTF claims; under section † of this chapter; and**
- ~~(2)~~ necessary personnel and administrative expenses associated with the excess liability trust fund; **and ELTF;**
- ~~(3)~~ the transfer repayment specified in IC 13-23-15-3 before its expiration and repeat;

~~the department~~ **administrator of the ELTF shall cease paying claims, and claimants may not use the ELTF to satisfy any financial responsibility requirements.**

~~(b)~~ The department shall then notify each claimant that:

- ~~(1)~~ the department may not pay the claim; and
- ~~(2)~~ the claimant may not use the excess liability trust fund to satisfy any financial assurance requirements under federal law.

SECTION 29. IC 13-23-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department, with respect to payment of claims, ~~under section † of this chapter;~~ may not discriminate against any claimant. However, subject to this chapter, a claimant does not have an enforceable right to the payment of **a an ELTF claim. under this chapter.**

~~(b)~~ This chapter does not create any obligation on the part of the state other than as specifically provided in this article.

SECTION 30. IC 13-23-8-8 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) ~~An owner or operator of:~~

(1) not more than one hundred (100) underground petroleum storage tanks may not receive more than two million dollars (\$2,000,000) from the excess liability trust fund during a year; and

(2) more than one hundred (100) underground storage tanks may not receive more than three million dollars (\$3,000,000) from the excess liability trust fund during a year.

The administrator of the ELTF:

(1) shall not pay more than two million five hundred thousand dollars (\$2,500,000) from the ELTF per eligible release; and

(2) shall not pay any eligible party more than ten million dollars (\$10,000,000) from the ELTF per fiscal year.

(b) After an eligible party has submitted multiple ELTF claims for a total of at least ten million dollars (\$10,000,000) in a fiscal year, the eligible party is ineligible to submit any other ELTF claim during that fiscal year.

~~(b)~~ (c) If the right to receive money from the fund under this chapter is assigned as described in section 4~~(d)~~ 4(b) of this chapter, the combined amount of money received by the assignor and the assignee from the excess liability trust fund during a year may not exceed **payments made to one (1) or more assignees shall be considered payments to the assignor for purposes of the limits established in subsection (a).**

SECTION 31. IC 13-23-9-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1. The administrator of the excess liability trust fund shall process, approve, and deny requests made for payments from the excess liability trust fund under sections 2 and 3 of this chapter.

SECTION 32. IC 13-23-9-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. (a) **The total amount otherwise available from the ELTF in connection with an eligible release shall be reduced by:**

(1) a deductible amount of fifteen thousand dollars (\$15,000); and

(2) if applicable, an additional amount under subsection (b).

(b) The additional amount referred to in subsection (a)(2) is the

sum of:

(1) all annual registration fees due under IC 13-23-12-1 for USTs located at the facility from which the release occurred that:

(A) were due in 1991 or a later year; and

(B) were not paid in the year the fees were originally due; plus

(2) an additional amount of one thousand dollars (\$1,000) for each annual registration fee imposed by IC 13-23-12-1 on a UST located at the facility from which the release occurred that:

(A) was due in 1991 or a later year; and

(B) was not paid in the year the fee was originally due.

SECTION 33. IC 13-23-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. (a) The administrator may pay ELTF claims only for costs that:**

(1) are reasonable and cost effective; and

(2) result from the following:

(A) Work performed for site characterization.

(B) Development and implementation of a corrective action plan that:

(i) is approved by the commissioner under rules adopted by the environmental rules board; and

(ii) has not been suspended.

(C) Work performed as part of an emergency response necessary to abate an immediate threat of harm to human health, property, or the environment.

(D) Third party indemnification claims submitted in accordance with section 3 of this chapter.

(E) Reasonable attorney's fees incurred in defense of third party claims.

(F) Releases that occurred on or after April 1, 1988.

(b) The administrator may also pay ELTF claims for costs not described in subsection (a) if allowed under rules adopted by the financial assurance board.

SECTION 34. IC 13-23-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. (a) To receive money**

from the excess liability trust fund under IC 13-23-8-1(1); a claimant must:

- (1) submit a corrective action plan to the administrator of the excess liability trust fund for the administrator's approval; and
- (2) submit a copy of a work receipt for work that has been performed.

ELTF claims must be submitted in accordance with rules adopted by the financial assurance board under IC 13-23-11-7(a)(1)(B).

(b) If after receiving a corrective action plan and a work receipt under subsection (a), the administrator determines that:

- (1) the corrective action plan may be approved and that the work that has been performed is consistent with the approved corrective action plan;
- (2) the work or part of the work that has been performed is reasonable and cost effective;
- (3) the work that has been performed concerns the elimination or mitigation of a release of petroleum from an underground storage tank including:
 - (A) release investigation;
 - (B) mitigation of fire and safety hazards;
 - (C) tank removal;
 - (D) soil remediation; or
 - (E) ground water remediation and monitoring; and
- (4) the claimant is in compliance with the requirements of this article and the rules adopted under this article;

the administrator shall approve the request for money to be paid from the excess liability trust fund for work that has been performed:

(c) The administrator shall develop criteria for determining the cost effectiveness of corrective action. Although not required for payment from the excess liability trust fund, a claimant may seek pre-approval from the administrator stating that the work to be performed is reasonable and cost effective.

(d) The administrator shall notify the claimant of an approval or a denial of a request made under subsection (b) not later than sixty (60) days after receiving the request. Except as provided in subsection (f); the administrator **denies an ELTF claim, the administrator** shall **notify provide** the claimant **with a written explanation** of all reasons for a **the denial or partial denial of reimbursement.**

(e) (c) The administrator shall forward a copy of a claim approved under this section to the auditor of state not later more than seven (7) days after a request is approved by the administrator under subsection (b) for the reimbursement of costs for corrective action; the administrator shall forward a copy of a request approved under this section to the auditor of state: approving the claim.

(f) (d) Not later more than thirty (30) days after receiving a copy of an approved request ELTF claim under this section; subsection (c), the auditor of state shall pay the ELTF claim to the claimant that submitted the approved work receipt the approved amount from money available in the excess liability trust fund: ELTF.

(g) If a reason the administrator denies a request made under subsection (b) is for failure to meet the requirements of subsection (b)(1); the administrator shall notify the claimant in writing not later than sixty (60) days after receiving the request. The claimant has thirty (30) days from the receipt of the denial to notify the administrator of the claimant's intention to appeal the denial. If the claimant does not notify the administrator of an intention to appeal in the time provided; further review of the application is not required. If an intention to appeal is submitted within the time provided; the administrator has thirty (30) days after the receipt of the notice of the intention to appeal to provide the claimant with all additional reasons for the denial or partial denial of the request or to specify that all reasons have been provided. The claimant has thirty (30) days after receiving notification from the administrator of all additional reasons for the denial or partial denial or notice specifying that all reasons have been provided to file a petition for review of the denial or partial denial.

SECTION 35. IC 13-23-9-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.2. (a) The commissioner shall approve or deny a corrective action plan according to section 1.5(a)(2)(B) of this chapter not more than ninety (90) days after receiving the plan.

(b) If the commissioner does not approve or deny a corrective action plan within the period allowed under subsection (a), the administrator shall pay from the ELTF the costs incurred by the claimant in developing the corrective action plan.

(c) If:

- (1) a corrective action plan is submitted under section 1.5(a)(2)(B) of this chapter;**
- (2) the commissioner denies the corrective action plan but allows the claimant to amend and resubmit the corrective action plan; and**
- (3) the commissioner then approves the corrective action plan because of the amendments;**

the administrator shall pay from the ELTF the costs incurred by the claimant in amending and resubmitting the corrective action plan.

SECTION 36. IC 13-23-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) To receive ~~money from the excess liability trust fund under IC 13-23-8-1(2);~~ **payment of an ELTF indemnity claim**, a claimant must:

- (1) submit to the administrator a **claim, consisting of a** request for indemnification of a third party, containing any information required by the administrator; and
- (2) forward a copy of the ~~request under subdivision (1)~~ **claim** to the attorney general for the attorney general's approval.

(b) The attorney general shall approve ~~a request submitted~~ **an ELTF indemnity claim forwarded** under subsection ~~(a)~~ **(a)(2)** if the attorney general determines that there is:

- (1) a legally enforceable and final judgment against the claimant caused by a release of petroleum that was not entered as a result of:
 - (A) fraud;
 - (B) negligence; or
 - (C) an inadequate defense on the part of the attorney of the claimant; or
- (2) a reasonable settlement between the claimant and the third party.

(c) If the attorney general approves ~~a request~~ **an ELTF indemnity claim** under subsection (b), the administrator shall ~~approve the request~~ **pay the claim** if the claimant is in compliance with the requirements of this article and the rules adopted under this article.

(d) The attorney general shall approve or deny ~~a request submitted~~ **an ELTF indemnity claim** under subsection ~~(a)~~ **(b)** not later than sixty (60) days after ~~the attorney general receives~~ **receiving** the request.

(e) Not ~~later more~~ than seven (7) days after ~~the attorney general has approved a request approving an ELTF indemnity claim~~ under this section, the attorney general shall forward a copy of the ~~approved request attorney general's notice of approval~~ to the auditor of state.

(f) Not ~~later more~~ than thirty (30) days after receiving an ~~approved request a notice of approval~~ under ~~this section; subsection (e)~~, the auditor of state shall pay to the claimant ~~that made the request~~ the approved amount from money available in the ~~excess liability trust fund~~. **ELTF.**

(g) If the attorney general denies a ~~request submitted an ELTF indemnity claim~~ under this section, the attorney general shall notify the claimant ~~that made the request and the administrator~~ of the denial not later than ten (10) days after ~~denying the request has been denied~~. **ELTF indemnity claim.**

SECTION 37. IC 13-23-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. If the administrator denies a ~~request made an ELTF claim~~ under ~~section 2 or 3~~ of this chapter, the ~~owner or operator who made the request claimant~~ may appeal the denial under IC 4-21.5 to the office of environmental adjudication under IC 4-21.5-7.

SECTION 38. IC 13-23-9-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: If the amount of money in the ~~excess liability trust fund~~ is not sufficient to meet approved claims made against the ~~excess liability trust fund~~:

(1) ~~the state; and~~

(2) ~~the excess liability trust fund;~~

~~are not liable for the claims.~~

SECTION 39. IC 13-23-9-6, AS AMENDED BY P.L.158-2013, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with a request for payment from the ~~excess liability trust fund~~ **ELTF** commits a Level 6 felony.

SECTION 40. IC 13-23-11-7, AS AMENDED BY P.L.113-2014, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to **do the following:**

- (A) Carry out the duties of the board under this article.
 - (B) Establish standards and procedures under which:**
 - (i) eligible parties may submit ELTF claims; and**
 - (ii) the administrator of the ELTF may pay ELTF claims.**
 - (C) Establish standards for determining the reasonableness and cost effectiveness of corrective action for purposes of reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).**
 - (D) Establish standards for priorities in the payment of ELTF claims, including a priority for claims associated with releases from USTs that pose an immediate and significant threat to the environment.**
- (2) Take testimony and receive a written report at every meeting of the board from the commissioner or the commissioner's designee regarding the financial condition and operation of the ~~excess liability trust fund~~ **ELTF**, including:
- (A) a detailed breakdown of contractual and administrative expenses the department is claiming from the ~~excess liability trust fund~~ **ELTF** under IC 13-23-7-1(a)(4); and
 - (B) a claims statistics report consisting of:
 - (i) the status and ~~value~~ amounts of each claim claims** submitted to the ~~fund~~ **ELTF**; and
 - (ii) ELTF claims payments made. ~~under IC 13-23-8-1.~~**
- ~~The~~ Testimony **shall be taken** and a written report **shall be received** under this subdivision ~~shall be provided~~ at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.
- (3) Consult with the department on administration of the ~~underground petroleum storage tank excess liability trust fund~~ **ELTF** established by ~~IC 13-23-7-1~~ **ELTF** in developing uniform policies and procedures for revenue collection and claims administration of the ~~fund~~ **ELTF**.
- (b) The department shall consult with the board on administration of the ~~underground petroleum storage tank excess liability trust fund~~ **ELTF**. The consultation must include evaluation of alternative means of administering the ~~fund~~ **ELTF** in a cost effective and efficient manner.

(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the ~~underground petroleum storage tank trust fund established under IC 13-23-6-1.~~ **ELTF.**

SECTION 41. IC 13-23-12-1, AS AMENDED BY P.L.6-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Each year, if an underground storage tank has not been closed before January 1 of the year under:

- (1) rules adopted under IC 13-23-1-2; or
- (2) a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2;

the owner of the underground storage tank shall pay to the department an annual registration fee.

(b) The annual registration fee required by this section is as follows:

- (1) Ninety dollars (\$90) for each underground petroleum storage tank.
- (2) Two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

(c) If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank.

(d) If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

~~(e) For purposes of determining eligibility for payment of part of the liability of owners and operators of underground petroleum storage tanks under IC 13-23-8, only fees paid in 1991 or later shall be considered.~~

~~(f)~~ (e) The following apply to tanks that contain separate compartments and that were in use before July 1, 2014:

- (1) For the period preceding July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection (b).
- (2) The department shall not be required to pay any refunds to a tank owner that paid a separate fee under subsection (b) for each compartment within a tank before July 1, 2014.

SECTION 42. IC 35-52-13-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 9. IC 13-23-7-9 defines a crime concerning underground storage tanks.~~

P.L.97-2016

[S.256. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-118.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 118.4. (a) "Legitimate use", for purposes of this article, IC 13-19, and IC 13-20, means the use or reuse of a material, otherwise defined as a solid or hazardous waste, under all of the following circumstances:**

(1) The material is used or reused:

(A) in a manufacturing process; or

(B) as a substitute for natural or commercial materials.

(2) The material:

(A) is commercially valuable for an established or emerging market; and

(B) is used or reused in a manner that does not pose an unreasonable threat to human health or the environment.

(b) Subsection (a) does not affect or limit uses of materials as allowed under IC 13-19-3, rules adopted by the board, or other state or federal law or regulations.

SECTION 2. IC 13-19-1-2, AS AMENDED BY P.L.37-2012, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. (a) The goal of the state is to encourage solid waste source reduction, recycling, and other alternatives to conserve**

environmental resources.

(b) The department shall:

- (1) produce an annual report on the state of the environment; and
- (2) **develop proposed rules that:**
 - (A) **provide for the legitimate use of solid and hazardous waste instead of its disposal; and**
 - (B) **provide that a material being legitimately used is not considered a solid or hazardous waste.**

(c) **To become effective, any proposed rules developed under subsection (b)(2) must be adopted by the board under IC 13-19-3-1.**

SECTION 3. IC 13-19-3-1, AS AMENDED BY P.L.133-2012, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The board shall do the following:

- (1) Except as **otherwise** provided in ~~sections 3 through 4~~ of this chapter, adopt rules under IC 4-22-2 and IC 13-14-9 to regulate solid and hazardous waste and atomic radiation in Indiana, including rules necessary to ~~the implementation of~~ **implement** the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended.
- (2) ~~Develop operating policy~~ **Consult with the department concerning the activities of the department: regulation of solid waste and hazardous waste.**
- (3) Carry out other duties imposed by law.

SECTION 4. IC 13-19-3-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.3. (a) Except as otherwise provided in this chapter, the board may adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of material otherwise defined as a solid or hazardous waste, including standards and procedures concerning the following:**

- (1) **Proper storage and handling.**
- (2) **Record keeping.**
- (3) **Circumstances under which the use of a material is not considered to be a legitimate use.**

(b) **The rules adopted under this section shall provide that a material being legitimately used is not considered a solid or hazardous waste.**

SECTION 5. IC 13-20-13-11 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.

(b) The rules adopted under this section must include the following:

(1) Requirements for the registration of waste tire storage sites and waste tire processing operations.

(2) Requirements concerning the following:

(A) The operation of waste tire storage sites and waste tire processing operations.

(B) Proper storage and processing of waste tires.

(C) Contingency plans concerning the minimization of hazards to human health and the environment at waste tire storage sites and waste tire processing operations.

(D) Record keeping guidelines concerning the quantity of waste tires stored and processed at waste tire storage sites and waste tire processing operations.

(3) Financial assurance acceptable to the department necessary for waste tire removal that a person that operates a waste tire storage site must maintain.

(4) The establishment of the fee required by section ~~4(a)(4)~~ **4(a)(6)** of this chapter in an amount necessary to cover the costs incurred in the following:

(A) Registering waste tire storage sites and waste tire processing operations under this chapter.

(B) Administering this chapter.

(c) The rules adopted under this section may establish standards and procedures for the legitimate use, instead of disposal, of waste tires, including standards and procedures concerning the following:

(1) Proper storage and handling.

(2) Record keeping.

(3) Circumstances under which the use of a waste tire is not considered a legitimate use.

P.L.98-2016
[S.257. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission shall value all property of every public utility actually used and useful for the convenience of the public at its fair value, giving such consideration as it deems appropriate in each case to all bases of valuation which may be presented or which the commission is authorized to consider by the following provisions of this section. As one of the elements in such valuation the commission shall give weight to the reasonable cost of bringing the property to its then state of efficiency. In making such valuation, the commission may avail itself of any information in possession of the department of local government finance or of any local authorities. The commission may accept any valuation of the physical property made by the interstate commerce commission of any public utility subject to the provisions of this act.

(b) The lands of such public utility shall not be valued at a greater amount than the assessed value of said lands exclusive of improvements as valued for taxation. In making such valuation no account shall be taken of presumptive value resting on natural resources independent of any structures in relation thereto, the natural resource itself shall be viewed as the public's property. No account shall be taken of good will for presumptive values growing out of the operation of any utility as a going concern, all such values to rest with the municipality by reason of the special and exclusive grants given such utility enterprises. **Except in a proceeding under IC 8-1-30, and except as provided in IC 8-1-30.3-5 and IC 8-1.5-2-6.1,** no account shall be taken of construction costs unless such costs were actually incurred and paid as part of the cost entering into the construction of

the utility. **Except in a proceeding under IC 8-1-30, and except as provided in IC 8-1-30.3-5 and IC 8-1.5-2-6.1**, all public utility valuations shall be based upon tangible property, that is, such property as has value by reason of construction costs, either in materials purchased or in assembling of materials into structures by the labor or (of) workers and the services of superintendents, including engineers, legal and court costs, accounting systems and transportation costs, and also including insurance and interest charges on capital accounts during the construction period. As an element in determining value the commission may also take into account reproduction costs at current prices, less depreciation, based on the items set forth in the last sentence hereof and shall not include good will, going value, or natural resources.

(c) In determining the amount of allowable operating expenses of a utility, the commission may not take into consideration or approve any expense for institutional or image building advertising, charitable contributions, or political contributions.

SECTION 2. IC 8-1-30.3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. As used in this chapter, "not-for-profit utility" has the meaning set forth in IC 8-1-2-125(a). The term includes a utility company owned, operated, or held in trust by a consolidated city.**

SECTION 3. IC 8-1-30.3-3, AS ADDED BY P.L.189-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "utility company" means:

(1) a:

(A) public utility; (as defined in IC 8-1-31-7) that provides water or wastewater service; or

(B) municipally owned utility; or

(C) not-for-profit utility;

that provides water or wastewater service; or

(2) a regional sewer or water district.

SECTION 4. IC 8-1-30.3-5, AS ADDED BY P.L.189-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies if:

(1) a utility company acquires property from another utility

company at a cost differential **in a transaction involving a willing buyer and a willing seller**; and

(2) at least one (1) utility company described in subdivision (1) is subject to the jurisdiction of the commission under this article.

(b) There is a rebuttable presumption that a cost differential is reasonable.

(c) The utility company that acquires the utility property may petition the commission to include the cost differentials as part of its rate base. The commission shall approve the petition if the commission finds the following:

(1) The utility property is used and useful in providing water service, wastewater service, or both water and wastewater service.

~~(2) The distressed utility:~~

~~(A) served not more than three thousand (3,000) customers; or~~

~~(B) was nonviable in the absence of the acquisition.~~

~~(3) (2)~~ The distressed utility failed to furnish or maintain adequate, efficient, safe, and reasonable service and facilities.

~~(4) (3)~~ The utility company will make reasonable and prudent improvements to ensure that customers of the distressed utility will receive adequate, efficient, safe, and reasonable service.

~~(5) (4)~~ The acquisition of the utility property is the result of a mutual agreement made at arms length.

~~(6) (5)~~ The actual purchase price of the utility property is reasonable.

~~(7) (6)~~ The utility company and the distressed utility are not affiliated and share no ownership interests.

~~(8) (7)~~ The rates charged by the utility company before acquiring the utility property of the distressed utility will not increase unreasonably as a result of acquiring the utility property.

~~(9) (8)~~ The cost differential will be added to the utility company's rate base to be amortized as an addition to expense over a reasonable time with corresponding reductions in the rate base.

(d) A utility company may petition the commission in an independent proceeding to approve a petition under subsection (c) before the utility company acquires the utility property if the utility company provides:

(1) notice of the proposed acquisition and any changes in rates or charges to customers of the distressed utility;

- (2) notice to customers of the utility company if the proposed acquisition will increase the utility company's rates by an amount that is greater than one percent (1%) of the utility company's base annual revenue;
- (3) notice to the office of the utility consumer counselor; and
- (4) a plan for reasonable and prudent improvements to provide adequate, efficient, safe, and reasonable service to customers of the distressed utility.

(e) In a proceeding under subsection (d), the commission shall issue its final order not later than two hundred ten (210) days after the filing of the petitioner's case in chief. If the commission grants the petition, the commission's order shall authorize the acquiring utility company to make accounting entries recording the acquisition and that reflect:

- (1) the full purchase price;**
- (2) incidental expenses; and**
- (3) other costs of acquisition;**

as the original cost of the utility plant in service assets being acquired, allocated in a reasonable manner among appropriate utility plant in service accounts.

SECTION 5. IC 8-1-30.3-6, AS ADDED BY P.L.189-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. For purposes of section ~~5(c)(3)~~ **5(c)(2)** of this chapter, a distressed utility is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities if the commission finds one (1) or more of the following:

- (1) The distressed utility violated one (1) or more state or federal statutory or regulatory requirements ~~concerning in a manner that the commission determines affects~~ the safety, adequacy, efficiency, or reasonableness of its services or facilities.
- (2) The distressed utility has inadequate financial, managerial, or technical ability or expertise.
- (3) The distressed utility fails to provide water in sufficient amounts, that is palatable, or at adequate volume or pressure.
- (4) The distressed utility, due to necessary improvements to its plant or distribution or collection system or operations, is unable to furnish and maintain adequate service to its customers at rates equal to or less than those of the public utility.

(5) The distressed utility:

(A) is municipally owned utility property of a municipally owned utility that serves fewer than five thousand (5,000) customers; and

(B) is being sold under IC 8-1.5-2-6.1.

~~(5)~~ **(6)** Any other facts that the commission determines demonstrate the distressed utility's inability to furnish or maintain adequate, efficient, safe, or reasonable service or facilities.

SECTION 6. IC 8-1.5-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. "Utility", "municipally owned utility", and "public utility" have the meanings set forth in IC 8-1-2-1. **However, notwithstanding IC 8-1-2-1(g), for purposes of IC 8-1.5-2-4 through IC 8-1.5-2-6.1, the term:**

(1) "utility" includes any plant or equipment that is:

(A) used within Indiana for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste; and

(B) acquired, owned, or operated by a municipality described in subdivision (2); and

(2) "municipally owned utility" includes a municipality that acquires, owns, or operates facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

SECTION 7. IC 8-1.5-2-4, AS AMENDED BY P.L.68-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Whenever the municipal legislative body **or the municipal executive** determines to sell or otherwise dispose of non-surplus municipally owned utility property, it shall ~~by ordinance or resolution~~ provide for the following **in a written document that shall be made available for inspection and copying at the offices of the municipality's municipally owned utility in accordance with IC 5-14-3.**

(1) The appointment, as follows, of three (3) residents of Indiana to serve as appraisers:

(A) One (1) disinterested person who is an engineer licensed under IC 25-31-1.

(B) One (1) disinterested appraiser licensed under IC 25-34.1.

- (C) One disinterested person who is either:
 - (i) an engineer licensed under IC 25-31-1; or
 - (ii) an appraiser licensed under IC 25-34.1.
- (2) The appraisal of the property.
- (3) The time that the appraisal is due.

SECTION 8. IC 8-1.5-2-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each appraiser appointed as provided by section 4 of this chapter must:

- (1) by education and experience, have such expert and technical knowledge and qualifications as to make a proper appraisal and valuation of the property of the type and nature involved in the sale;
- (2) be a disinterested person; and
- (3) not be a resident or taxpayer of the municipality.

(b) The appraisers shall:

- (1) be sworn to make a just and true valuation of the property; and
- (2) return their appraisal, in writing, to the:

(A) municipal legislative body; or

(B) municipal executive;

that appointed them within the time fixed by ~~in the ordinance or resolution~~ **written document** appointing them **under section 4 of this chapter.**

(c) If all three (3) appraisers cannot agree as to the appraised value, the appraisal, when signed by two (2) of the appraisers, constitutes a good and valid appraisal.

(d) If, after the return of the appraisal by the appraisers, ~~to the legislative body~~, the legislative body ~~decides~~ **and the municipal executive decide** to proceed with the sale or disposition of the nonsurplus municipally owned utility property, the legislative body shall, not earlier than the thirty (30) day period described in subsection (e) and not later than ninety (90) days after the return of the appraisal, hold a public hearing to do the following:

- (1) Review and explain the appraisal.
- (2) Receive public comment on the proposed sale or disposition of the nonsurplus municipally owned utility property.

Not less than thirty (30) days or more than sixty (60) days after the date

of a hearing under this section, the legislative body may adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property, subject to subsections (f) and (g) **and, in the case of an ordinance adopted under this subsection after March 28, 2016, subject to section 6.1 of this chapter.** The legislative body is not required to adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property if, after the hearing, the legislative body determines it is not in the interest of the municipality to proceed with the sale or disposition. Notice of a hearing under this section shall be published in the manner prescribed by IC 5-3-1.

(e) The hearing on the proposed sale or disposition of the nonsurplus municipally owned utility property may not be held less than thirty (30) days after notice of the hearing is given as required by subsection (d).

(f) Subject to subsection (j), an ordinance adopted under subsection (d) does not take effect until the ~~later~~ **latest** of the following:

(1) The expiration of the thirty (30) day period described in subsection (g), if the ~~required number of registered voters set forth in subsection (h) do not sign and present a petition to the legislative body opposing the sale or disposition within the thirty (30) day period described in question as to whether the sale or disposition should be made is not submitted to the voters of the municipality under~~ subsection (g).

(2) If:

(A) **the question as to whether the sale or disposition shall be made is submitted to the voters of the municipality under subsection (g); and**

(B) **a majority of the voters voting on the question vote for the sale or disposition;**

at such time that the vote is determined to be final.

~~(2)~~ (3) The effective date specified by the legislative body in the ordinance.

(g) **Subject to subsection (m) and to section 6.1 of this chapter in the case of an ordinance adopted under subsection (d) after March 28, 2016, if:**

(1) the legislative body adopts an ordinance under subsection (d);
and

(2) not later than thirty (30) days after the date the ordinance is adopted at least the number of the registered voters of the municipality set forth in subsection (h) sign and present a petition to the legislative body opposing the sale or disposition;

the legislative body shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special or general election. In submitting the public question to the voters, the legislative body shall certify within the time set forth in IC 3-10-9-3, if applicable, the question to the county election board of the county containing the greatest percentage of population of the municipality. The county election board shall adopt a resolution setting forth the text of the public question and shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special or general election on a date specified by the municipal legislative body. Pending the results of an election under this subsection, the municipality may not take further action to sell or dispose of the property as provided in the ordinance.

(h) **Subject to subsection (m) and to section 6.1 of this chapter in the case of an ordinance adopted under subsection (d) after March 28, 2016**, the number of signatures required on a petition opposing the sale or disposition under subsection (g) is as follows:

(1) In a municipality with not more than one thousand (1,000) registered voters, thirty percent (30%) of the registered voters.

(2) In a municipality with at least one thousand one (1,001) registered voters and not more than five thousand (5,000) registered voters, fifteen percent (15%) of the registered voters.

(3) In a municipality with at least five thousand one (5,001) registered voters and not more than twenty-five thousand (25,000) registered voters, ten percent (10%) of the registered voters.

(4) In a municipality with at least twenty-five thousand one (25,001) registered voters, five percent (5%) of the registered voters.

(i) If a majority of the voters voting on the question vote for the sale or disposition, the legislative body shall proceed to sell or dispose of the property as provided in the ordinance, **subject to subsection (m) and to section 6.1 of this chapter in the case of an ordinance adopted under subsection (d) after March 28, 2016**.

(j) If a majority of the voters voting on the question vote against the

sale or disposition, the ordinance adopted under subsection (d) does not take effect and the sale or disposition may not be made, **subject to subsection (m) and to section 6.1 of this chapter in the case of an ordinance adopted under subsection (d) after March 28, 2016.**

(k) If:

- (1) the legislative body adopts an ordinance under subsection (d); and
- (2) after the expiration of the thirty (30) day period described in subsection (g), a petition is not filed;

the municipal legislative body may proceed to sell the property as provided in the ordinance, **subject to subsection (m) and to section 6.1 of this chapter in the case of an ordinance adopted under subsection (d) after March 28, 2016.**

(l) Notwithstanding the procedures set forth in this section, if: ~~a municipality:~~

- (1) before July 1, 2015, **a municipality** adopts an ordinance under this section for the sale or disposition of nonsurplus municipally owned utility property in accordance with the procedures set forth in this section before its amendment on July 1, 2015; and
- (2) the ordinance adopted takes effect before July 1, 2015, in accordance with the procedures set forth in this section before its amendment on July 1, 2015;

the ordinance is not subject to challenge under subsection (g) after June 30, 2015, regardless of whether the thirty (30) day period described in subsection (g) expires after June 30, 2015. An ordinance described in this subsection is effective for all purposes and is legalized and validated.

(m) Subsections (g) through (k) do not apply to an ordinance adopted under subsection (d) after March 28, 2016, if the commission determines, in reviewing the proposed sale or disposition under section 6.1(h) of this chapter, that the factors set forth in IC 8-1-30.3-5(c) are satisfied as applied to the proposed sale or disposition.

SECTION 9. IC 8-1.5-2-6, AS AMENDED BY P.L.103-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The ordinance adopted by the municipal legislative body under section 5(d) of this chapter must provide for:

- (1) the sale or disposition of the municipally owned utility

property;

(2) the manner of the sale or disposition;

(3) the price, terms, and conditions of the sale or disposition, which must be consistent with any contractual obligations previously incurred under IC 8-1-2.2; and

(4) the officer or officers who are to execute the proper documents conveying title on behalf of the municipality.

(b) **Except as provided in subsection (e)**, the property may not be sold for less than its full appraised value, as set forth in the appraisal, less the amount of any bonds, liens, or other indebtedness due upon the property, and only in accordance with contractual obligations incurred under IC 8-1-2.2. The indebtedness shall either:

(1) be paid in accordance with the terms and conditions of the instruments governing the indebtedness before the sale; or

(2) be assumed and paid by the purchaser as part of the purchase price of the property.

(c) This subsection applies if a municipal legislative body adopts an ordinance for the sale or disposition of municipally owned utility real property by acceptance of bids. A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

(d) The proceeds of any sale under this chapter shall be paid into the treasury of the municipality making the sale and become part of the general fund, **unless the municipal legislative body adopts an ordinance to provide that the proceeds of the sale shall be paid into a restricted fund to be used only in the manner set forth in the ordinance.**

(e) **The municipally owned utility property that is the subject of an ordinance adopted under section 5(d) of this chapter may be sold for less than its full appraised value, as set forth in the appraisal, if the municipal legislative body determines that it would be in the municipality's best interests to sell the property for less than its full appraised value so as to result in lower utility rates to be charged by the prospective purchaser to customers of the municipality's municipally owned utility.**

SECTION 10. IC 8-1.5-2-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) This section applies to a municipality that adopts an ordinance under section 5(d) of this chapter after March 28, 2016.**

(b) Before a municipality may proceed to sell or otherwise dispose of all or part of its nonsurplus utility property under an ordinance adopted under section 5(d) of this chapter, the municipality and the prospective purchaser must obtain the approval of the commission under this section.

(c) As part of the sale or disposition of the property, the municipality and the prospective purchaser may include terms and conditions that the municipality and the prospective purchaser consider to be equitable to the existing utility customers of:

- (1) the municipality's municipally owned utility; and**
- (2) the prospective purchaser;**

as applicable.

(d) The commission shall approve the sale or disposition of the property according to the terms and conditions proposed by the municipality and the prospective purchaser if the commission finds that the sale or disposition according to the terms and conditions proposed is in the public interest. For purposes of this section, the purchase price of the municipality's nonsurplus utility property shall be considered reasonable if it does not exceed the appraised value set forth in the appraisal required under section 5 of this chapter.

(e) The following apply to the commission's determination under subsection (d) as to whether the proposed sale or disposition according to the proposed terms and conditions is in the public interest:

(1) If:

(A) the municipality's municipally owned utility petitions the commission under IC 8-1-30.3-5(d); and

(B) the commission approves the municipality's municipally owned utility's petition under IC 8-1-30.3-5(c); the proposed sale or disposition is considered to be in the public interest.

(2) If subdivision (1) does not apply and subject to subsection (h), the commission shall consider the extent to which the proposed terms and conditions of the proposed sale or disposition would require the existing utility customers of

either the prospective purchaser or the municipality's municipally owned utility, as applicable, to pay rates that would subsidize utility service to the other party's existing customers. If the commission determines that:

(A) the proposed terms and conditions would result in a subsidy described in this subdivision; and

(B) the subsidy would cause the proposed terms and conditions of the proposed sale or disposition not to be in the public interest;

the commission shall calculate the amount of the subsidy that would result and shall set forth in an order under this section such changes to the proposed terms and conditions as the commission considers appropriate to address the subsidy. The prospective purchaser and the municipality shall each have thirty (30) days from the date of the commission's order setting forth the commission's changes to either accept or reject the changes. If either party rejects the commission's changes, the proposed sale or disposition is considered not to be in the public interest.

(3) In reviewing the proposed terms and conditions of the proposed sale or disposition under either subdivision (1) or (2), the commission shall consider the financial, managerial, and technical ability of the prospective purchaser to provide the utility service required after the proposed sale or disposition.

(f) As part of an order approving a sale or disposition of property under this section, the commission shall, without regard to amounts that may be recorded on the books and records of the municipality and without regard to any grants or contributions previously received by the municipality, provide that for ratemaking purposes, the prospective purchaser shall record as the net original cost rate base an amount equal to:

- (1) the full purchase price;
- (2) incidental expenses; and
- (3) other costs of acquisition;

allocated in a reasonable manner among appropriate utility plant in service accounts.

(g) The commission shall issue a final order under this section not later than two hundred ten (210) days after the filing of the

parties' case in chief.

(h) In reviewing a proposed sale or disposition under subsection (e), the commission shall determine whether the factors set forth in IC 8-1-30.3-5(c) are satisfied as applied to the proposed sale or disposition of the municipality's nonsurplus municipally owned utility property for purposes of section 5(m) of this chapter. If the commission determines that the factors set forth in IC 8-1-30.3-5(c):

(1) are satisfied as applied to the proposed sale or disposition, section 5(g) through 5(k) of this chapter does not apply to the municipality's ordinance adopted under section 5(d) of this chapter; or

(2) are not satisfied as applied to the proposed sale or disposition:

(A) section 5(g) through 5(k) of this chapter applies to the municipality's ordinance adopted under section 5(d) of this chapter; and

(B) the question as to whether the sale or disposition should be made must be submitted to the voters of the municipality at a special or general election if at least the number of the registered voters of the municipality set forth in section 5(h) of this chapter sign and present a petition to the legislative body opposing the sale or disposition, in accordance with section 5(g) through 5(k) of this chapter.

However, notwithstanding this subsection, in reviewing a proposed sale or disposition under subsection (e)(2), the commission may not condition its approval of the proposed sale or disposition on whether the factors set forth in IC 8-1-30.3-5(c) are satisfied or on any other factors except those provided for in subsection (e)(2) and (e)(3).

SECTION 11. An emergency is declared for this act.

P.L.99-2016

[S.295. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning military and veterans and to make an appropriation.

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

SECTION 1. IC 6-8.1-9-4, AS AMENDED BY P.L.288-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Every individual (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on the individual's annual state income tax return that either a specific amount or all of the refund to which the individual is entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which the individual is entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the individual is entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If an individual designates all of the refund to which the individual is entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the individual is entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(b) Every husband and wife (other than nonresidents) who file a joint income tax return and who are entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return

that either a specific amount or all of the refund to which they are entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which a husband and wife are entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the husband and wife are entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If a husband and wife designate all of the refund to which the husband and wife are entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the husband and wife are entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(c) Designations under subsection (a) or (b) may be directed only to the following funds:

- (1) The nongame fund.
- (2) The state general fund for exclusive use in funding public education for kindergarten through grade 12.

(3) The military family relief fund.

(d) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

- (1) The nongame and endangered species program. The description of this program shall be written in cooperation with the department of natural resources.
- (2) The funding of public education for kindergarten through grade 12. The description of this purpose shall be written in cooperation with the state superintendent of public instruction.

(3) The funding for financial assistance to qualified service members (as defined in IC 10-17-12-7.5) and their families. The description of this purpose shall be written in cooperation with the Indiana department of veterans' affairs.

(e) The department shall interpret a designation on a return under subsection (a) or (b) that is illegible or otherwise not reasonably discernible to the department as if the designation had not been made.

SECTION 2. IC 10-16-7-23, AS AMENDED BY SEA 362-2016,

SECTION 1, AND AS AMENDED BY HEA 1373-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty" means:

- (1) training or duty under federal law;
- (2) state active duty under an order of a governor of another state as provided by law; or
- (3) state active duty under section 7 of this chapter;

performed under an order of the governor.

(b) The rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to a member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member or reserve member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless the member or member's dependent provides documentation to the person that the person is a member or reserve member of ~~(1)~~ the Indiana National Guard or ~~(2)~~ the National Guard of another state, ordered to state active duty for at least thirty (30) consecutive days.

(d) The rights, benefits, and protections of the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., as amended and in effect on January 1, 2003, apply to a member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

ordered to active duty.

(e) Nothing in this section shall be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

under federal law.

SECTION 3. IC 10-16-20-2, AS AMENDED BY SEA 362-2016, SECTION 2, AND AS AMENDED BY HEA 1373-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The following definitions apply throughout this chapter:

(1) "Military service" means:

(A) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:

- (i) full-time training duty;
- (ii) annual training duty; and
- (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;

(B) in the case of a member or reserve member of the Indiana National Guard, service under a call to active:

- (i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or
- (ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service;

(D) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for ~~at least~~ *a period of more than* thirty (30) consecutive days; or

(E) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Servicemember" means an individual engaged in military service.

SECTION 4. IC 10-17-1-4, AS AMENDED BY P.L.169-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter,

including the following:

- (1) Adopt rules under IC 4-22-2 to administer this chapter.
- (2) Advise the veterans' state service officer in problems concerning the welfare of veterans.
- (3) Determine general administrative policies within the department.
- (4) Establish standards for certification of county and city service officers.
- (5) Establish and administer a written examination for renewal of the certification of county and city service officers.
- (6) Submit, not later than December 31 of each year, an annual report to the legislative council in an electronic format under IC 5-14-6 and to the governor concerning the welfare of veterans.**

SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.169-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Within thirty (30) days of their appointment, new county, or city service officers must attend a new service officer orientation presented by the Indiana department of veterans' affairs and, according to the standards established under section 4(4) of this chapter, become certified to assist veterans and their dependents and survivors. The curriculum for the new service officer orientation presented under this subsection shall be determined by the director.

(b) Within one (1) year of appointment, new service officers must attend a course presented by a national organization and become accredited to represent veterans.

(c) An individual employed as a county, or city service officer under this chapter ~~on July 1, 2013,~~ is required to become accredited **by a national veterans service organization through the United States Department of Veterans Affairs Office of General Counsel** not later than ~~July 1, 2015,~~ **one (1) year from the date of individual's employment, in order** to represent veterans.

(d) Annually, all county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's county, or city, including a thorough familiarization with laws, rules, and regulations of the federal government and the state that affect benefits to which the veterans and

dependents of the veterans are entitled. After a service officer has undergone this sustainment training and successfully passed a written test, the service officer shall be recertified by the director to assist veterans for the following year.

SECTION 6. IC 10-17-12-0.7, AS AMENDED BY P.L.169-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.7. (a) The purpose of the fund established in section 8 of this chapter is to provide:

(1) short term financial assistance, **including emergency one (1) time grants**, to families of qualified service members for hardships that result from the qualified service members' **active duty military** service. **and**

(2) funding for:

(A) grants for reimbursement for training; and

(B) the purchase of computer equipment and software;

for county and city veterans' service officers:

(b) Funding for the purposes described in subsection (a)(2) must be provided from the amount transferred to the fund under section 13 of this chapter.

SECTION 7. IC 10-17-12-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1. As used in this chapter, "active duty" means full-time service in the:

(1) armed forces; or

(2) National Guard;

for a period that exceeds thirty (30) consecutive days.

SECTION 8. IC 10-17-12-7.5, AS ADDED BY P.L.50-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. As used in this chapter, "qualified service member" means an individual who is **an Indiana resident and who:**

(1) an Indiana resident;

(2) a member of:

(A) the armed forces; or

(B) the National Guard; and

(3) serving on active duty:

(A) after September 11, 2001; and

(B) during a time of national conflict or war.

(1) is:

(A) a member of the armed forces of the United States or

**the national guard (as defined in IC 5-9-4-4); and
(B) serving on or has served on active duty during a time of national conflict or war; or**

(2) has:

(A) served on active duty during a time of national conflict or war in:

(i) the armed forces of the United States; or

(ii) the national guard (as defined in IC 5-9-4-4); and

(B) received an honorable discharge.

SECTION 9. IC 10-17-12-8, AS AMENDED BY P.L.7-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The military family relief fund is established to provide **short term** assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, and other essential family support expenses that have become difficult to afford for qualified service members or dependents of qualified service members. ~~The fund may also be used to provide for grants for reimbursement for training and for computer equipment and software for county and city veterans' service officers.~~

(b) Except as provided in section 9 of this chapter, the commission shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

(c) The commission shall give priority to applications for grants for assistance from the fund to qualified service members or dependents of qualified service members who have never received a grant under this chapter.

(d) Subject to the approval of the budget agency, the commission shall establish the maximum total dollar amount of grants that may be expended in a state fiscal year. Once the maximum total dollar amount of grants that may be expended in a state fiscal year is reached, no additional grants may be authorized until the start of the following state fiscal year.

(e) The director shall each year provide a report to the budget committee concerning the grant program under this chapter.

(f) A qualified service member or the qualified service member's dependent may be eligible to receive assistance from the fund.

(g) The commission shall administer the fund.

SECTION 10. IC 10-17-12-10, AS AMENDED BY P.L.113-2010,

SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. **(a)** The commission ~~may~~ **shall** adopt rules under IC 4-22-2 for the provision of grants under this chapter. **Subject to subsection (b)**, the rules adopted under this section must address the following:

- (1) Uniform need determination procedures.
- (2) Eligibility criteria, **including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.**
- (3) Application procedures.
- (4) Selection procedures.
- (5) ~~Coordination with~~ **A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.**
- (6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

(b) The following apply to grants awarded under this chapter:

- (1) An applicant is not eligible for a grant from the fund if:**
 - (A) the qualified service member with respect to whom the application is based has been discharged; and**
 - (B) the qualified service member's term of qualifying military service was less than twelve (12) months.**
- (2) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.**

SECTION 11. IC 10-17-12-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13: (a) The commission shall transfer one hundred eighty thousand dollars (\$180,000) from the veterans' affairs trust fund established by IC 10-17-13-3 to the fund:

- (b) There is appropriated to the commission one hundred eighty thousand dollars (\$180,000) from the fund for:
 - (1) grants for training county and city veterans' service officers under IC 10-17-1-10; and
 - (2) the purchase of computer equipment and software to be used by the city and county veterans' service officers.
- (c) A county or city veterans' service officer may receive a grant for

reimbursement for training expenses associated with service officer training, including travel and incidental expenses of eligible county and city veterans' service officers seeking initial or renewal service officer accreditation. A county or city veterans' service officer may receive a grant under this subsection in an amount not to exceed five hundred dollars (\$500) for reimbursement. The commission shall set standards for the reimbursement grants. A county or city veterans' service officer may apply to the commission for a reimbursement grant, and the commission may make a grant based on the commission's review of an application.

(d) A county or city that employs a veterans' service officer may receive a grant, in an amount not to exceed one thousand two hundred dollars (\$1,200), for reimbursement for computer equipment and software to enable the veterans' service officer to access national data bases for benefits for veterans. The commission shall set standards for the review of grants for the purchase of computer equipment and software under this subsection. A county or city may apply to the commission for a grant for reimbursement for the purchase of computer equipment and software, and the commission may make a grant based on the commission's review of an application.

SECTION 12. IC 10-17-13-3, AS AMENDED BY P.L.50-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The veterans' affairs trust fund is established **as a trust fund** to provide a self-sustaining funding source for the military family relief fund established by IC 10-17-12-8.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, grants, and bequests to the fund.
- (3) Interest and dividends on assets of the funds.
- (4) Money transferred to the fund from other funds.
- (5) Money from any other source deposited in the fund.

(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.

SECTION 13. IC 10-17-13-5, AS AMENDED BY P.L.4-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The commission consists of the following members:

- (1) ~~Seven (7)~~ **Six (6)** members appointed by the governor, as

provided in this subdivision. The governor shall consider the following when making appointments under this subdivision:

- (A) Membership in a veterans association established under IC 10-18-6.
- (B) Service in the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard (as defined in IC 5-9-4-4).
- (C) Experience in education, including higher education, vocational education, or adult education.
- (D) Experience in investment banking or finance.

The governor shall designate one (1) member appointed under this subdivision to serve as chairperson of the commission.

(2) One (1) county service officer appointed by the governor.

~~(2)~~ **(3)** The director of veterans' affairs appointed under IC 10-17-1-5 or the director's designee.

~~(3)~~ **(4)** The adjutant general of the military department of the state appointed under IC 10-16-2-6 or the adjutant general's designee.

~~(4)~~ **(5)** Four (4) members of the general assembly appointed as follows:

- (A) Two (2) members of the senate, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (B) Two (2) members of the house of representatives, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

Members appointed under this subdivision are nonvoting, advisory members and must serve on a standing committee of the senate or house of representatives that has subject matter jurisdiction over military and veterans affairs."

SECTION 14. IC 10-17-13-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) Each year after July 1 and before August 1, the commission shall determine:**

- (1) the amount of money in the fund on July 1; and**
 - (2) the amount of the expenditures from the military family relief fund during the immediately preceding state fiscal year.**
- (b) After making the determinations under subsection (a), if the**

amount determined under subsection (a)(1) exceeds three hundred percent (300%) of the amount determined under subsection (a)(2), the commission shall transfer from the fund to the military family relief fund an amount equal to:

- (1) fifty percent (50%); multiplied by
- (2) the difference of:
 - (A) the amount determined under subsection (a)(1); minus
 - (B) three hundred percent (300%) of the amount determined under subsection (a)(2).

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "qualified service member" means an individual who:

- (1) is:
 - (A) a member of the armed forces of the United States or the national guard (as defined in IC 5-9-4-4); and
 - (B) serving on or has served on active duty during a time of national conflict or war; or
- (2) has:
 - (A) served on active duty during a time of national conflict or war in:
 - (i) the armed forces of the United States; or
 - (ii) the national guard (as defined in IC 5-9-4-4); and
 - (B) received an honorable discharge.

(c) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.
- (2) An interim study committee.

(d) The legislative council is urged to assign to the appropriate study committee during the 2016 legislative interim the topic of whether or not grants for assistance from the military family relief fund should be paid directly to vendors on behalf of a qualified service member or dependents of the qualified service member.

(e) If the topic described in subsection (d) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation, in an

electronic format under IC 5-14-6 not later than November 1, 2016.

(f) This SECTION expires December 31, 2016.

SECTION 16. An emergency is declared for this act.

P.L.100-2016

[S.304. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-12-14, AS AMENDED BY P.L.293-2013(ts), SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of twelve thousand four hundred eighty dollars (\$12,480) deducted from the assessed value of the tangible property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) has a total disability; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%);
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate or an award of compensation issued

by the United States Department of Veterans Affairs; or
 (B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and

(5) the individual:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 15 of this chapter is filed.

(b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, the surviving spouse of an individual may receive the deduction provided by this section if the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death and the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's ~~tangible property~~, **Indiana real property, Indiana mobile home not assessed as real property, and Indiana manufactured home not assessed as real property**, as shown by the tax duplicate, exceeds ~~one hundred forty-three thousand one hundred sixty dollars (\$143,160)~~. **the assessed value limit specified in subsection (d).**

(d) For the January 1, 2017, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is one hundred seventy-five thousand dollars (\$175,000).

~~(d)~~ **(e)** An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided

under this section against that real property, mobile home, or manufactured home.

SECTION 2. IC 6-1.1-12-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 14.5. (a) As used in this section, "homestead" has the meaning set forth in IC 6-1.1-12-37.**

(b) An individual may claim a deduction from the assessed value of the individual's homestead if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;**
- (2) the individual received an honorable discharge;**
- (3) the individual has a disability of at least fifty percent (50%);**
- (4) the individual's disability is evidenced by:**
 - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or**
 - (B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and**
- (5) the homestead was conveyed without charge to the individual who is the owner of the homestead by an organization that is exempt from income taxation under the federal Internal Revenue Code.**

(c) If an individual is entitled to a deduction from assessed value under subsection (b) for the individual's homestead, the amount of the deduction is determined as follows:

- (1) If the individual is totally disabled, the deduction is equal to one hundred percent (100%) of the assessed value of the homestead.**
- (2) If the individual has a disability of at least ninety percent (90%) but the individual is not totally disabled, the deduction is equal to ninety percent (90%) of the assessed value of the homestead.**
- (3) If the individual has a disability of at least eighty percent (80%) but less than ninety percent (90%), the deduction is equal to eighty percent (80%) of the assessed value of the**

homestead.

(4) If the individual has a disability of at least seventy percent (70%) but less than eighty percent (80%), the deduction is equal to seventy percent (70%) of the assessed value of the homestead.

(5) If the individual has a disability of at least sixty percent (60%) but less than seventy percent (70%), the deduction is equal to sixty percent (60%) of the assessed value of the homestead.

(6) If the individual has a disability of at least fifty percent (50%) but less than sixty percent (60%), the deduction is equal to fifty percent (50%) of the assessed value of the homestead.

(d) An individual who claims a deduction under this section for an assessment date may not also claim a deduction under section 13 or 14 of this chapter for that same assessment date.

(e) An individual who desires to claim the deduction under this section must claim the deduction in the manner specified by the department of local government finance.

SECTION 3. IC 6-1.1-12-37, AS AMENDED BY P.L.148-2015, SECTION 7, AS AMENDED BY P.L.207-2015, SECTION 1, AND AS AMENDED BY P.L.245-2015, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the

county recorder's office, that provides that the individual is to pay the property taxes on the residence, *and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;*

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

If more than one (1) individual or entity qualifies property as a homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home

not assessed as real property; or

(2) forty-five thousand dollars (\$45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the *federal United States government and determined by the department of local government finance to be acceptable.*

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance *shall may* adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on ~~March~~ *the assessment date* in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on ~~March~~ *the assessment date* in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this

section if:

- (1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and
- (2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

- (1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.
- (2) The property is the principal place of residence of an individual.
- (3) The property is owned by an entity that is not described in subsection (a)(2)(B).
- (4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.
- (5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described

in subsection (k) with respect to property taxes that are:

- (1) imposed for an assessment date in 2009; and
- (2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

- (1) a deck or patio;
- (2) a gazebo; or
- (3) another residential yard structure, as defined in rules *that may be* adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

- (1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.
- (2) A statement made under penalty of perjury that the following are true:
 - (A) That the individual and the individual's spouse maintain separate principal places of residence.
 - (B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.
 - (C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to

provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction; the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

(A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or

(B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and

(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and

(B) *cancel the deduction described in clause (A) for that property.*

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. *The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.*

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this

section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. ~~However,~~ **The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the**

individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 4. [EFFECTIVE JANUARY 1, 2017] (a) **IC 6-1.1-12-14.5, as added by this act, and IC 6-1.1-12-13, IC 6-1.1-12-14, and IC 6-1.1-12-37, all as amended by this act, apply to assessment dates after December 31, 2016.**

(b) **This SECTION expires January 1, 2020.**

P.L.101-2016

[S.336. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning natural resources.

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

SECTION 1. IC 14-34-6-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15. (a) As used in this section, "fund" refers to the post-1977 abandoned mine reclamation fund established by this section.

(b) The post-1977 abandoned mine reclamation fund is established. The fund consists of bond forfeiture money collected under section 16 of this chapter and the civil penalties described in IC 14-34-16-9. **Unless the prior approval of the general assembly is given for another use,** the fund may be used **only** as follows:

(1) To effect the restoration of land:

(A) **that is** not otherwise eligible for **restoration through** federal funding; ~~on which there and~~

(B) **that** has been **affected by** surface **coal** mining activity

operations that occurred after August 3, 1977.

(2) To replace domestic water supplies disrupted or affected by a surface coal mining and reclamation operation, including the disposal of coal combustion waste (as defined in IC 13-19-3-3), where the surface coal mining and reclamation operation has been completed and is no longer subject to IC 14-34.

~~The money held for this purpose may not exceed an amount established by the department that is sufficient to enable the director to cover the anticipated cost of restoration.~~

(c) At least five hundred thousand dollars (\$500,000) in the fund is dedicated as collateral for the bond pool under IC 14-34-8 and may not be used for the restoration of land or replacement of water described in subsection (b).

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. IC 27-7-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. As used in this chapter, "mine subsidence" means the collapse of ~~inactive an~~ underground coal ~~mines abandoned before August 3, 1977,~~ mine resulting in damage to a structure. The term does not include loss caused by earthquake, landslide, volcanic eruption, or collapse of storm or sewer drains.

SECTION 3. IC 27-7-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "structure" means any dwelling, building, or fixture permanently fixed to real property. The term does not include land, trees, crops, or other plants. ~~nor does the term include a dwelling, building, or fixture that is owned by a public or governmental entity.~~

SECTION 4. IC 27-7-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) Coverage for damage due to mine subsidence must be available as an additional form of coverage under any insurance policy providing the type of insurance described in Class 3(a) of IC 27-1-5-1 to directly cover one (1) or more structures located in a county identified under section 6 of this chapter. The mine subsidence coverage must be available in an amount

adequate to indemnify the insured to the extent of:

(1) the loss in actual cash value of the covered structure due to mine subsidence, less a deductible **that:**

(A) **must be** equal to two percent (2%) of the insured value of the structure under the policy; ~~However, the deductible but~~

(B) **must be:**

(i) no less than two hundred fifty dollars (\$250); and

(ii) no more than five hundred dollars (\$500); **and**

(2) **up to fifteen thousand dollars (\$15,000) for additional living expenses reasonably and necessarily incurred by an insured who is temporarily displaced as a direct result of damage caused by mine subsidence to the covered structure in which the insured resides, if no other type of coverage provided by the policy of the insured indemnifies the insured for these living expenses.**

An insured who elects to purchase coverage under subdivision (1) may waive coverage under subdivision (2) at the election of the insured.

(b) An insurer proposing to issue a policy providing the type of insurance described in Class 3(a) of IC 27-1-5-1 to cover one (1) or more structures located in a county identified under section 6 of this chapter shall inform the prospective policyholder of the availability of mine subsidence coverage under this section. An insurer shall inform the prospective policyholder of the availability of mine subsidence coverage under this subsection when a policy described in this subsection is issued.

(c) When an insurer informs a prospective policyholder of the amount of the premium for the mine subsidence coverage that is available as an additional form of coverage under a policy as required by subsection (a), the premium for the mine subsidence coverage must be stated separately from the premium for the other coverage provided by the policy. The amount of the premium for mine subsidence coverage provided by an insurer under this section must be set according to the premium level set by the commissioner under section 10 of this chapter.

(d) Except as provided in subsection (f), an insurance policy providing the type of insurance described in Class 3(a) of IC 27-1-5-1 to directly cover one (1) or more structures located in a county

identified under section 6 of this chapter must include the mine subsidence coverage provided for under subsection (a) if the prospective insured (before issuance of the policy) or the insured (before renewal of the policy) indicates that the coverage is to be included in the policy.

(e) An insurer is not required to provide mine subsidence coverage under subsection (a) under any insurance policy in an amount exceeding the amount that is reimbursable from the fund under section 9(a)(4) of this chapter.

(f) An insurer must decline to make the mine subsidence coverage provided for under subsection (a) available to cover a structure evidencing unrepaired mine subsidence damage, until necessary repairs are made. An insurer may also decline to make the mine subsidence coverage available under an insurance policy if the insurer has:

- (1) declined to issue the policy;
- (2) declined to renew the policy; or
- (3) canceled all coverage under the policy for underwriting reasons unrelated to mine subsidence.

SECTION 5. IC 27-7-9-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9.5. (a) The commissioner shall provide insurers with assistance from one (1) or more individuals with technical expertise in mine subsidence for the purpose of assisting with the adjusting of claims under coverage issued under this chapter. **If the commissioner considers it necessary in order** to comply with this section, the commissioner may:

- (1) expand the staff of the department of insurance; or
- (2) enter into contracts providing for the services of persons with the necessary technical expertise to provide assistance to insurers in the determination of subsidence events.

(b) The adjustment of a claim against a policy that includes mine subsidence coverage under this chapter is the sole responsibility of the insurer until the insurer makes a preliminary determination that the loss may involve mine subsidence. Upon such a determination, those persons retained by the commissioner as set out in subsection (a) ~~of this section~~ shall assist the commissioner and insurer in determining the existence of a mine subsidence event and the costs therein shall be paid from the fund established by section 7 of this chapter.

P.L.102-2016
[S.347. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-30.5 IS REPEALED [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]. (Water Utility Resource Data).

SECTION 2. IC 8-1-30.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 30.7. Non-Revenue Water Auditing

Sec. 1. The general assembly makes the following findings:

- (1) Safe and affordable drinking water is essential to public health and economic development throughout Indiana.**
- (2) The cost of providing reliable drinking water is increasing due to factors such as aging infrastructure, increased energy costs, and complex and costly changes in the regulatory requirements for safe drinking water.**
- (3) Water main breaks are visible and disruptive manifestations of the more widespread phenomenon of leakage from water systems.**
- (4) Leakage of drinking water from water distribution systems adds to the cost of service to customers and may lead to increased raw water demands that harm the natural environment.**
- (5) The failure of water utilities to recover revenue from some of the water delivered to users due to:
 - (A) metering and billing inaccuracies; and**
 - (B) theft;**increases the cost per unit of water that is billed to customers.**
- (6) Best management practices suggest that drinking water utilities should conduct an annual water audit in accordance**

with the American Water Works Association (AWWA) Manual of Water Supply Practices M-36: Water Audits and Loss Control Programs.

(7) The AWWA has published software for use in categorizing and reporting water losses and has made the software available without charge.

(8) AWWA M-36 water audit protocol classifies water volumes entering water distribution systems into revenue water and non-revenue water, with:

(A) revenue water representing billed water consumption; and

(B) non-revenue water consisting of the difference between the volume entering the distribution system and revenue water.

(9) Regular auditing of water volumes is a necessary foundation for the adoption of cost effective strategies to reduce the level of non-revenue water to economically reasonable levels.

Sec. 2. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 3. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 4. As used in this chapter, "non-revenue water" means the difference between the annual volume of water entering a water distribution system and revenue water of the system.

Sec. 5. As used in this chapter, "revenue water" means the annual amount of water consumption billed to customers.

Sec. 6. As used in this chapter, "water audit" means an audit performed in accordance with the AWWA Manual of Water Supply Practices M-36: Water Audits and Loss Control Programs.

Sec. 7. As used in this chapter, "water related state agency" means any of the following:

(1) The Indiana finance authority established by IC 4-4-11.

(2) The department of administration created by IC 4-13-1-2.

(3) The commission.

(4) The office of utility consumer counselor created by IC 8-1-1.1-2.

(5) The department of environmental management established by IC 13-13-1-1.

(6) The department of natural resources created by IC 14-9-1-1.

(7) The state department of health established by IC 16-19-1-1.

(8) The Indiana geological survey established as a part of Indiana University by IC 21-47-2.

(9) The Indiana Water Resource Research Center of Purdue University.

(10) The state department of agriculture established by IC 15-11-2-1.

Sec. 8. As used in this chapter, "water utility" means:

(1) a public utility (as defined in IC 8-1-2-1(a));

(2) a municipally owned utility (as defined in IC 8-1-2-1(h));

(3) a not-for-profit utility (as defined in IC 8-1-2-125(a));

(4) a cooperatively owned corporation;

(5) a conservancy district established under IC 14-33; or

(6) a regional water district established under IC 13-26;

that provides water service to the public in Indiana for a fee.

Sec. 9. (a) For purposes of the report required by section 10 of this chapter, each water utility shall provide to the authority a water audit:

(1) according to requirements established by the authority; and

(2) not later than a date set by the authority so that the report prepared by the authority under section 10 of this chapter can reflect the results of the water audits of all water utilities.

(b) The authority shall summarize the results of the water audits provided under subsection (a) in the report prepared under section 10 of this chapter.

Sec. 10. Before November 1, 2017, the authority, in consultation with:

(1) the commission and any other water related state agencies;

(2) any political subdivisions (as defined in IC 36-1-2-13);

(3) any water utilities or organizations of water utilities; and

(4) any other interested parties;

that the authority chooses to consult with, shall prepare and submit in an electronic format under IC 5-14-6 to the executive director of the legislative services agency a report on non-revenue water and water loss in Indiana.

Sec. 11. This chapter expires July 1, 2018.

SECTION 3. IC 14-25-7-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) As used in this section, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.**

(b) As used in this section, "quality assurance review" means a process of reviewing and verifying water resources data with the goal of assuring the reliability of the data. The term includes the application of certain objectives, principles, and policies already in use at the Indiana geological survey in maintaining consistency in water resources data and accountability to the scientific community and general public.

(c) The authority shall perform a quality assurance review of the water resources data compiled from the reports submitted by owners of significant water withdrawal facilities under:

- (1) section 15 of this chapter; and**
- (2) IC 13-2-6.1-1 and IC 13-2-6.1-7 (before their repeal);**

beginning with the reports submitted for the 1985 calendar year.

(d) The authority may enter into contracts with one (1) or more professionals or state educational institutions under which the professionals or state educational institutions will perform some or all of the duties imposed on the authority by this section. The authority may compensate the professionals or state educational institutions for work performed under this section with:

- (1) money from the drinking water revolving loan fund established by IC 13-18-21-2; or**
- (2) any other funds appropriated to the authority.**

(e) In performing the quality assurance review required by this section, the authority shall use the water resources data in a manner that:

- (1) protects the confidential information of owners of significant water withdrawal facilities; and**
- (2) is consistent with IC 5-14-3-4.**

(f) The authority shall present the results of the quality assurance review performed under this section, as those results become available, to the water rights and use section of the department's division of water. The water rights and use section shall maintain the results in the data base of data extracted from reports submitted by owners of significant water withdrawal

facilities under section 15 of this chapter (and IC 13-2-6.1-1 and IC 13-2-6.1-7 before their repeal).

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout this SECTION:

- (1) "Authority" refers to the Indiana finance authority created by IC 4-4-11-4.
- (2) "Commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.
- (3) "State educational institution" has the meaning set forth in IC 21-7-13-32.
- (4) "Water utility" means any of the following:
 - (A) A public utility, as defined in IC 8-1-2-1(a), that furnishes water to its customers.
 - (B) A municipally owned utility, as defined in IC 8-1-2-1(h), that furnishes water to its customers.
 - (C) A not-for-profit utility, as defined in IC 8-1-2-125(a), that furnishes water to its customers.
 - (D) A utility that:
 - (i) is owned cooperatively by its customers; and
 - (ii) furnishes water to its customers.
 - (E) A conservancy district established under IC 14-33 that furnishes water to its customers.
 - (F) A regional district established under IC 13-26 that furnishes water to its customers.

(b) The authority shall:

- (1) study; and
- (2) prepare an analysis of;

the infrastructure needs of the water utilities of Indiana. The authority shall submit a report on its study and analysis in an electronic format under IC 5-14-6 to the executive director of the legislative services agency not later than November 1, 2016.

(c) In preparing the analysis required by this SECTION, the authority:

- (1) shall consult with:
 - (A) water utilities; and
 - (B) the commission; and
- (2) may consult with any other entity or individual having information the authority considers relevant to the infrastructure needs of water utilities.

(d) The authority may hold public meetings to gather information for the purposes of preparing the analysis required by this SECTION.

(e) The authority may enter into contracts with one (1) or more professionals or state educational institutions under which the professionals or state educational institutions will perform some or all of the duties imposed on the authority by this SECTION. The authority may compensate the professionals or state educational institutions for work performed under this SECTION with:

(1) money from the drinking water revolving loan fund established by IC 13-18-21-2; or

(2) any other funds appropriated to the authority.

(f) In conducting the study and preparing the analysis required by this SECTION, the authority shall use any data it acquires in a manner that:

(1) protects the confidential information of individual water utilities; and

(2) is consistent with IC 5-14-3-4.

(g) This SECTION expires January 1, 2017.

SECTION 5. An emergency is declared for this act.

P.L.103-2016

[S.362. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 10-16-7-23, AS AMENDED BY P.L.156-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty" means:

(1) training or duty under federal law; ~~or~~
(2) state active duty under an order of a governor of another state as provided by law; or
~~(2)~~ **(3) state active duty under section 7 of this chapter;**
 performed under an order of the governor.

(b) The rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to a member of:

(1) the Indiana national guard; or
(2) the national guard of another state;
 ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member or reserve member of:

(1) the Indiana National Guard; or
(2) the national guard of another state;
 ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless the member or member's dependent provides documentation to the person that the person is a member or reserve member of:

(1) the Indiana National Guard; or
(2) the national guard of another state;
 ordered to state active duty for at least thirty (30) consecutive days.

(d) The rights, benefits, and protections of the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., as amended and in effect on January 1, 2003, apply to a member of:

(1) the Indiana national guard; or
(2) the national guard of another state;
 ordered to active duty.

(e) Nothing in this section shall be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

(1) the Indiana national guard; or
(2) the national guard of another state;
 under federal law.

SECTION 2. IC 10-16-20-2, AS ADDED BY P.L.156-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 2. The following definitions apply throughout this chapter:

- (1) "Military service" means:
- (A) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:
 - (i) full-time training duty;
 - (ii) annual training duty; and
 - (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;
 - (B) in the case of a member or reserve member of the Indiana National Guard, service under a call to active:
 - (i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or
 - (ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;
 - (C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; ~~or~~
 - (D) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for a period of more than thirty (30) consecutive days; or**
 - ~~(D)~~ **(E)** any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.
- (2) "Servicemember" means an individual engaged in military service.

SECTION 3. IC 10-17-2-4, AS ADDED BY P.L.174-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) As used in this section, "photographic identification" means an identification document that:

- (1) shows the name of the individual to whom the document was issued;

- (2) shows a photograph of the individual to whom the document was issued;
- (3) includes an expiration date indicating that the document has not expired; and
- (4) was issued by the United States or ~~the state of Indiana~~; **a state or territory of the United States.**

(b) A discharge record is not a public record under IC 5-14-3. A county recorder may provide a certified copy of a discharge record only to the following persons:

- (1) The veteran who is the subject of the discharge record if the veteran provides photographic identification.
- (2) A person who provides photographic identification that identifies the person as a county or city service officer.
- (3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.
- (4) A person who:
 - (A) is a funeral director licensed under IC 25-15; and
 - (B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

- (5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.
- (6) The following persons, ~~under a court order~~; if the person provides photographic identification: ~~and a certified copy of the court order~~:
 - (A) The attorney in fact of the person who is the subject of the discharge record, **if the attorney in fact provides a copy of the power of attorney.**
 - (B) The guardian of the person who is the subject of the discharge record, **if the guardian of the person provides a copy of the court order appointing the guardian of the person.**
 - (C) ~~If the person who is the subject of the discharge record is deceased~~; The personal representative of the estate of the

deceased, **if the person who is the subject of the discharge record is deceased and the personal representative of the estate provides a copy of the court order appointing the personal representative of the estate.**

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

P.L.104-2016

[S.383. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. The general assembly declares that it is the continuing policy of the state, in cooperation with local governments and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to create and maintain conditions under which utilities plan for and invest in infrastructure necessary for operation and maintenance while protecting the affordability of utility services for present and future generations of Indiana citizens.**

SECTION 2. IC 8-1-31-9, AS AMENDED BY P.L.212-2015,

SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) When a petition is filed under section 8 of this chapter, the commission shall conduct a hearing.

(b) The office of the utility consumer counselor may:

(1) examine information of the eligible utility to confirm:

(A) that the infrastructure improvements are in accordance with section 5 of this chapter; ~~to confirm and~~

(B) proper calculation of the adjustment amount proposed under section 8(a) of this chapter; and

(2) submit a report to the commission not later than thirty (30) days after the petition is filed.

(c) The commission shall hold the hearing and issue its order not later than sixty (60) days after the petition is filed.

(d) If the commission finds that a petition filed under section 8 of this chapter complies with the requirements of this chapter, the commission shall enter an order approving the petition.

SECTION 3. IC 8-1-31.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 31.5. System Integrity Adjustments

Sec. 1. The definitions in IC 8-1-2-1 apply throughout this chapter.

Sec. 2. As used in this chapter, "actual revenues" means the annual operating revenues that an eligible utility receives or accrues for a twelve (12) month period authorized for recovery through basic rates and charges approved by the commission in the eligible utility's most recent general rate case. However, the term does not include the following:

(1) Revenues received through an infrastructure improvement charge approved by the commission under IC 8-1-31.

(2) Revenues from the operation of a utility that an eligible utility acquires after the commission's most recent order establishing the eligible utility's level of annual operating revenues authorized for recovery by the eligible utility through existing rates and charges.

Sec. 3. As used in this chapter, "adjustment amount" means the dollar amount:

(1) by which an eligible utility's actual revenues for a twelve

- (12) month period differ from the eligible utility's authorized revenues for the same twelve (12) month period; and
- (2) that the eligible utility seeks to recover from or credit to customers through a system integrity adjustment requested in a petition filed under section 12 or 13 of this chapter.

Sec. 4. As used in this chapter, "adjustment revenues" means revenues produced through application of a system integrity adjustment. The term does not include revenue from other rates and charges.

Sec. 5. As used in this chapter, "authorized revenues" means the annual operating revenues of an eligible utility approved by the commission for a twelve (12) month period in the eligible utility's most recent general rate case.

Sec. 6. As used in this chapter, "cumulative excess or deficit" means the amount by which an eligible utility's actual revenues are:

- (1) in the case of an excess, greater than; or
- (2) in the case of a deficit, less than;

the eligible utility's authorized revenues measured on a cumulative annual basis from the effective date of the commission's order in the eligible utility's most recent general rate case proceeding.

Sec. 7. As used in this chapter, "eligible utility" means a:

- (1) public utility;
- (2) municipally owned utility; or
- (3) not-for-profit utility;

that provides water or wastewater service and is under the jurisdiction of the commission for the approval of rates and charges.

Sec. 8. As used in this chapter, "not-for-profit utility" has the meaning set forth in IC 8-1-2-125(a). The term includes a utility company that is owned, operated, or held in trust by a consolidated city.

Sec. 9. As used in this chapter, "system integrity adjustment" means an amount charged by an eligible utility to allow the automatic adjustment of the eligible utility's basic rates and charges to recover from or credit to customers an adjustment amount.

Sec. 10. As used in this chapter, "system integrity collar" means a dollar amount that is equal to the product of:

- (1) an eligible utility's authorized revenues; multiplied by
- (2) two hundredths (0.02).

An eligible utility's system integrity collar is satisfied when the eligible utility's cumulative excess or deficit equals or exceeds the eligible utility's system integrity collar.

Sec. 11. (a) A system integrity adjustment may not exceed the product of an eligible utility's adjustment amount multiplied by ninety-four hundredths (0.94).

(b) For purposes of the credit or recovery of an adjustment amount, a system integrity adjustment must be allocated only to an eligible utility's non-industrial rate classes.

Sec. 12. (a) An eligible utility that is not collecting a system integrity adjustment may file with the commission a petition setting forth rate schedules that establish a system integrity adjustment to recover from or credit to customers the eligible utility's adjustment amount. The petition must establish that the eligible utility's system integrity collar has been satisfied on a cumulative basis following the effective date of the commission's order in the eligible utility's most recent general rate case. The eligible utility's system integrity collar may not be included in the calculation of its adjustment amount. The eligible utility shall certify in the petition that the eligible utility will use any adjustment revenues for eligible infrastructure improvements (as defined in IC 8-1-31-5).

(b) An eligible utility shall serve the office of the utility consumer counselor a copy of the petition at the same time the petition is filed with the commission. The office of the utility consumer counselor may do the following:

- (1) Examine information of the eligible utility to confirm proper calculation of the proposed system integrity adjustment.

- (2) Submit a report of the examination to the commission not later than thirty (30) days after the petition is filed.

(c) The commission shall hold a hearing on the petition and issue its order not later than ninety (90) days after the petition is filed.

(d) If the commission determines that the system integrity adjustment is properly calculated, the commission shall enter an order approving the petition. The system integrity adjustment may be collected until the earlier of the following:

(1) Forty-eight (48) months after the date set forth in the order entered under this subsection on which the eligible utility may begin collecting the system integrity adjustment.

(2) The date on which the commission issues an order in the eligible utility's next general rate case proceeding.

Sec. 13. (a) This section applies to an eligible utility for which the commission has issued an order approving a petition under section 12(d) of this chapter.

(b) An eligible utility shall file a petition for a change in its adjustment amount:

(1) not more than thirty (30) days after the end of each twelve

(12) month period following the date on which the eligible utility files a petition under section 12 of this chapter; and

(2) until the commission issues an order in the eligible utility's next general rate case proceeding after the commission approves a system integrity adjustment.

(c) An eligible utility shall serve the office of the utility consumer counselor a copy of the petition at the same time the petition is filed with the commission.

(d) The commission shall hold a hearing on the petition and issue its order not later than ninety (90) days after the petition is filed.

Sec. 14. For purposes of satisfying a system integrity collar, an eligible utility's cumulative excess or deficit shall be reset to zero (0) upon the effective date of the commission's order in the eligible utility's next general rate case proceeding after the commission approves a system integrity adjustment.

Sec. 15. At the same time an eligible utility files a petition under section 13 of this chapter, the eligible utility shall reconcile the difference between:

(1) the adjustment amount approved by the commission for a previous twelve (12) month period; and

(2) the adjustment revenues received by the eligible utility during the same twelve (12) month period.

The eligible utility may recover from or credit to customers the reconciliation amount through a system integrity adjustment by filing a petition under section 12 of this chapter.

Sec. 16. For purposes of IC 8-1-2-42(a), the approval of a petition filed under section 12 or 13 of this chapter is not a general

increase in basic rates and charges.

Sec. 17. An eligible utility that:

(1) is subject to the jurisdiction of the commission; and

(2) serves five thousand (5,000) or more customers;

shall include in its annual report to the commission on a form prescribed by the commission under IC 8-1-2-12 a comparison of actual revenues and authorized revenues for the period covered by the report.

Sec. 18. The commission shall adopt by rule under IC 4-22-2 or by order other procedures not inconsistent with this chapter that the commission finds reasonable or necessary to administer this chapter.



P.L.105-2016

[H.1002. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

SECTION 1. IC 21-12-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 16. Next Generation Hoosier Educators Scholarship Program and Fund

Sec. 1. As used in this chapter, "program" means the next generation Hoosier educators scholarship program established by section 2 of this chapter.

Sec. 2. (a) The next generation Hoosier educators scholarship program is established.

(b) The commission shall receive and consider applications for a next generation Hoosier educators scholarship under this

chapter.

(c) Beginning in an academic year beginning after June 30, 2017, the commission may award a next generation Hoosier educators scholarship to an eligible applicant under this chapter.

Sec. 3. (a) The next generation Hoosier educators scholarship fund is established for the purpose of providing scholarships to attract and retain eligible applicants to the teaching profession.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts, grants, devises, or bequests made to the commission to achieve the purposes of the fund.

(c) The commission shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for the purposes of this chapter.

Sec. 4. The commission shall do all the following:

(1) Develop a promotional program to inform and attract students to participate in the next generation Hoosier educators scholarship program.

(2) Establish protocols and procedures concerning the application process for the program.

(3) Develop protocols, in consultation with accredited postsecondary educational institutions approved by the commission under section 10 of this chapter, to ensure successful completion of the program and assist graduates in completing the requirements of the program.

(4) Establish, in coordination with the governor's office, a guide for the management of the program by commission personnel.

(5) Designate personnel to manage the program.

Sec. 5. (a) An applicant who is enrolled in an accredited postsecondary educational institution after June 30, 2017, may qualify for a scholarship under this chapter. To qualify for a

scholarship, an applicant must:

- (1) apply for a scholarship on a form supplied by the commission;**
 - (2) except as provided in subsection (b), have graduated from an Indiana nonaccredited nonpublic or accredited high school and either:**
 - (A) graduated in the highest twenty percent (20%) of students in the applicant's high school graduating class; or**
 - (B) received a score in the top twentieth percentile on the SAT or ACT examination;**
 - (3) have participated in school activities and community service activities during high school;**
 - (4) have applied to and been accepted for enrollment in an accredited postsecondary educational institution approved by the commission under section 10 of this chapter;**
 - (5) agree in writing to:**
 - (A) obtain a license to teach under IC 20-28-5; and**
 - (B) teach for at least five (5) consecutive years in a public school or an eligible school (as defined in IC 20-51-1-4.7) in Indiana after graduating with a baccalaureate degree from the accredited postsecondary educational institution described in subdivision (4); and**
 - (6) meet any other criteria established by the commission.**
- (b) A student who graduates from a nonaccredited nonpublic school must meet the requirement described in subsection (a)(2)(B) in order to meet the eligibility requirement described in subsection (a)(2).**

Sec. 6. The commission shall consider each application and determine the eligibility of the applicant for the scholarship. The commission shall give priority to recent high school graduates when selecting applicants.

Sec. 7. Before receiving a scholarship under this chapter, the applicant must enter into a contract with the commission agreeing to:

- (1) the terms and conditions described in section 5(a)(5) of this chapter; and**
- (2) any other terms and conditions established by the commission.**

Sec. 8. (a) Subject to subsections (b) and (c), if an applicant

meets the requirements under this chapter, the commission may award, for not more than four (4) academic years, a scholarship to the applicant in an amount of seven thousand five hundred dollars (\$7,500) for each academic year that the applicant attends the accredited postsecondary educational institution approved by the commission under section 10 of this chapter.

(b) The commission may not do the following:

- (1) Award a scholarship under this chapter in an amount of more than a total of thirty thousand dollars (\$30,000) to an individual applicant.
- (2) Award scholarships under this chapter to more than two hundred (200) new applicants each academic year.

(c) If the total amount to be distributed from the fund in a state fiscal year exceeds the amount available for distribution, the amount to be distributed to each eligible applicant shall be proportionately reduced so that the total reductions equal the amount of the excess.

Sec. 9. (a) Except as provided in subsection (b), the commission shall establish standards that a student must meet to remain eligible to receive a scholarship under this chapter. The standards must include the following:

- (1) Maintaining a cumulative minimum grade point average of at least 3.0 on a 4.0 scale.
- (2) Enrolling in and completing at least fifteen (15) credit hours each semester or its equivalent.
- (3) Any other requirements the commission considers necessary.

(b) The commission may allow a student who fails to meet the standards described in subsection (a) and is ineligible for an award during the next academic year to maintain eligibility if the student submits a petition to the commission in a manner prescribed by the commission so that the commission may make a determination that extenuating circumstances, as determined by the commission, prevented the student from meeting the standards described in subsection (a).

(c) If the commission grants a waiver under subsection (b), the commission may:

- (1) place the student on probationary status; and
- (2) establish additional requirements for the student.

Sec. 10. (a) The commission may not award a scholarship under this chapter to an applicant unless the applicant has applied to and been accepted for enrollment in an accredited postsecondary educational institution approved by the commission under this section.

(b) The commission shall establish standards for teacher education that an accredited postsecondary educational institution must meet to receive approval by the commission under this section, including the:

- (1)** information an accredited postsecondary educational institution is required to submit to the commission regarding the institution's teacher education program; and
- (2)** criteria and standards for approval.

Sec. 11. An individual who:

- (1)** received a scholarship under this chapter;
- (2)** is no longer enrolled in an accredited postsecondary educational institution approved by the commission under section 10 of this chapter; and
- (3)** did not receive a baccalaureate degree from an accredited postsecondary educational institution approved by the commission under section 10 of this chapter;

shall repay the amount of the scholarship awarded to the individual under this chapter in a timely fashion, as determined by the commission.

Sec. 12. (a) Except as provided in subsections (b) and (c), if an individual:

- (1)** receives a scholarship under this chapter; and
- (2)** fails to teach in a public school or an eligible school (as defined in IC 20-51-1-4.7) in Indiana for at least five (5) consecutive years as described in section 5(a)(5) of this chapter;

the individual shall repay the total amount of the scholarship awarded to the individual under this chapter in a timely fashion. The total amount that an individual is required to repay shall be reduced by twenty percent (20%), as determined by the commission, for each consecutive year the individual teaches at a public school or eligible school (as defined in IC 20-51-1-4.7).

(b) The commission may extend the length of time in which an individual must complete the requirements of an agreement

described in section 5(a)(5) of this chapter if the individual submits a petition to the commission in a manner prescribed by the commission and the commission makes a determination that extenuating circumstances, as determined by the commission, prevented the individual from timely meeting the requirements described in section 5(a)(5) of this chapter.

(c) The commission may waive repayment under subsection (a) if the individual has been declared to be totally and permanently disabled under 34 CFR 685.213.

(d) The commission may enter into an agreement with the department of state revenue established by IC 6-8.1-2-1 or another third party vendor to assist in the enforcement of subsection (a) and section 11 of this chapter.

Sec. 13. An individual who receives a scholarship under this chapter is not required to teach at the same public school or eligible school (as defined in IC 20-51-1-4.7) in Indiana for five (5) consecutive years.

Sec. 14. The commission shall administer the scholarship awarded under this chapter as a financial aid award.

Sec. 15. (a) Subject to subsection (c), the amount of a scholarship awarded under this chapter may not be reduced because the student receives other scholarships or forms of financial aid.

(b) Except as otherwise provided under law and subject to subsection (c), the amount of any other state financial aid received by a student may not be reduced because the student receives a scholarship under this chapter.

(c) The total amount of scholarships or other financial aid a student receives may not exceed the total amount of expenses to attend the accredited postsecondary educational institution, including tuition, room, board, and other fees.

Sec. 16. An applicant is eligible to receive a scholarship under this chapter only if an appropriation has been made to carry out the specific purposes of this chapter.

Sec. 17. (a) The commission shall maintain complete and accurate records in implementing the next generation Hoosier educators scholarship fund established by section 3 of this chapter, including records of the following:

(1) The receipt, disbursement, and uses of money from the

fund.

(2) The number of applications for the next generation Hoosier educators scholarship.

(3) The number and amount of next generation Hoosier educators scholarships that have been provided by the commission.

(4) Any other information collected concerning the fund or next generation Hoosier educators scholarships awarded under this chapter.

(b) Not later than November 1, 2017, and each November 1 thereafter, the commission shall submit a report to the governor and, in an electronic format under IC 5-14-6, to the general assembly summarizing the records described in subsection (a).

Sec. 18. The commission may adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) There is appropriated to the commission for higher education five hundred thousand dollars (\$500,000) from the state general fund for the purpose of establishing the next generation Hoosier educators scholarship program under IC 21-12-16, as added by this act, for the state fiscal year beginning July 1, 2016, and ending June 30, 2017.

(b) This SECTION expires June 30, 2017.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission for higher education established by IC 21-18-2-1.

(b) The commission shall, subject to the availability of data, do the following before December 1, 2016:

(1) Research and identify programs offered in other states that provide state scholarships or loan forgiveness to high achieving students who intend to enter the teaching profession in that state upon graduation (if any). If the commission identifies programs offered in other states under this subdivision, the commission shall document at least the following data for each state program:

(A) The structure of the program, including whether the program provides a scholarship or is in the form of loan forgiveness.

(B) The qualifications and requirements for a recipient

under the program.

(C) The administration of the program.

(2) Develop and outline potential administrative procedures that would allow the commission to effectively and efficiently recover scholarship money from a recipient of a next generation Hoosier educators scholarship awarded under IC 21-12-16 who fails to enter the teaching profession in Indiana upon graduation or otherwise fails to fulfill the obligations of the program.

(3) Identify other program options for providing incentives to Indiana's high achieving students to enter the teaching profession in Indiana upon graduation, in addition to the next generation Hoosier educators scholarship program established under IC 21-12-16.

(4) Prepare a comprehensive report that includes each item required under subdivisions (1) through (3) and provide a copy of the report to the budget agency and legislative council not later than December 1, 2016. The report to the legislative council under this subdivision must be in an electronic format under IC 5-14-6.

(c) This SECTION expires July 1, 2017.

SECTION 4. An emergency is declared for this act.

P.L.106-2016

[H.1005. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-20-42.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 42.2. Career Pathways and Mentorship Program

Sec. 1. As used in this chapter, "career pathway teacher" means a qualified teacher participating in a school corporation's program.

Sec. 2. As used in this chapter, "program" refers to the career pathways and mentorship program established by section 4 of this chapter.

Sec. 3. As used in this chapter, "qualified teacher" refers to a teacher who:

(1) is rated as effective or highly effective in the teacher's most recent annual performance evaluation in a plan established under IC 20-28-11.5-4; and

(2) works in the classroom providing instruction and who is not instructional support personnel.

Sec. 4. (a) The career pathways and mentorship program is established. The program is established to provide for, in addition to base salary and other applicable supplements, differentiated pay for qualified teachers based on a qualified teacher's demonstrated effectiveness and additional responsibilities in advanced roles. Differentiated pay made in accordance with a program approved by the state board under this chapter may not be collectively bargained. However, a discussion of the plan used as a basis for the program must be held under IC 20-29-6-7.

(b) The state board, in consultation with, and with assistance as

necessary from, the department, shall administer the program.

Sec. 5. (a) A governing body may apply to the state board to participate in the program by submitting to the state board in a manner prescribed by the state board a proposed plan approved by the governing body that is developed by two (2) or more teachers and:

- (1) a principal;
- (2) a superintendent; or
- (3) any combination of individuals described in either subdivision (1) or (2);

who are currently employed by the school corporation.

(b) The proposed plan must focus on the leadership capacity and commitment of the school corporation to develop career pathways and mentoring. In considering whether to approve a plan submitted, the state board, in consultation with, and with assistance as necessary from, the department, shall consider the following:

- (1) Whether the plan increases salaries of career pathway teachers.
- (2) Whether the plan improves overall teacher job development, leadership, or leadership design.
- (3) Whether the plan improves the quality of classroom instruction.
- (4) Whether the governing body's compensation plan works in conjunction with the plan's proposed program to improve the quality of classroom instruction.
- (5) Whether the plan increases the attractiveness of teaching.
- (6) Whether the plan offers structured induction and mentorship for newer teachers.
- (7) Whether the plan encourages the recognition, effectiveness, and retention of high quality teachers, particularly in using high quality teachers in roles that maximize a high quality teacher's instructional influence and expertise with:
 - (A) mentored teachers;
 - (B) a team of teachers; or
 - (C) students.
- (8) Whether the plan is financially sustainable.

(c) A career pathways plan submitted under subsection (a) must

enable qualified teachers to progress within their careers and become career pathway teachers by doing any of the following:

- (1) Being assigned additional duties that include accountability for student growth across a team of teachers.
- (2) Being assigned additional duties in developing curricula and instructional training across a team of teachers.
- (3) Being assigned additional duties that include accountability as the teacher of record for more students.
- (4) Being assigned additional duties in mentoring newer teachers.

(d) A career pathways plan submitted under subsection (a) must ensure that a career pathway teacher is afforded protected time for teaching.

(e) If a governing body includes a mentoring program in its proposed plan, the plan must focus on establishing a structured induction and mentorship program for newer teachers. If a structured induction and mentorship program is established under this chapter, a mentored teacher may not be paid less than a teacher with the same years of experience in accordance with the school corporation's salary schedule. Except as otherwise provided in this chapter, a mentored teacher has the same rights under IC 20-28 and IC 20-29 as a teacher who does not participate in a program established under this chapter.

Sec. 6. If a school corporation establishes a structured induction and mentorship program under this chapter, the school corporation may enter into an agreement with a postsecondary educational institution to authorize the postsecondary educational institution to collaborate in the consideration and approval of a mentor to a newer teacher who attended the postsecondary educational institution.

Sec. 7. A plan submitted under section 5 of this chapter must include a means for the school corporation and the state board, in consultation with, and with assistance as necessary from, the department, to measure the success of a program. The plan must include measures that demonstrate the program's improvement with regard to:

- (1) student growth;
- (2) teacher retention;
- (3) time management; and

(4) leadership or mentorship program design.

Sec. 8. The state board, in consultation with, and with assistance as necessary from, the department, may require periodic reports from a school corporation to monitor the success of a program using the measures included in a plan under section 5 of this chapter.

Sec. 9. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 20-20-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 43. System for Teacher and Student Advancement Grant Fund and Program

Sec. 1. As used in this chapter, "fund" refers to the system for teacher and student advancement grant fund established by section 3 of this chapter.

Sec. 2. As used in this chapter, "program" refers to a teacher performance model program described in section 4 of this chapter.

Sec. 3. (a) The system for teacher and student advancement grant fund is established for the purpose of providing grants to school corporations to implement programs described in section 4 of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts, grants, devises, or bequests made to the commission for higher education to achieve the purposes of the fund.

(c) The state board, in consultation with the department, shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 4. (a) After June 30, 2017, a school corporation may receive a grant to implement the System for Teacher and Student Advancement (TAP) teacher performance model program or a

teacher performance model program that includes the implementation of all the following elements:

- (1) Multiple career paths.
- (2) Ongoing applied professional growth.
- (3) Instruction focused accountability.
- (4) Performance based compensation.

(b) To receive a grant, a school corporation shall apply for the grant in a manner prescribed by the state board in consultation with the department. The state board shall establish eligibility requirements. The amount of the grant may not exceed the costs incurred by the school corporation to implement the program. A school corporation may receive a matching grant from a corporation, foundation, or any other entity in addition to a grant awarded under this chapter.

SECTION 3. IC 20-26-2-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. "Expanded child protection index check" means:

- (1) an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under IC 31-33-26-2;
- (2) an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and
- (3) for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

SECTION 4. IC 20-26-5-10, AS AMENDED BY P.L.121-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) This section applies to a:

- (1) school corporation;
- (2) charter school; or
- (3) a nonpublic school that employs one (1) or more employees.

~~(a)~~ **(b)** A school corporation, including a charter school and ~~an accredited~~ a nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) employment with the school corporation, **charter school, or nonpublic school**; or

(B) employment with an entity with which the school corporation, **charter school, or nonpublic school** contracts for services;

(2) seek to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school**; or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school**;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

~~(b)~~ **(c)** A school corporation, including a charter school and ~~an accredited~~ a nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or ~~accredited~~ nonpublic school conduct an expanded criminal history check **and an expanded child protection index check** concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or ~~accredited~~ nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or ~~accredited~~ nonpublic school to request an expanded criminal history check **and an expanded child protection index check** concerning the individual before or not later than three (3) months after the individual's employment by the school corporation **or school**. The school corporation, charter school, or ~~accredited~~ nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check **and expanded child protection index check**. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's

expanded criminal history check **and expanded child protection index check**. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check **and expanded child protection index check**. An applicant may not be required by a school corporation, charter school, or ~~accredited~~ nonpublic school to obtain an expanded criminal history check **or an expanded child protection index check** more than one (1) time during a five (5) year period.

(~~c~~) (d) Information obtained under this section must be used in accordance with law.

SECTION 5. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.

- (11) Carjacking (IC 35-42-5-2) (repealed).
 - (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (13) Incest (IC 35-46-1-3).
 - (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (15) Child selling (IC 35-46-1-4(d)).
 - (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.
- (c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's

employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is the subject of a substantiated report of child abuse or neglect.

SECTION 6. IC 20-26-5-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.5. (a) As used in this section, "school" includes:**

- (1) a charter school, as defined in IC 20-24-1-4;**
- (2) a nonpublic school, as defined in IC 20-18-2-12, that employs one (1) or more employees;**
- (3) a public school, as defined in IC 20-18-2-15(1); and**
- (4) an entity in another state that carries out a function similar to an entity described in subdivisions (1) through (3).**

(b) Notwithstanding any confidentiality agreement entered into by a school and an employee of the school, a school that receives a request for an employment reference, from another school, for a current or former employee, shall disclose to the requesting school any incident known by the school in which the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

(c) A school may not disclose information under this section that:

- (1) identifies a student; or**
- (2) is confidential student information under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).**

(d) A confidentiality agreement entered into or amended after June 30, 2016, by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its

repeal) or IC 31-33.

SECTION 7. IC 20-28-5-3, AS AMENDED BY P.L.6-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department shall designate the grade point average required for each type of license.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license **or to an individual granted a license under section 18 of this chapter**. After June 30, 2011, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway;
 - (C) the Heimlich maneuver; and

- (D) the use of an automated external defibrillator;
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the advisory board; or
- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).

(d) This subsection does not apply to an applicant for a substitute teacher license **or to an individual granted a license under section 18 of this chapter**. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(e) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway;
 - (C) the Heimlich maneuver; and
 - (D) the use of an automated external defibrillator;
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the advisory board; or

- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).
- (f) The department shall periodically publish bulletins regarding:
 - (1) the details described in subsection (b);
 - (2) information on the types of licenses issued;
 - (3) the rules governing the issuance of each type of license; and
 - (4) other similar matters.

SECTION 8. IC 20-28-5-12, AS AMENDED BY P.L.6-2012, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

- (1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; **or**
- (2) is granted a license under section 18 of this chapter.**

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:
 - (A) phonemic awareness;
 - (B) phonics instruction;
 - (C) fluency;
 - (D) vocabulary; and
 - (E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The state board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).

- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) **Subject to section 18 of this chapter**, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 9. IC 20-28-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) This section applies to an individual who:**

- (1) holds a valid teaching license issued by another state (excluding a teaching license equivalent to an Indiana temporary or emergency teaching license) in the same content area or areas for which the individual is applying for a license in Indiana; and**
- (2) was required to pass a content licensure test to obtain the license described in subdivision (1).**

(b) Notwithstanding sections 3 and 12 of this chapter, the department shall grant one (1) of the following licenses to an individual described in subsection (a):

- (1) If the individual has less than three (3) years of full-time teaching experience, an initial practitioner's license.**
- (2) If the individual has at least three (3) years of full-time teaching experience, a practitioner's license.**

(c) An individual who is granted a license under this section shall comply with section 3(c) and 3(d) of this chapter not later than twelve (12) months after the date the individual's license is issued.

SECTION 10. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school**

years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if the teacher **teaches an advanced placement course or** has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

- (1) a dual credit course; or
- (2) another course;

taught by the teacher. In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math or reading and literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

- (1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:
 - (A) The number of years of a teacher's experience.
 - (B) The attainment of either:
 - (i) additional content area degrees beyond the requirements for employment; or
 - (ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.
- (2) The results of an evaluation conducted under IC 20-28-11.5.
- (3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.
- (4) The academic needs of students in the school corporation.

(c) **Except as provided in subsection (d)**, a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) Subsection (c) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

~~(d)~~ **(e)** A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(e)~~ **(f)** The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. Before July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection ~~(f)~~: **(g)**.

~~(f)~~ **(g)** Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

~~(g)~~ **(h)** The department shall report any noncompliance with this section to the state board.

~~(h)~~ **(i)** The state board shall take appropriate action to ensure compliance with this section.

~~(i)~~ **(j)** This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(j)~~ **(k)** After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 11. IC 20-29-6-7, AS AMENDED BY P.L.213-2015, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A school employer shall discuss with the exclusive representative of certificated employees the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.
- (10) Hours.
- (11) Funding for a plan for a remediation program for any subset of students enrolled in kindergarten through grade 12.
- (12) The following nonbargainable items under IC 20-43-10-3:
 - (A) Performance grants.
 - (B) Individual performance stipends to teachers.
 - (C) Additions to base salary based on performance stipends.
- (13) The pre-evaluation planning session required under IC 20-28-11.5-4.
- (14) The superintendent's report to the governing body concerning staff performance evaluations required under IC 20-28-11.5-9.
- (15) A career pathways and mentorship plan established under IC 20-20-42.2.**

SECTION 12. IC 20-43-7-1, AS AMENDED BY P.L.205-2013, SECTION 290, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs for the state fiscal year. Subject to subsections (b) and (c), the amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding state fiscal year in:

- (1) the school corporation; or
- (2) a transferee corporation.

(b) Before February 1 of each calendar year, the department shall determine the result of:

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.

(d) After June 30, 2016, in addition to the December 1 count, a second count of eligible pupils enrolled in special education programs shall be conducted. The count must be in the spring semester on a date fixed by the state board. The spring count of eligible students shall be used for informational purposes and is not used to calculate grant amounts under this chapter.

SECTION 13. IC 20-43-7-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) In a school corporation's cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction up to and including December 1 of the current year plus each pupil who received homebound instruction after December 1 of the prior school year.

(b) This subsection applies to a state fiscal year starting after

June 30, 2016. In addition to the cumulative count described in subsection (a), a school corporation shall conduct a cumulative count of pupils in homebound programs for informational purposes and is not used to calculate grants under this chapter. In a school corporation's informational cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction:

- (1) for the December 1 count, up to and including the December 1 count date of the current year plus each pupil who received homebound instruction after the spring count date of the prior school year; and**
- (2) for the spring count, up to and including the spring count date of the current year plus each pupil who received homebound instruction after the December 1 count date of the current school year.**

(b) (c) A school corporation may include a pupil in the school corporation's cumulative count of pupils in homebound programs even if the pupil also is included in the school corporation's:

- (1) nonduplicated count of pupils in programs for severe disabilities;**
- (2) nonduplicated count of pupils in programs for mild and moderate disabilities; or**
- (3) duplicated count of pupils in programs for communication disorders.**

SECTION 14. IC 20-43-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 15. Dual Credit Teacher Stipend Matching Grant Fund

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Eligible teacher" refers to a teacher who:**
 - (A) teaches a dual credit class; and**
 - (B) either:**
 - (i) holds; or**
 - (ii) is in the process of obtaining;**
- a master's degree that includes at least eighteen (18) credit hours in the subject area of the dual credit class the teacher teaches.**
- (2) "Fund" refers to the dual credit teacher stipend matching**

grant fund established by section 2 of this chapter.

Sec. 2. (a) The dual credit teacher stipend matching grant fund is established to provide matching grants to school corporations to provide stipends for eligible teachers.

(b) The department shall administer the fund.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Interest deposited in the fund under subsection (d).

(3) Money deposited in or transferred to the fund from any other source.

(d) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

Sec. 3. A school corporation may apply to the department for a grant from the fund for stipends for eligible teachers. The application must be in the form and manner prescribed by the department, and submitted by the date set by the state board.

Sec. 4. A school corporation's application for a grant from the fund must specify the amount of money that the school corporation is committing to contribute to the stipends, with a maximum commitment of two thousand dollars (\$2,000) for each teacher stipend.

Sec. 5. (a) Except as provided in subsection (b), if the department approves a grant to a school corporation under this chapter, the amount of the grant from the fund is equal to the amount that the school corporation commits to contribute to the stipends.

(b) If the number of requests for grants from the fund exceeds the amount of money in the fund, the department shall proportionately reduce the amount of each grant from the fund.

(c) The department shall annually distribute grants to school corporations by a date determined by the state board.

Sec. 6. The state board and department may adopt guidelines to implement this chapter.

SECTION 15. IC 20-51-4-1, AS AMENDED BY HEA 1219-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the

autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

- (1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;
- (2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and
- (3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick Douglass's speech at Rochester, New York, on July 5, 1852, entitled "What to the Slave is the Fourth of July?".
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding

the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

(1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.

(2) May not punish the student in any way, including a reduction in grade, for using the reference.

(3) Display the United States flag in each classroom.

(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds.

A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

(A) the student chooses to not participate; or

(B) the student's parent chooses to have the student not participate.

(5) Provide instruction on the constitutions of:

(A) Indiana; and

(B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

(A) the system of government in Indiana and in the United States;

(B) methods of voting;

(C) party structures;

(D) election laws; and

(E) the responsibilities of citizen participation in government

and in elections.

- (7) Require that each teacher employed by the eligible school present instruction with special emphasis on:
- (A) honesty;
 - (B) morality;
 - (C) courtesy;
 - (D) obedience to law;
 - (E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;
 - (F) respect for parents and the home;
 - (G) the dignity and necessity of honest labor; and
 - (H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.
- (8) Provide good citizenship instruction that stresses the nature and importance of the following:
- (A) Being honest and truthful.
 - (B) Respecting authority.
 - (C) Respecting the property of others.
 - (D) Always doing the student's personal best.
 - (E) Not stealing.
 - (F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
 - (G) Taking personal responsibility for obligations to family and community.
 - (H) Taking personal responsibility for earning a livelihood.
 - (I) Treating others the way the student would want to be treated.
 - (J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
 - (K) Respecting the student's parents and home.
 - (L) Respecting the student's self.
 - (M) Respecting the rights of others to have their own views and religious beliefs.
- (9) Provide instruction in the following studies:
- (A) Language arts, including:
 - (i) English;
 - (ii) grammar;

- (iii) composition;
- (iv) speech; and
- (v) second languages.

(B) Mathematics.

(C) Social studies and citizenship, including the:

- (i) constitutions;
- (ii) governmental systems; and
- (iii) histories;

of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.

(D) Sciences.

(E) Fine arts, including music and art.

(F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(g) An eligible school ~~charter school, or public school~~ shall not teach the violent overthrow of the government of the United States.

(h) Nothing in this section shall be construed to limit the requirements of IC 20-30-5.

SECTION 16. IC 20-51-4-3, AS AMENDED BY P.L.6-2012, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

- (1) apply for; or
- (2) are awarded;

scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The department shall make random visits to at least five percent (5%) of eligible schools ~~and charter schools~~ **during a particular**

school year to verify that the eligible school ~~or charter school~~ complies with the provisions of this chapter and the Constitutions of the State of Indiana and the United States.

(e) Each eligible school ~~public school, and charter school~~ shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

SECTION 17. IC 20-51-4-4, AS AMENDED BY P.L.213-2015, SECTION 233, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. **(a)** The amount an eligible choice scholarship student is entitled to receive under this chapter for a school year is equal to the following:

(1) The least of the following:

(A) The sum of the tuition, transfer tuition, and fees required for enrollment or attendance of the eligible choice scholarship student at the eligible school selected by the eligible choice scholarship student for a school year that the eligible choice scholarship student (or the parent of the eligible choice scholarship student) would otherwise be obligated to pay to the eligible school.

(B) An amount equal to:

(i) ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of not more than the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program; and

(ii) fifty percent (50%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of, in the case of an individual not described in section 2.5 of this chapter, not more than one hundred fifty percent (150%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program or, in the case of an

individual described in section 2.5 of this chapter, not more than two hundred percent (200%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program.

(2) In addition, if the eligible choice scholarship student has been identified as eligible for special education services under IC 20-35 and the eligible school provides the necessary special education or related services to the eligible choice scholarship student, any amount that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation. **However, if an eligible choice scholarship student changes schools during the school year after the December 1 count under IC 20-43-7-1 of eligible pupils enrolled in special education programs and the eligible choice scholarship student enrolls in a different eligible school, any choice scholarship amounts paid to the eligible choice scholarship student for the remainder of the school year after the eligible choice scholarship student enrolls in the different eligible school shall not include amounts that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation.**

(b) The amount an eligible choice scholarship student is entitled to receive under this chapter if the eligible student applies for the choice scholarship under section 7(e)(2) of this chapter shall be reduced on a prorated basis in the manner prescribed in section 6 of this chapter.

SECTION 18. IC 20-51-4-4.5, AS AMENDED BY P.L.26-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.5. (a) If an eligible choice scholarship student:

- (1) who attends school at a choice scholarship school; and
- (2) who is eligible to receive special education funds under IC 20-43-7;

chooses to receive special education services at a school corporation required to provide special education services to the eligible choice scholarship student under 511 IAC 7-34-1, the special education funds under IC 20-43-7 for that student will be made available to the school

corporation where the student receives special education services.

(b) Notwithstanding 511 IAC 7-34-1(d)(4), a public school is not required to make available special education and related services to an eligible choice scholarship student if the eligible choice scholarship student receives funds under section ~~4(2)~~ **4(a)(2)** of this chapter and the special education services are provided to the eligible choice scholarship student by the eligible school. This subsection may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to an individual under the federal Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1400 et seq.).

(c) A school corporation may not include an eligible choice scholarship student who receives an amount under section ~~4(2)~~ **4(a)(2)** of this chapter in the school corporation's count under IC 20-43-7.

SECTION 19. IC 20-51-4-4.6, AS ADDED BY P.L.211-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.6. (a) The state board shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, for the provision of special education or related services to an eligible choice scholarship student who receives an amount under section ~~4(2)~~ **4(a)(2)** of this chapter. The rules adopted under this section shall include annual reporting requirements, monitoring, and consequences for noncompliance by an eligible school.

(b) An emergency rule adopted by the state board under this section expires on the earliest of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.
- (3) One (1) year after the date the emergency rule is adopted.

SECTION 20. IC 20-51-4-5, AS AMENDED BY P.L.211-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The state tuition support amount to be used in section ~~4(1)(B)~~ **4(a)(1)(B)** of this chapter for an eligible choice scholarship student is the amount determined under the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible choice scholarship student has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE is eligible to receive under IC 20-43 for the state fiscal year in which the current school year begins, excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

- (A) the STEP TWO amount; divided by
- (B) the current ADM (as defined in IC 20-43-1-10) for the school corporation identified under STEP ONE for the state fiscal year used in STEP TWO.

SECTION 21. IC 20-51-4-6, AS AMENDED BY P.L.211-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) If an eligible choice scholarship student enrolls in an eligible school for less than an entire school year, the choice scholarship provided under this chapter for that school year shall be reduced on a prorated basis to reflect the shorter school term.

(b) ~~An eligible choice scholarship student is entitled to only one (1) choice scholarship for each school year. If the eligible choice scholarship student leaves the eligible school for which the eligible choice scholarship student was awarded a choice scholarship and enrolls in another eligible school, the eligible choice scholarship student is responsible for the payment of any tuition required for the remainder of that school year.~~

SECTION 22. IC 20-51-4-7, AS AMENDED BY P.L.239-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for

- ~~(1) choice scholarship students; or~~
- ~~(2) eligible schools~~

for the upcoming school year.

(e) Each year, at a minimum, the department shall accept applications for choice scholarship students from:

- (1) March 1 through September 1 for the upcoming school year; and**
- (2) September 2 through January 15 for the spring semester of the current school year.**

~~(e)~~ **(f)** This chapter may not be construed in a manner that would impose additional requirements for approving an application for an eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).

~~(f)~~ **(g)** The department shall adopt rules under IC 4-22-2 to implement this chapter.

~~(g)~~ **(h)** The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

SECTION 23. IC 20-51-4-10, AS AMENDED BY P.L.211-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The department shall distribute choice scholarships at least once each semester, or at equivalent intervals. The department may distribute the choice scholarship to the eligible choice scholarship student (or the parent of the eligible choice scholarship student) for the purpose of paying the educational costs described in section 4(1)(A) **of this chapter (before July 1, 2017) or in section 4(a)(1)(A) of this chapter (after June 30, 2017)**. For the distribution to be valid, ~~the distribution must be endorsed by both~~ the eligible choice scholarship student (or the parent of the eligible choice scholarship student) and the eligible school providing educational services to the eligible choice scholarship student **must annually sign a form, prescribed by the department to endorse distributions for the particular school year. If:**

- (1) an eligible choice scholarship student who is receiving a choice scholarship for a school year changes schools during the school year after signing the form to endorse distributions for that school year; and**
 - (2) the eligible choice scholarship student enrolls in a different eligible school that has not signed the form to endorse distributions for that school year;**
- the eligible choice scholarship student (or the parent of the eligible**

choice scholarship student) and the eligible school must sign the form prescribed by the department to endorse distributions for the particular school year.

SECTION 24. IC 31-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall **immediately** report or cause a report to be made **to:**

- (1) the department; or**
- (2) the local law enforcement agency.**

SECTION 25. IC 35-50-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Criminal Conviction Information for Teachers

Sec. 1. (a) If an individual is a teacher in a primary or secondary school, including a public or nonpublic school, and is convicted of:

- (1) kidnapping (IC 35-42-3-2);**
- (2) criminal confinement (IC 35-42-3-3);**
- (3) rape (IC 35-42-4-1);**
- (4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);**
- (5) child molesting (IC 35-42-4-3);**
- (6) child exploitation (IC 35-42-4-4(b));**
- (7) vicarious sexual gratification (IC 35-42-4-5);**
- (8) child solicitation (IC 35-42-4-6);**
- (9) child seduction (IC 35-42-4-7);**
- (10) sexual misconduct with a minor (IC 35-42-4-9);**
- (11) incest (IC 35-46-1-3);**
- (12) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);**
- (13) dealing in methamphetamine (IC 35-48-4-1.1);**
- (14) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);**
- (15) dealing in a schedule IV controlled substance**

- (IC 35-48-4-3);**
 - (16) dealing in a schedule V controlled substance (IC 35-48-4-4);**
 - (17) dealing in a counterfeit substance (IC 35-48-4-5);**
 - (18) dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10);**
 - (19) dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013);**
 - (20) possession of child pornography (IC 35-42-4-4(c));**
 - (21) homicide (IC 35-42-1);**
 - (22) voluntary manslaughter (IC 35-42-1-3);**
 - (23) reckless homicide (IC 35-42-1-5);**
 - (24) battery (IC 35-42-2-1) as:**
 - (A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);**
 - (B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or**
 - (C) a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);**
 - (25) aggravated battery (IC 35-42-2-1.5);**
 - (26) robbery (IC 35-42-5-1);**
 - (27) carjacking (IC 35-42-5-2) (before its repeal);**
 - (28) arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));**
 - (29) burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);**
 - (30) attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or**
 - (31) conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;**
- the judge who presided over the trial or accepted a plea agreement**

shall give written notice of the conviction to the state superintendent and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) Notice under subsection (a) must occur not later than seven (7) days after the date the judgment is entered.

(c) The notification sent to a school or school district under subsection (a) must include only the felony for which the individual was convicted.

(d) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(e) After receiving a notification under subsection (a), the superintendent shall initiate procedures to revoke the individual's license to teach.

SECTION 26. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate study committee during the 2016 legislative interim the following topics:

(1) Ways to reduce school sexual misconduct violations and methods of improving the reporting requirements of sexual misconduct violations in schools.

(2) The effect of the time at which students start the school day, including impacts on student safety, student achievement, and lost instruction time for students.

(b) This SECTION expires December 31, 2016.

SECTION 27. An emergency is declared for this act.

P.L.107-2016

[H.1075. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning local government and utilities.

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

SECTION 1. IC 8-1-2-61.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 61.8. (a) As used in this section, "rental unit community" has the meaning set forth in IC 36-1-20-1.5.**

(b) As used in this section, "utility" refers to a wastewater utility, whether or not the utility is under the jurisdiction of the commission for the approval of rates and charges.

(c) If a utility charges different rates for different classes of property based at least partially on consumption, the utility must charge a rental unit community a rate based at least partially on consumption.

(d) A rate for a rental unit community required by subsection (c) takes effect as follows:

(1) If the utility is not under the jurisdiction of the commission for the approval of rates and charges, the first date after June 30, 2016, that a change in the utility's rate structure becomes effective.

(2) If the utility is under the jurisdiction of the commission for the approval of rates and charges, the first date that a change in the utility's rate structure becomes effective after either of the following has occurred:

(A) The commission began review of the utility's rates after June 30, 2016.

(B) The utility sought a change in the utility's rates after June 30, 2016.

SECTION 2. IC 13-11-2-25.2 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25.2. "Chemical toilet", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(a)(1).**

SECTION 3. IC 13-11-2-201, AS AMENDED BY P.L.292-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 201. (a) "Sewage disposal system", for purposes of this chapter, IC 13-18-12 (except as provided in subsection (b)), and IC 13-20-17.5, means septic tanks, septic tank soil absorption systems, septage holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

- (1) store;
- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

(b) "Sewage disposal system", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(a)(2).

SECTION 4. IC 13-11-2-257.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 257.6. "Wastewater", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(a)(3).**

SECTION 5. IC 13-11-2-257.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 257.8. "Wastewater management vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(b).**

SECTION 6. IC 13-18-12-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.2. (a) As used in this section:**

- (1) "chemical toilet" has the meaning set forth in 327 IAC 7.1-2-6;**
- (2) "sewage disposal system" has the meaning set forth in 327 IAC 7.1-2-36; and**
- (3) "wastewater" has the meaning set forth in 327 IAC 7.1-2-41;**

on February 1, 2016.

(b) As used in this section, "wastewater management vehicle" means a vehicle used for the removal of wastewater from sewage disposal systems.

(c) Notwithstanding 327 IAC 7.1-6-1, the invoice provided to a customer by the person who uses a wastewater management vehicle to remove wastewater from the customer's sewage disposal system need not show:

- (1) the date on which the wastewater was removed from the sewage disposal system; or**
- (2) the amount of wastewater removed from the sewage disposal system;**

if the sewage disposal system from which the wastewater is removed is a chemical toilet.

SECTION 7. IC 35-44.1-2-3, AS AMENDED BY P.L.168-2014, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance

service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false; or

(7) gives a false report of actions, behavior, or conditions concerning:

(A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or

(B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;

knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

SECTION 8. IC 36-9-23-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:
Sec. 30. (a) Subject to subsection (b) **and section 30.1 of this chapter**, a municipality that operates sewage works under this chapter or under any statute repealed by IC 19-2-5-30 (repealed September 1, 1981) may require:

(1) connection to its sewer system of any property producing sewage or similar waste; and

(2) discontinuance of the use of privies, cesspools, septic tanks, and similar structures.

(b) A municipality may exercise the powers granted by subsection (a) only if:

(1) there is an available sanitary sewer within three hundred (300) feet of the property line of the affected property; and

(2) it has given notice by certified mail to the property owner at the address of the property, at least ninety (90) days before the date specified for connection in the notice.

(c) A municipality may establish, enforce, and collect reasonable penalties for failure to make a connection under this section.

(d) A municipality may apply to the circuit or superior court for the county in which it is located for an order to require a connection under this section. The court shall assess the cost of the action and reasonable attorney's fees of the municipality against the property owner in such an action.

SECTION 9. IC 36-9-23-30.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 30.1. (a) As used in this section, "constructed wetland septic system" means a residential sewage disposal system that includes:**

(1) a septic tank or other type of primary wastewater treatment system; and

(2) a constructed wetland cell in which:

(A) effluent flows on top of soil or through a porous medium such as pea gravel;

(B) wetland plants are growing, and their roots and stems form a dense mat;

(C) suspended solids and trace metals in the effluent settle and are filtered; and

(D) organisms living in the water, on the soil or gravel, and on the stems and roots of the wetland plants feed on the organic materials and nutrients in the effluent.

(b) For purposes of this section, a sewage disposal system is "failing" if one (1) or more of the following apply:

(1) The system refuses to accept sewage at the rate of design application and interferes with the normal use of plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil into which the system discharges, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent discharged from the system contaminates a potable water supply, ground water, or surface waters.

(c) As used in this section, "qualified inspector" means any of the following:

(1) An employee of a local health department who is designated by the local health department as having knowledge of onsite sewage systems sufficient to determine whether an onsite sewage system is failing.

(2) An individual who is certified by the Indiana Onsite Wastewater Professionals Association as an onsite sewage system installer or inspector.

(3) An individual listed by:

(A) the state department of health; or

(B) the local health department with jurisdiction over the service area of the property inspected;

as having sufficient knowledge of onsite sewage systems to determine whether an onsite sewage system is failing.

(d) Subject to subsections (e) through (k), a property owner is exempt from the requirement to connect to a municipality's sewer system and to discontinue use of the property owner's sewage disposal system if all of the following conditions are met:

(1) The property of the property owner is located outside the boundaries of the municipality.

(2) The property owner's sewage disposal system on the property is a septic tank soil absorption system or constructed wetland septic system that:

(A) was new at the time of installation; and

(B) was approved in writing by the local health department.

(3) Within sixty (60) days after the property owner is notified under section 30 of this chapter that the municipality is requiring connection to its sewer system and discontinuance of use of the property owner's sewage disposal system, the property owner notifies the municipality in writing that the property owner is claiming the exemption provided by this section.

(4) The property owner, at the property owner's expense, obtains a written determination from:

(A) the local health department;

(B) the local health department's designee;

(C) if subsection (f) applies, a qualified inspector; or

(D) if subsection (g) applies, the board of the local health department;

that the septic tank soil absorption system or constructed wetland septic system is not failing.

(5) The property owner provides to the municipality a copy of the written determination described in subdivision (4) within one hundred twenty (120) days after the property owner is notified under section 30 of this chapter that the municipality is requiring connection to its sewer system and discontinuance of use of the property owner's sewage disposal system.

(e) If a property owner, within the time allowed under subsection (d)(3), notifies the municipality in writing that the property owner is claiming the exemption provided by this section, the municipality shall suspend the requirement that the property owner discontinue use of the property owner's sewage disposal system and connect to the municipality's sewer system until the property owner's eligibility for the exemption under this section is determined.

(f) The local health department or the designee of the local health department shall provide the property owner with a written determination under subsection (d)(4) within sixty (60) days after receiving the property owner's request for the determination. If the local health department or its designee fails to provide a written determination in response to a property owner's request under subsection (d)(4) within sixty (60) days after receiving the request, the property owner, at the property owner's expense, may obtain a written determination from a qualified inspector.

(g) If the local health department or the department's designee, in response to a property owner's request under subsection (d)(4), determines that a septic tank soil absorption system or constructed wetland septic system is failing, the property owner may appeal the determination to the board of the local health department. The decision of the board as to whether the septic tank soil absorption system or constructed wetland septic system is failing is final and binding for purposes of this section.

(h) If a property qualifies under subsections (d) through (g) for the exemption provided by this section:

(1) the property owner is exempt from the requirement to connect to the municipality's sewer system for a period of ten

(10) years beginning on the date on which the property owner's septic tank soil absorption system or constructed wetland septic system described in subsection (d)(2) was installed; and

(2) the property owner may renew the initial ten (10) year exemption described in subdivision (1) by seeking to obtain not more than two (2) additional five (5) year exemptions after the initial exemption expires by meeting the conditions set forth in subsection (i) for each five (5) year exemption. Each additional exemption under this subdivision begins on the date the previous exemption would otherwise expire.

The total period during which a property owner may be exempt from the requirement to connect to a municipality's sewer system under this subsection may not exceed twenty (20) years.

(i) A property owner qualifies for an exemption renewal as described in subsection (h)(2) if all of the following conditions are met:

(1) The property continues to meet the conditions set forth in subsection (d)(1) through (d)(2).

(2) Not less than one hundred twenty (120) days before the expiration of:

(A) the property owner's initial exemption described in subsection (h)(1); or

(B) the property owner's previous renewal of an exemption described in subsection (h)(2);

the property owner notifies the municipality in writing that the property owner is seeking the renewal of an exemption under this section.

(3) The property owner, at the property owner's expense, obtains another written determination from:

(A) the local health department;

(B) the local health department's designee;

(C) a qualified inspector; or

(D) the board of the local health department;

as applicable, that the septic tank soil absorption system or constructed wetland septic system is not failing.

(4) The property owner provides to the municipality a copy of the written determination described in subdivision (3) not less than thirty (30) days before the expiration of the property

owner's:

- (A) initial exemption described in subsection (h)(1); or**
- (B) previous exemption renewal period described in subsection (h)(2).**

The local health department or the designee of the local health department shall provide the property owner with a written determination under subdivision (3)(A) or (3)(B) within sixty (60) days after receiving the property owner's request for the determination. If the local health department or its designee fails to provide a written determination under subdivision (3)(A) or (3)(B) within sixty (60) days after receiving a property owner's request, the property owner, at the property owner's expense, may obtain a written determination from a qualified inspector under subdivision (3)(C). If the local health department or the department's designee determines that a septic tank soil absorption system or constructed wetland septic system is failing, the property owner may appeal the determination to the board of the local health department under subdivision (3)(D), but the decision of the board as to whether the septic tank soil absorption system or constructed wetland septic system is failing is final and binding for purposes of this section.

(j) If a property qualifies for the exemption provided by this section and ownership of the property is transferred during a valid exemption period, including an exemption renewal period described in subsection (h)(2):

- (1) the exemption continues to apply to the property for the remainder of the exemption period during which the transfer occurs; and**
- (2) the transferee may apply for any exemption renewals under subsection (h)(2) that the previous property owner would have been entitled to apply for under this section.**

(k) If a property owner whose property qualifies for an exemption under this section, including a transferee described in subsection (j), discontinues use of the property owner's septic tank soil absorption system or constructed wetland septic system and consents to the connection of the property to the municipality's sewer system, the property owner may not be required to pay more than the following to connect to the municipality's sewer system:

- (1) The connection fee the property owner would have paid if**

the property owner had connected to the municipality's sewer system on the first date on which the property owner could have connected to the sewer system.

(2) Any additional costs:

(A) considered necessary by; and

(B) supported by documentary evidence provided by; the municipality.

SECTION 10. An emergency is declared for this act.

P.L.108-2016

[H.1089. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-17-1-4, AS AMENDED BY P.L.169-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter, including the following:

- (1) Adopt rules under IC 4-22-2 to administer this chapter.
- (2) Advise the veterans' state service officer in problems concerning the welfare of veterans.
- (3) Determine general administrative policies within the department.
- (4) Establish standards for certification of county and city service officers.
- (5) Establish and administer a written examination for renewal of the certification of county and city service officers.
- (6) Submit, not later than December 31 of each year, an annual report to the legislative council in an electronic format**

under IC 5-14-6 and to the governor concerning the welfare of veterans.

SECTION 2. IC 10-17-1-9, AS AMENDED BY P.L.105-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A county executive:

(1) shall designate and may:

- (A) appoint a county service officer for a four (4) year term; or
- (B) employ a county service officer; and

(2) may employ service officer assistants;

to serve the veterans of the county.

(b) The fiscal body of a city may provide for the employment by the mayor of a city **may employ** a service officer and **may employ** service officer assistants to serve the veterans of the city.

(c) If the remuneration and expenses of a county or city service officer are paid from the funds of the county or city employing the service officer, the service officer shall:

(1) have the same qualifications and be subject to the same rules as the director, assistant director, and state service officers of the Indiana department of veterans' affairs; and

(2) serve under the supervision of the director of veterans' affairs.

A service officer assistant must have the same qualifications as an employee described in section 11(b) of this chapter. A rule contrary to this subsection is void.

(d) County and city fiscal bodies may appropriate funds necessary for the purposes described in this section.

SECTION 3. IC 10-17-13-5, AS AMENDED BY P.L.4-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The commission consists of the following members:

(1) ~~Seven (7)~~ **Six (6)** members appointed by the governor, **as provided in this subdivision.** The governor shall consider the following when making appointments under this subdivision:

(A) Membership in a veterans association established under IC 10-18-6.

(B) Service in the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard (as defined in IC 5-9-4-4).

(C) Experience in education, including higher education,

vocational education, or adult education.

(D) Experience in investment banking or finance.

The governor shall designate one (1) member appointed under this subdivision to serve as chairperson of the commission.

(2) One (1) county service officer, appointed by the governor.

~~(2)~~ **(3)** The director of veterans' affairs appointed under IC 10-17-1-5 or the director's designee.

~~(3)~~ **(4)** The adjutant general of the military department of the state appointed under IC 10-16-2-6 or the adjutant general's designee.

~~(4)~~ **(5)** Four (4) members of the general assembly appointed as follows:

(A) Two (2) members of the senate, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(B) Two (2) members of the house of representatives, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

Members appointed under this subdivision are nonvoting, advisory members and must serve on a standing committee of the senate or house of representatives that has subject matter jurisdiction over military and veterans affairs.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate interim study committee during the 2016 legislative interim the topic of district veteran service officers.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee may consider, as part of its study, the following:

(1) Duties to be performed by district service officers.

(2) Standards for certification of district service officers.

(3) Accreditation requirements for district service officers.

(4) The cost to the state of employing district service officers.

(e) If the topic described in subsection (c) is assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2016.

(f) This SECTION expires December 31, 2016.

SECTION 5. An emergency is declared for this act.

P.L.109-2016

[H.1187. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-43-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 22. A person who, with the intent to obtain money, property, or another benefit, knowingly or intentionally:**

(1) fraudulently represents himself or herself to be an active member or veteran of:

(A) the United States Air Force;

(B) the United States Army;

(C) the United States Coast Guard;

(D) the United States Marines;

(E) the United States National Guard;

(F) the United States Navy; or

(G) a reserve component of the armed forces of the United States;

(2) uses a falsified military identification; or

(3) fraudulently represents himself or herself to be a recipient of the:

- (A) Congressional Medal of Honor;**
 - (B) Distinguished Service Cross;**
 - (C) Navy Cross;**
 - (D) Air Force Cross;**
 - (E) Silver Star;**
 - (F) Purple Heart;**
 - (G) Combat Infantryman Badge;**
 - (H) Combat Action Badge;**
 - (I) Combat Medical Badge;**
 - (J) Combat Action Ribbon; or**
 - (K) Air Force Combat Action Medal;**
- commits stolen valor, a Class A misdemeanor.**

P.L.110-2016

[H.1231. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-22-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 8. (a) This section applies to a hunting season beginning after June 30, 2016, and ending before January 1, 2020.**

(b) A hunter may use a rifle during the firearms season to hunt deer subject to the following:

- (1) The use of a rifle is permitted only on privately owned land.**
- (2) The rifle must have a barrel length of at least sixteen (16)**

inches.

(3) The rifle must be chambered for one (1) of the following cartridges:

(A) .243.

(B) .30-30.

(C) .300.

(D) .30-06.

(E) .308.

(4) A hunter may not possess more than ten (10) cartridges for the rifle while hunting deer under this section.

(5) The rifle must meet any other requirements established by the department.

(c) The use of a full metal jacketed bullet to hunt deer is unlawful.

(d) The department shall report on the impact of the use of rifles to hunt deer under this section to the governor and, in an electronic format under IC 5-14-6, the general assembly before February 15, 2020.

(e) This section expires June 30, 2020.

SECTION 2. IC 14-22-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) This section applies to a hunting season beginning after June 30, 2016.**

(b) Notwithstanding any rule prescribing the minimum length of a handgun cartridge case, a hunter may use a handgun that fires a commercially available bullet of ten (10) millimeters in diameter to hunt deer.

(c) The use of a handgun described in subsection (b) to hunt deer is subject to the rules:

(1) requiring that the handgun conform to the requirements of IC 35-47-1-6;

(2) prescribing the minimum barrel length of the handgun; and

(3) prohibiting the use of full metal jacketed bullets.

(d) The director shall amend any rule necessary to comply with this section.

SECTION 3. An emergency is declared for this act.

P.L.111-2016

[H.1246. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 4-4-11-0.4, AS ADDED BY P.L.220-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.4. (a) On May 15, 2005, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

- (1) the wastewater revolving loan program established by IC 13-18-13-1;
- (2) the drinking water revolving loan program established by IC 13-18-21-1; and
- (3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) through (3).

(b) On May 15, 2005, all records, money, and other property of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

- (1) the wastewater revolving loan program established by IC 13-18-13-1;
- (2) the drinking water revolving loan program established by IC 13-18-21-1; and
- (3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) through (3).

(c) On May 15, 2005, all powers, duties, agreements, and liabilities

of the Indiana bond bank, the Indiana department of environmental management, and the budget agency with respect to:

- (1) outstanding bonds issued for:
 - (A) the wastewater revolving loan program established by IC 13-18-13-1; or
 - (B) the drinking water revolving loan program established by IC 13-18-21-1; and
- (2) any trust agreement or indenture, security agreement, purchase agreement, or other undertaking entered into in connection with the bonds described in subdivision (1);

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2). The rights of the trustee and the bondholders with respect to any bonds or any trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in this subsection remain the same, although the powers, duties, agreements, and liabilities of the Indiana bond bank have been transferred to the authority and the authority shall be considered to have assumed all those powers, duties, agreements, and liabilities as if the authority were the Indiana bond bank for those limited purposes.

(d) On July 1, 2016, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

- (1) the flood control program established by IC 14-28-5-1; and**
 - (2) the flood control revolving fund created by IC 14-28-5-5;**
- are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2).**

(e) On July 1, 2016, all records, money, and other property of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

- (1) the flood control program established by IC 14-28-5-1; and**
 - (2) the flood control revolving fund created by IC 14-28-5-5;**
- are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) and (2).**

SECTION 2. IC 6-1.1-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. If in the state forester's opinion an application filed under section 11 of this chapter and the land to be classified comply with the provisions of this chapter, the state forester shall approve the application. In addition, the state forester shall notify the ~~auditor~~ **assessor** of the county in which the land is located that the application has been approved and return one (1) approved application form to the applicant.

SECTION 3. IC 6-1.1-6-13, AS AMENDED BY P.L.66-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. If an application filed under section 11 of this chapter is approved, the applicant shall record the approved application in the applicant's name. However, if the applicant is a partnership, corporation, limited liability company, or association, the applicant shall record the approved application in the name of the partnership, corporation, limited liability company, or association. When an approved application is properly recorded, the county ~~auditor~~ **assessor** shall enter the land for taxation at an assessed value determined under section 14 of this chapter.

SECTION 4. IC 6-1.1-6-23, AS AMENDED BY P.L.66-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. If land classified as native forest land, a forest plantation, or wildlands is withdrawn from the classification, the state forester shall immediately notify the ~~auditor~~ **assessor** of the county in which the land is situated that the land has been withdrawn. In addition, when land is withdrawn, the owner of the land shall make a notation of the withdrawal in the records of the county recorder on forms provided by the state forester.

SECTION 5. IC 14-8-2-125, AS AMENDED BY P.L.167-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 125. "Historic site" **has the following meanings:**

(1) For purposes of IC 14-21-1, means a site that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site.

(2) For purposes of IC 14-22-6, the meaning set forth in IC 4-37-1-7.

SECTION 6. IC 14-8-2-155 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 155: "Local unit", for purposes of IC 14-28-5, has the meaning set forth in IC 14-28-5-4.~~

SECTION 7. IC 14-8-2-278 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 278. "Take" has the following meaning:

(1) For purposes of IC 14-22, except as provided in ~~subdivision~~ **subdivisions (2) and (3):**

(A) to kill, shoot, spear, gig, catch, trap, harm, harass, or pursue a wild animal; or

(B) to attempt to engage in such conduct.

(2) For purposes of IC 14-22-6-16, the meaning set forth in IC 14-22-6-16(b).

~~(2)~~ **(3)** For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-5.

SECTION 8. IC 14-9-4-1, AS AMENDED BY P.L.151-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.
- (6) Fish and wildlife.
- (7) Forestry.
- (8) Historic preservation and archeology.
- (9) Human resources.
- (10) Internal audit.
- (11) Land acquisition.
- (12) Law enforcement.
- (13) Management information systems.
- (14) Nature preserves.
- (15) Oil and gas.
- (16) Outdoor recreation.
- (17) ~~Public information and education.~~ **Communications.**
- (18) Reclamation.
- (19) Reservoir management.

- (20) Safety and training.
- (21) State parks.
- (22) Water.
- (23) State land office.

SECTION 9. IC 14-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section does not apply to the following:

- (1) A sailboard or windsurfing board.
- (2) A manually propelled boat, such as a racing shell, rowing scull, or racing kayak:
 - (A) that is recognized by national or international racing associations for use in competitive racing;
 - (B) in which all occupants row, scull, or paddle, with the exception of a coxswain if a coxswain is provided; and
 - (C) that is designed to carry and carries equipment only for competitive racing.

(b) All boats must be equipped with the number and type of personal flotation devices listed in this subsection. A person may not operate a boat unless the boat contains:

- (1) for each person on board, one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a ~~Type I~~, ~~Type II~~, ~~Type III~~, or ~~Type V~~ **wearable** personal flotation device; and
- (2) for a boat, except a canoe or kayak, at least sixteen (16) feet in length and in addition to the requirements of subdivision (1), one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a ~~Type IV~~ **throwable** personal flotation device.

(c) The director may waive the requirements of this section for a boat during competition in a boat race for which a permit has been issued by the department if the following conditions are met:

- (1) The sponsor of the boat race has informed the director of the precautions the sponsor will take to minimize the safety hazards that exist due to noncompliance with the requirements of this section.
- (2) The sponsor files with the director a document under which the sponsor assumes all liability that may result from the use of a boat under the waiver.

SECTION 10. IC 14-15-2-15, AS AMENDED BY P.L.195-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) A person who violates section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, **11**, 12, 13, or 14 of this chapter commits a Class C infraction.

(b) A person who violates section 7(c) or 8 of this chapter commits a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of at least one thousand dollars (\$1,000) shall be imposed for each Class A infraction committed in violation of section 7(c) or 8 of this chapter.

SECTION 11. IC 14-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The operator of a boat involved in an accident or a collision resulting in:

- (1) injury to or death of a person; or
- (2) damage to a boat or other property to an apparent extent of at least seven hundred fifty dollars (\$750);

shall provide the information required under subsection (b).

(b) An operator of a boat subject to subsection (a) shall do the following:

- (1) Give notice of the accident to:
 - (A) the office of the sheriff of the county;
 - (B) the nearest state police post; or
 - (C) ~~the nearest conservation office;~~ **central dispatch center for the law enforcement division of the department;**

immediately and by the quickest means of communication.

- (2) Mail to the department a written report of the accident or collision within twenty-four (24) hours of the accident or collision.

SECTION 12. IC 14-15-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department may adopt rules under IC 4-22-2 to implement this article concerning the following:

- (1) Applications for and the issuance of permits and certificates required by this article.
- (2) The conduct of watercraft races.
- (3) Standards of safety for boats used to carry passengers for hire, the determination of the maximum weight that may safely be carried on boats, and the inspection of boats.
- (4) The safe operation of watercraft upon public water where

unusual conditions or hazards exist, such as any of the following:

- (A) An obstruction in or along public water.
- (B) Watercraft traffic congestion.
- (C) A beach, boat launch, marina, dam, spillway, or other recreational facility on or adjacent to public water.
- (5) The placement, location, and maintenance of the following structures upon public water:
 - (A) Buoys.
 - (B) Markers.
 - (C) Flags.
 - (D) Devices that are used for the purposes of swimming or extending the use of water skis, water sleds, or aquaplanes.
- (6) The establishment of zones where the use of watercraft may be limited or prohibited for the following purposes:
 - (A) Fish, wildlife, or botanical resource management.
 - (B) The protection of users.
- (7) The regulation of watercraft engaged in group or organized activities or tournaments.

(b) In a rule adopted under subsection (a)(4) or (a)(6), the department may establish a zone where:

- (1) the operation of all or some types of watercraft is prohibited;
- (2) particular activities are restricted or prohibited; or
- (3) a limitation is placed on the speed at which a watercraft may be operated.

(c) A person who violates this section commits a Class C infraction.

SECTION 13. IC 14-15-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A person shall not operate a personal watercraft on public waters unless every individual:

- (1) operating;
- (2) riding on; or
- (3) being towed by;

the personal watercraft is wearing a personal flotation device that meets the requirements for designation by the United States Coast Guard as a ~~Type I, Type II, Type III, or Type V~~ **wearable** personal flotation device, if applicable.

SECTION 14. IC 14-16-1-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: **Sec. 32. A vehicle that is:**

(1) from another state or country and is not registered in that state or country; and

(2) owned by a nonresident of Indiana;

may be operated on designated trails and properties owned or managed by the department if the operator of the vehicle pays a fee set by the commission for an annual trail use tag.

SECTION 15. IC 14-22-6-13, AS AMENDED BY P.L.219-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. If the director:

(1) determines that a species of wild animal present within a state park **or historic site** poses an unusual hazard to the health or safety of one (1) or more individuals;

(2) determines, based upon the opinion of a professional biologist, that it is likely that:

(A) a species of wild animal present within a state park **or historic site** will cause obvious and measurable damage to the ecological balance within the state park **or historic site**; and

(B) the ecological balance within the state park **or historic site** will not be maintained unless action is taken to control the population of the species within the state park **or historic site**;
or

(3) is required under a condition of a lease from the federal government to manage a particular wild animal species;

the director shall authorize the taking of a species within the state park **or historic site** under rules adopted under IC 4-22-2.

SECTION 16. IC 14-22-6-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) This section does not apply to the following:**

(1) The department or the department's designee.

(2) Employees or agents of a governmental entity while performing official duties.

(3) Employees or agents of an educational or research institution acting for bona fide educational or scientific purposes.

(4) Use of an unmanned aerial vehicle to assist, provide care for, or provide veterinary treatment to a specific wild animal.

- (5) Use of an unmanned aerial vehicle to monitor areas of agricultural production or to monitor nuisance wild animals.**
- (b) As used in this section, "take" means to:**
- (1) kill, shoot, spear, harm, catch for the purpose of killing, trap for the purpose of killing, or pursue for the purpose of killing a wild animal; or**
- (2) attempt to engage in conduct under subdivision (1).**
- (c) During the period:**
- (1) beginning fourteen (14) days before the hunting season for a particular wild animal species; and**
- (2) ending upon the expiration of legal hunting hours on the last day of the hunting season;**

a person may not knowingly use an unmanned aerial vehicle (as defined by IC 35-33-5-0.5(7)) to search for, scout, locate, or detect a wild animal to which the hunting season applies as an aid to take the wild animal.

SECTION 17. IC 14-22-7-3, AS AMENDED BY P.L.151-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. ~~(a)~~ An individual may not hunt a migratory waterfowl within Indiana without having an electronically generated migratory waterfowl stamp issued by the department. The stamp must be in the possession of each individual hunting a migratory waterfowl. The licensee shall validate the stamp with the signature, in ink, of the licensee on the hunting license on which the electronically generated form of the stamp is attached.

~~(b) The department shall determine the form of the migratory waterfowl stamp and may create and sell commemorative migratory waterfowl stamps.~~

SECTION 18. IC 14-22-8-4, AS AMENDED BY P.L.151-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~(a)~~ An individual may not hunt a game bird within Indiana without having an electronically generated game bird habitat restoration stamp issued by the department. The stamp must be in the possession of each individual hunting a game bird. The licensee shall validate the stamp with the signature of the licensee on the hunting license on which the electronically generated form of the stamp is attached.

~~(b) The department shall determine the form of the stamp and may~~

~~create and sell commemorative game bird habitat restoration stamps.~~

SECTION 19. IC 14-22-11-1, AS AMENDED BY P.L.194-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "farmland" means agricultural land that is:

- (1) devoted or best adaptable for the production of crops, fruits, timber, and the raising of livestock; or
- (2) assessed as agricultural land for property tax purposes.

(b) An individual may not take or chase, with or without dogs, a wild animal without having a license, except as follows:

(1) An individual who is a resident or nonresident of Indiana while participating in a field trial that has been sanctioned by the director is not required to possess a license while participating in the trial.

(2) Subject to subsection (d), an owner of farmland located in Indiana who is a resident or nonresident of Indiana and the spouse and children living with the owner may hunt, fish, and trap without a license on the land that the owner owns.

(3) A lessee of farmland who farms that land and is a resident of Indiana and the spouse and children living with the lessee may hunt, fish, and trap without a license on the leased land. This subdivision does not apply to land that is:

- (A) owned, leased, or controlled by; and
- (B) leased from;

the department.

(4) An individual who:

- (A) is less than thirteen (13) years of age;
- (B) does not possess a bow or firearm; and
- (C) is accompanying an individual who:
 - (i) is at least eighteen (18) years of age; and
 - (ii) holds a valid license;

may chase a wild animal without having a license.

(5) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, may chase or take ~~except by trapping~~ at any time, without a license, a:

- (A) white-tailed deer, **except by trapping**;
- (B) coyote;
- (C) wild turkey, **except by trapping**; or

(D) migratory bird;

that poses a threat to aircraft within the airport operations area.

(c) The exceptions provided in this section do not apply to a commercial license issued under this article.

(d) The right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license under subsection (b)(2) is subject to the following conditions:

(1) The nonresident may hunt, fish, and trap on the farmland without a license only if the state in which the nonresident resides allows residents of Indiana who own land in that state to hunt, fish, and trap on their land without a license.

(2) While hunting, fishing, or trapping on the farmland, the nonresident must keep proof that the nonresident owns the farmland (for example, a tax receipt identifying the nonresident as owner) in a place where the proof is readily accessible by the nonresident.

(e) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, shall report annually to the department the following:

(1) The number of animals killed under subsection (b)(5) by species.

(2) The date the animal was taken.

(3) The name and address of the person who took the animal, other than a migratory bird.

(4) The disposition of the animal.

(5) The name and address of the person to whom the animal was given as a gift or donated (if applicable).

A copy of the report must be kept at the public use airport (as defined by 49 U.S.C. 47102(22)) and be available upon request to an employee of the department. White-tailed deer and wild turkeys must be tagged or accompanied by a piece of paper that includes the name and address of the person who took the deer or wild turkey, the date the deer or wild turkey was taken, and the location where the deer or wild turkey was taken before processing of the deer or wild turkey begins. However, it is not a violation of this subsection if the manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, fails to submit an annual report under this subsection, as long as the

manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, provides the relevant information requested by the department not later than fourteen (14) calendar days after receiving a request from the department. If the manager of a public use airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee does not provide the information requested by the department within the required fourteen (14) day period, the manager of the public use airport (as defined by 49 U.S.C. 47102(22)) and any designee of the manager are required to obtain a permit from the department to chase or take a wild animal during the following calendar year.

SECTION 20. IC 14-22-24.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Dog Training Ground Permit).

SECTION 21. IC 14-22-38-7, AS AMENDED BY P.L.289-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) As used in this section, "hunter orange" means a daylight fluorescent orange with the dominant wavelength 595-605 nm, a purity of not less than eighty-five percent (85%), and a luminance factor of not less than forty percent (40%).

(b) As used in this section, "wear hunter orange" means to expose on one's person as an outer garment one (1) or more of the following articles of clothing that are solid hunter orange in color:

- (1) A vest.
- (2) A coat.
- (3) A jacket.
- (4) Coveralls.
- (5) A hat.
- (6) A cap.

However, articles of clothing specified under this section with logos, patches, insignia, or printing that does not substantially hinder the visibility of the hunter orange material are allowed under this section.

~~(c) This subsection applies only during the season when hunting by firearms (as defined in IC 14-22-40-3) is permitted under 312 IAC. A person who hunts for:~~

- ~~(1) deer by firearm or bow and arrow;~~
- ~~(2) cottontail rabbit;~~
- ~~(3) squirrel, unless from a boat, during the period:~~
 - ~~(A) beginning on the first Friday that follows November 3; and~~
 - ~~(B) ending on January 31 of the following year;~~

- ~~(4) woodcock;~~
- ~~(5) pheasant;~~
- ~~(6) quail; or~~
- ~~(7) ruffed grouse;~~

must wear hunter orange.

~~(d)~~ (c) A person who violates the requirement to:

- (1) wear hunter orange; or
- (2) display hunter orange on an occupied ground blind;

as specified in 312 IAC 9 commits a Class D infraction.

SECTION 22. IC 14-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "flood control program" includes the following:

- (1) The removal of obstructions and accumulated debris from channels of streams.
- (2) The clearing and straightening of channels of streams.
- (3) The creating of new and enlarged channels of streams, wherever required.
- (4) The building or repairing of dikes, levees, or other flood protective works.
- (5) The construction of bank protection works for streams.
- (6) The establishment of floodways.

(7) Conducting all other activities that are permitted by the federal Flood Control Act and federal Clean Water Act.

SECTION 23. IC 14-28-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "governing board" means the following:

- ~~(1) The legislative body of a county, city, or town.~~
- ~~(2) A board created by law to administer the affairs of a special taxing district.~~ **the participant.**

SECTION 24. IC 14-28-5-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. As used in this chapter, "local unit" means county, city, town, or special taxing district created by law.

SECTION 25. IC 14-28-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. As used in this chapter, "participant" means any of the following:

- (1) A political subdivision as defined in IC 36-1-2-13.
- (2) A regional water, sewage, or solid waste district organized

under IC 13-26-1.

(3) A conservancy district established for purpose set forth in IC 14-33-1-1(a)(5).

(4) An owner of a wastewater treatment system that is authorized by the federal Clean Water Act to borrow from the wastewater revolving loan program established under IC 13-18-13.

SECTION 26. IC 14-28-5-5, AS AMENDED BY P.L.155-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The flood control revolving fund is created **to provide money for loans and financial assistance to or for the benefit of participants under this chapter.** The authority shall hold the fund in the name of the authority. The authority shall administer the fund in the manner provided by IC 4-4-11 and this chapter.

(b) Loans **and financial assistance** may be made from the fund to ~~local units~~ **participants** in accordance with **the manner provided by IC 4-4-11** and this chapter. ~~and the rules adopted under this chapter.~~

(c) Money in the fund does not revert to the state general fund. The fund is a revolving fund to be used exclusively for the purposes of this chapter.

SECTION 27. IC 14-28-5-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: ~~Except as otherwise provided with respect to the administration of the fund, the commission shall administer this chapter. The commission may do the following:~~

~~(1) Adopt rules under IC 4-22-2 that are considered necessary by the commission for the proper administration of this chapter.~~

~~(2) Subject to the approval of the budget committee, employ the personnel that are necessary for the efficient administration of this chapter.~~

SECTION 28. IC 14-28-5-7, AS AMENDED BY P.L.155-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. ~~(a)~~ The authority may make an approved loan **or provide other financial assistance** from the fund to a ~~local unit~~ **participant**. The money loaned **or provided** is to be used by the ~~local unit~~ **participant** for the purpose of instituting, accomplishing, and administering an approved flood control program.

~~(b) The total amount outstanding under loans made under:~~

~~(1) this chapter; and~~

~~(2) IC 13-2-23 (before its repeal);~~

to one ~~(1) local unit~~ may not exceed three hundred thousand dollars (\$300,000):

SECTION 29. IC 14-28-5-8, AS AMENDED BY P.L.155-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A ~~local unit~~ **participant** may institute, accomplish, and administer a flood control program if the following conditions are met:

(1) The program is authorized and approved by ordinance or resolution enacted by the governing board of the ~~local unit~~ **participant**.

(2) The flood control program has been approved by the authority. ~~and the commission~~:

SECTION 30. IC 14-28-5-9, AS AMENDED BY P.L.155-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The authority shall authorize the making of a loan ~~or providing other financial assistance~~ to a ~~local unit~~ **participant** under this chapter only when the following conditions exist:

(1) An application for the loan ~~or other financial assistance~~ has been submitted by the ~~local unit~~ **participant** to the authority in the manner and form that the authority directs. The application must state the following:

(A) The need for the flood control program and the need for money for instituting, accomplishing, and administering the program.

(B) A detailed description of the program.

(C) An engineering estimate of the cost of the proposed program acceptable to the authority. ~~and the commission~~:

(D) The amount of money considered to be needed.

(E) Other information that is requested by the authority. ~~and the commission~~:

(2) There is a need, as determined by the ~~commission~~; **authority**, for the proposed flood control program for the purpose of protecting the health, safety, and general welfare of the inhabitants of the ~~local unit~~ **participant's jurisdiction**.

~~(3) The proposed flood control program has been approved by the commission; if before granting the approval; the commission~~

determines the following:

(A) That the program:

- (i) is based upon sound engineering principles;
- (ii) is in the interest of flood control; and
- (iii) will accomplish the objectives of flood control.

(B) That for flood control programs involving the reconstruction or repair of existing flood control works that:

- (i) in the judgment of the commission, constitutes an unreasonable obstruction or impediment to the proper discharge of flood flows; or
- (ii) by virtue of their nature, location, or design, are subject to frequent damage or destruction;

approval is limited to the work that is necessary to afford emergency protection against actual or threatened damage to life and property.

~~(4)~~ (3) The ~~local unit~~ **participant** agrees and furnishes assurance, satisfactory to the ~~commission~~, **authority**, that the ~~local unit~~ **participant** will operate and maintain the flood control program, after completion, in a satisfactory manner.

SECTION 31. IC 14-28-5-10, AS AMENDED BY P.L.53-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The ~~local unit~~ **participant** may:

- (1) do work; and
- (2) provide labor, equipment, and materials from any source at the ~~local unit's~~ **participant's** disposal;

for the flood control program.

(b) The ~~commission~~ **authority** may do the following:

- (1) Evaluate the participation of the ~~local unit~~ **participant** in the accomplishment of the project.
- (2) Compute the participation as a part or all of the share of cost that the ~~local unit~~ **participant** is required to pay toward the total cost of the project for which the loan **or other financial assistance** from the fund is obtained.

(c) Participation authorized under this section must be under the direction of the governing board.

(d) If cash amounts are included in the ~~local unit's~~ **participant's** share of total cost, the amounts shall be provided in the usual and accepted manner for the financing of the affairs of the ~~local unit~~.

participant.

(e) Costs of engineering and legal services to the borrower may be regarded as a part of the total cost of the project.

SECTION 32. IC 14-28-5-11, AS AMENDED BY P.L.53-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The ~~commission~~ **authority** shall determine and ascribe to each applicant for a loan **and financial assistance** a priority rating. The rating must be based primarily on the need of the ~~local unit~~ **participant** for the proposed flood control program as the need is related to the needs of other applicants for loans **and financial assistance**. Except as provided in subsection (b):

- (1) the ~~local units~~ **participants** having the highest priority rating shall be given first consideration in making loans **and providing financial assistance** under this chapter; and
- (2) loans **and financial assistance** shall be made in descending order as shown by the priority ratings.

(b) If an emergency demands immediate relief from actual or threatened flood damage, the application made by a ~~local unit~~ **participant** for a loan **or financial assistance** may be considered regardless of a previous priority rating ascribed to the applicant.

SECTION 33. IC 14-28-5-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~12~~. (a) A loan made under this chapter or under ~~IC 13-2-23~~ (before its repeal):

- (1) may be made for a period not to exceed ten (~~10~~) years; and
- (2) bears interest at the rate of three percent (~~3%~~) a year.

(b) A local unit receiving a loan under this chapter shall agree to repay the loan in equal annual installments, including interest on the unpaid balance of the loan. The repayments, including interest, become part of the fund and do not revert to the state general fund. However, if a local unit levies a tax as provided in this chapter, the first installment of the loan becomes due and payable out of money first received from the levying and the collection of a tax authorized under this chapter. A borrower may prepay a loan in full or in part without interest penalty.

SECTION 34. IC 14-28-5-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12.1. (a) The authority shall establish the interest rate or parameters for establishing the

interest rate on each loan and other financial assistance made under this chapter, including parameters for establishing the amount of interest subsidies.

(b) The authority, in setting the interest rate or parameters for establishing the interest rate on each loan and other financial assistance, may take into account the following:

- (1) Credit risk.
- (2) Environmental enforcement and protection.
- (3) Affordability.
- (4) Other fiscal factors the authority considers relevant, including the program's cost of funds and whether the financial assistance provided to a particular participant is taxable or tax exempt under federal law.

Based on the factors set forth in subdivisions (1) through (4), more than one (1) interest rate may be established and used for loans and other financial assistance to different participants or for different loans and other financial assistance to the same participants.

SECTION 35. IC 14-28-5-12.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.3. A participant receiving a loan or other financial assistance from the fund shall enter into a financial assistance agreement with the authority. A financial assistance agreement is a valid, binding, and enforceable agreement on the participant.**

SECTION 36. IC 14-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. A local unit participant receiving a loan or other financial assistance under:**

- (1) this chapter; or
- (2) IC 13-2-23 (before its repeal);

may levy an annual tax on personal and real property located within the geographical limits of the ~~local unit~~ **participant** for flood control purposes. The tax is in addition to any other tax authorized by law to be levied for flood control purposes. The tax shall be levied at the rate that will produce sufficient revenue to pay the annual installment and interest on a loan **or other financial assistance** made under this chapter or under IC 13-2-23 (before its repeal). The tax at the rate authorized in this section is in addition to the maximum annual rates prescribed by law.

SECTION 37. IC 14-28-5-14, AS AMENDED BY P.L.155-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. If a ~~local unit~~ **participant** fails to make a payment to the fund or any other payment required by this chapter or under IC 13-2-23 (before its repeal) or is in any way indebted to the fund for an amount incurred or accrued, the state may recover the amount through any of the following:

(1) The state may, through the attorney general and on behalf of the authority, file a suit in the circuit or a superior court with jurisdiction in the county in which the ~~local unit~~ **participant** is located to recover the amount that the ~~local unit~~ **participant** owes the fund.

(2) The auditor of state may, after a sixty (60) day written notice to the ~~local unit~~, **participant**, withhold the payment and distribution of state money that the defaulting ~~local unit~~ **participant** is entitled to receive under Indiana law.

(3) For a special taxing district, upon certification by the auditor of state after a sixty (60) day written notice to the special taxing district, the auditor of each county containing land within the special taxing district shall withhold collected tax money for the special taxing district and remit the withheld tax money to the auditor of state. The auditor of state shall make a payment to the fund in the name of the special taxing district. Upon elimination of the delinquency payment, the auditor of state shall certify the fact to the auditors of the counties involved and any additional withheld tax money shall be released to the special taxing district.

SECTION 38. IC 14-28-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. There is appropriated annually to the ~~commission~~ **authority** from the state general fund from money not otherwise appropriated an amount sufficient to administer this chapter, subject to the approval of the budget committee.

SECTION 39. IC 14-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this chapter, "ginseng dealer" means a person who buys **or sells** ginseng roots from ginseng harvesters or other ginseng dealers for resale or exportation.

(b) The term does not include a person who sells solely for domestic

consumption.

SECTION 40. IC 14-31-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. A ginseng dealer who:

- (1) purchases **or sells ginseng for resale or exportation** without a license; or
- (2) obtains a license because of a false or an incorrect statement; commits a Class B misdemeanor.

SECTION 41. IC 14-34-19-12, AS AMENDED BY P.L.165-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Within six (6) months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the director:

- (1) shall itemize the money expended; and
- (2) **if a lien reveals an increase in the property value of at least twenty-five thousand dollars (\$25,000) per landowner per project**, may, subject to subsection (b), **file have an independent appraisal conducted**. A statement **may be filed** with the county recorder in the county in which the land lies together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the money expended results in a significant increase in property value. The statement constitutes a lien upon the land. The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(b) A lien may not be filed against the property of a person under subsection (a) who did not:

- (1) consent to;
- (2) participate in; or
- (3) exercise control over;

the mining operation that necessitated the reclamation **work** performed under this chapter.

(c) The landowner may petition within sixty (60) days of the filing of the lien to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or

prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises constitutes the amount of the lien and shall be recorded with the statement filed under subsection (a). A party aggrieved by the decision may appeal as provided by law.

(d) The director shall record the lien with the county recorder in the county in which the land is located. The statement:

- (1) constitutes a lien upon the land as of the date of the expenditure of the money; and
- (2) has priority as a lien second only to the lien of real estate taxes imposed upon the land.

SECTION 42. IC 25-36.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The application fee or renewal fee for a registration certificate to operate as a timber buyer, is one hundred ~~five~~ **thirty** dollars (~~\$105~~). (**\$130**). The fee for a certificate stating that a registration certificate has been issued and security filed is twenty dollars (\$20). All fees collected by the department accrue to the use of the department for its administrative purposes.

SECTION 43. IC 25-36.5-1-15, AS AMENDED BY P.L.155-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) An individual who acts as the agent of a timber buyer must have an agent's license and carry the agent's card that verifies the license.

(b) An agent's license may be granted only:

- (1) to qualified individuals;
- (2) at the written application of the timber buyer who the agent is to represent; and
- (3) under that timber buyer's registration certificate.

(c) The application for an agent's license must contain the agent's full name, address, and other information as required by the department on forms supplied by the department. Each timber buyer is responsible for all of the agent's activities performed while acting under the timber buyer's registration certificate as they pertain to this chapter.

(d) An application fee of ~~ten~~ **twenty** dollars (~~\$10~~) (**\$20**) for each agent shall be charged for the license and agent's card.

(e) An agent's license may be revoked by the department under IC 4-21.5 if the agent does not comply with this section.

(f) An agent may have a license to represent only one (1) timber buyer. However, upon surrendering the agent's card and license under one (1) timber buyer, an individual may be licensed as an agent of another timber buyer.

(g) A timber buyer may not be licensed as an agent except as the principal agent of that timber buyer.

(h) A timber buyer may not effect or attempt to effect a purchase except through an agent.

(i) A timber buyer may terminate an agency relationship by notifying in writing the agent and the department. Termination of an agency relationship revokes the agent's license.

(j) A person who acts as an agent without a license commits a Class B misdemeanor.

SECTION 44. P.L.155-2015, SECTION 29, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~SECTION 29: (a) Any rules adopted by the natural resources commission under IC 14-28-5 and that were in effect on June 30, 2015, remain in effect until rules are adopted under IC 14-28-5 by the Indiana finance authority.~~

~~(b) This SECTION expires July 1, 2020.~~

SECTION 45. An emergency is declared for this act.

P.L.112-2016

[H.1300. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-16.3, AS ADDED BY P.L.170-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. ~~(a)~~ "Automotive salvage recycler", for purposes of this chapter, means a business that:

- (1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;
- (2) dismantles and processes the vehicles or remains for the reclamation and sale of reusable components and parts; and
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 2. IC 13-11-2-16.5, AS ADDED BY P.L.170-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. ~~(a)~~ "Automobile scrapyards", for purposes of this chapter, means a business organized for any of the following purposes:

- (1) Processing scrap metal.
- (2) Wrecking automobiles.
- (3) Operating a junkyard.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 3. IC 13-11-2-50.5, AS AMENDED BY P.L.78-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 50.5. "Degradation", for purposes of IC 13-18-3, means, with respect to a National Pollutant Discharge Elimination System permit, the following:

- (1) With respect to an outstanding national resource water, any new or increased discharge of a pollutant or a pollutant parameter, except for a short term, temporary increase.
- (2) With respect to an outstanding state resource water, any new or increased discharge of a pollutant or pollutant parameter that results in a significant lowering of water quality for that pollutant or pollutant parameter, unless:
 - (A) the activity causing the increased discharge:
 - (i) results in an overall improvement in water quality in the outstanding state resource water; and
 - (ii) meets the applicable requirements of ~~327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b)~~; **rules adopted by the board under IC 13-18-3-2**; or
 - (B) the person proposing the increased discharge undertakes or funds a water quality improvement project in accordance

with IC 13-18-3-2(k) in the watershed of the outstanding state resource water that:

- (i) results in an overall improvement in water quality in the outstanding state resource water; and
- (ii) meets the applicable requirements of ~~327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b)~~. **rules adopted by the board under IC 13-18-3-2.**

SECTION 4. IC 13-11-2-66.9, AS ADDED BY P.L.170-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 66.9. ~~(a)~~ "End of life vehicle", for purposes of IC 13-20-17.7, means a motor vehicle that is:

- (1) sold; or
- (2) otherwise conveyed;

to a motor vehicle recycler for the purpose of recycling.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 5. IC 13-11-2-104.5, AS ADDED BY P.L.170-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 104.5. ~~(a)~~ "Hulk crusher", for purposes of this chapter, means an enterprise that engages in the business of handling and flattening, compacting, or otherwise demolishing motor vehicles or their remains for economical delivery to a scrap metal processor or other appropriate facility.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 6. IC 13-11-2-114 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 114. "Land application", for purposes of IC 13-18-12, means the disposal of:

- ~~(1) wastewater septage;~~
- ~~(2) solid waste, as defined in section 205(a) of this chapter; or~~
- ~~(3) industrial waste products, as allowed under IC 13-18-12-2.5;~~

by burial or incorporation into the soil.

SECTION 7. IC 13-11-2-114.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 114.2. "Land application operation", for purposes of **IC 13-18-12** and IC 13-19-3, means an operation in which sludge, waste products, or wastewater generated by industrial, municipal, or semipublic facilities are disposed

of by application upon or incorporation into the soil. The term does not include the operation of a landfill or an open dump.

SECTION 8. IC 13-11-2-128.8, AS ADDED BY P.L.170-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 128.8. (a) "Mercury switch", for purposes of IC 13-20-17.7, means a convenience light switch that:

- (1) is located in the hood or trunk lid of a motor vehicle; and
- (2) contains mercury.

(b) ~~This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 9. IC 13-11-2-130.1, AS AMENDED BY P.L.221-2014, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.1. (a) "Motor vehicle", for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a motor driven cycle.

(b) ~~This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 10. IC 13-11-2-130.2, AS ADDED BY P.L.170-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.2. (a) "Motor vehicle manufacturer", for purposes of this chapter, means a person that is engaged in the business of manufacturing or assembling new motor vehicles for sale to any of the following:

- (1) Dealers.
- (2) Wholesale dealers.
- (3) Distributors.
- (4) The general public.

(b) ~~This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 11. IC 13-11-2-130.3, AS ADDED BY P.L.170-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.3. (a) "Motor vehicle recycler", for purposes of IC 13-20-17.7, means any of the following:

- (1) An automotive salvage recycler.
- (2) An automobile scrapyards.
- (3) A hulk crusher.
- (4) A scrap metal processor.

(5) A vehicle disposal facility.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 12. IC 13-11-2-136.5, AS ADDED BY P.L.170-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 136.5. ~~(a)~~ "National mercury switch recovery program", for purposes of IC 13-20-17.7, means a national program:

- (1) that accomplishes, as determined by the commissioner, the goals of IC 13-20-17.7; and
- (2) in which the state participates.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 13. IC 13-11-2-196.5, AS ADDED BY P.L.170-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 196.5. (a) "Scrap metal processor", for purposes of this chapter, means a private, commercial, or governmental enterprise:

- (1) that has facilities for processing iron, steel, or nonferrous scrap; and
- (2) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.

(b) The term does not include a steel mill.

~~(c) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 14. IC 13-11-2-205, AS AMENDED BY P.L.113-2014, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 205. (a) "Solid waste", for purposes of **IC 13-18-12**, IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

- (1) solid or dissolved material in:
 - (A) domestic sewage; or
 - (B) irrigation return flows or industrial discharges;

that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(2) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

(3) manures or crop residues returned to the soil as fertilizers or soil conditioners as part of a total farm operation; or

(4) vegetative matter at composting facilities registered under IC 13-20-10.

(b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and IC 13-21, does not include the following:

(1) A waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

(2) An infectious waste (as defined in IC 16-41-16-4) that is disposed of at an incinerator permitted under rules adopted by the board to dispose of infectious waste.

(c) "Solid waste", for purposes of IC 13-26, means all putrescible and nonputrescible solid and semisolid wastes, except human excreta. The term includes garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

SECTION 15. IC 13-11-2-245.2, AS ADDED BY P.L.170-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 245.2. (a) "Vehicle disposal facility", for purposes of this chapter, means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

(1) An automotive salvage recycler.

(2) A hulk crusher.

(c) The term does not include a scrap metal processor.

~~(d) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 16. IC 13-14-8-8, AS AMENDED BY P.L.147-2015,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as provided in section 9 of this chapter, if a person who is affected by a rule adopted by a board believes that the imposition of the rule would impose an undue hardship or burden upon the person, the person may apply to the commissioner for a variance from the rule.

(b) If the variance for which a person applies under subsection (a) would be in effect for more than one (1) year, the person's application must include a demonstration of how the person would come into compliance with the rule within the period for which the variance would be in effect.

(c) The commissioner may hold a public hearing on an application submitted under subsection (a).

(d) If the commissioner determines that immediate compliance with the rule would impose an undue hardship or burden upon the applicant, the commissioner may grant a variance from the rule, **except as provided in section 9 of this chapter**. A variance from a rule may be granted for a period of not more than five (5) years.

(e) If a variance from a rule granted to a person under this section will be in effect for more than one (1) year, the variance must include a schedule requiring the person to come into compliance with the rule within the period for which the variance will be in effect.

(f) The commissioner may revoke a variance granted to a person under this section if **the person:**

(1) ~~the person~~ fails to meet the requirements of the compliance schedule ~~included set forth~~ in the variance; ~~under this subsection;~~

(2) receives a notice of noncompliance from the commissioner;
and

~~(2) (3) after the end of the variance period, the person: (A) is given a reasonable opportunity to meet the requirements of the rule; and (B) receiving the notice of noncompliance, still does not come into compliance with the rule.~~ **fails to take corrective action in order to comply with the compliance schedule.**

If a variance is revoked under this subsection, the person granted the variance shall comply with the rule for which the variance was granted.

SECTION 17. IC 13-18-3-2, AS AMENDED BY P.L.53-2014, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board may adopt rules

under IC 4-22-2 that are necessary to the implementation of:

- (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and
- (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.

(c) "Outstanding national resource water" has the meaning set forth in IC 13-11-2-149.5.

(d) "Outstanding state resource water" has the meaning set forth in IC 13-11-2-149.6.

(e) "Watershed" has the meaning set forth in IC 14-8-2-310.

(f) The board may designate a water body as an outstanding state resource water by rule if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.

(g) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:

- (1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.
- (2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.
- (3) The level of current urban and agricultural development in the watershed.
- (4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses or serves a municipality with a population greater than five thousand (5,000).
- (5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

(h) Before the board may adopt a rule designating a water body as

an outstanding state resource water, the board must make available to the public a written summary of the information considered by the board under subsections (f) and (g), including the board's conclusions concerning that information.

(i) The commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

(j) Notwithstanding any other provision of this section, the designation of an outstanding state resource water in effect on January 1, 2000, remains in effect.

(k) For a water body designated as an outstanding state resource water, the board shall provide by rule procedures that will:

- (1) prevent degradation; and
- (2) allow for increases and additions in pollutant loadings from an existing or new discharge if:
 - (A) there will be an overall improvement in water quality for the outstanding state resource water as described in this section; and
 - (B) the applicable requirements of ~~327 IAC 2-1-2(1) and 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 IAC 2-1.5-4(b)~~ **rules adopted by the board under this section** are met.

(l) The procedures provided by rule under subsection (k) must include the following:

- (1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load:
 - (A) for which a new or increased permit limit is required; and
 - (B) below which antidegradation implementation procedures do not apply.
- (2) Provisions allowing the permittee to choose application of one (1) of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water:
 - (A) Implementation of a water quality project in the watershed of the outstanding state resource water that will result in an

overall improvement of the water quality of the outstanding state resource water.

(B) Payment of a fee, not to exceed five hundred thousand dollars (\$500,000), based on the type and quantity of increased pollutant loadings, to the department for deposit in the outstanding state resource water improvement fund established under section 14 of this chapter for use as permitted under that section.

(3) Criteria for the submission and timely approval of projects described in subdivision (2)(A).

(4) A process for public input in the approval process.

(5) Use of water quality data that is less than seven (7) years old and specific to the outstanding state resource water.

(6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water.

(m) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.

(n) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the interim study committee on environmental affairs established by IC 2-5-1.3-4.

(o) Before recommending the designation of an outstanding national resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 not later than ninety (90) days after the end of the comment period. The committee shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt.

(p) This subsection applies to all surface waters of the state. The department shall complete an antidegradation review of all NPDES

general permits. The department may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a permit is conducted under this subsection, activities covered by an NPDES general permit are not required to undergo an additional antidegradation review. An NPDES general permit may not be used to authorize a discharge into an outstanding national resource water or an outstanding state resource water, except that a short term, temporary storm water discharge to an outstanding national resource water or to an outstanding state resource water may be permitted under an NPDES general permit if the commissioner determines that the discharge will not significantly lower the water quality downstream of the discharge.

(q) Subsection (r) applies to: ~~an application for:~~

(1) **an application for** an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or

(2) **an application for** a modification or renewal of ~~a~~ **an NPDES permit; referred to in one (1) of the sections referred to in subdivision (1)**

that proposes new or increased discharge that would result in a significant lowering of water quality as defined in subsection (l)(1).

(r) For purposes of an antidegradation review with respect to an application referred to in subsection (q), the applicant shall demonstrate at the time the application is submitted to the department, and the commissioner shall review:

- (1) an analysis of alternatives to the proposed discharge; and
- (2) subject to subsection (s), social or economic factors indicating the importance of the proposed discharge if alternatives to the proposed discharge are not practicable.

(s) Subject to subsection (t), the commissioner shall consider the following factors in determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures:

- (1) Creation, expansion, or maintenance of employment.
- (2) The unemployment rate.
- (3) The median household income.
- (4) The number of households below the poverty level.

- (5) Community housing needs.
- (6) Change in population.
- (7) The impact on the community tax base.
- (8) Provision of fire departments, schools, infrastructure, and other necessary public services.
- (9) Correction of a public health, safety, or environmental problem.
- (10) Production of goods and services that protect, enhance, or improve the overall quality of life and related research and development.
- (11) The impact on the quality of life for residents in the area.
- (12) The impact on the fishing, recreation, and tourism industries.
- (13) The impact on threatened and endangered species.
- (14) The impact on economic competitiveness.
- (15) Demonstration by the permit applicant that the factors identified and reviewed under subdivisions (1) through (14) are necessary to accommodate important social or economic development despite the proposed significant lowering of water quality.
- (16) Inclusion by the applicant of additional factors that may enhance the social or economic importance associated with the proposed discharge, such as an approval that:
 - (A) recognizes social or economic importance; and
 - (B) is given to the applicant by:
 - (i) a legislative body; or
 - (ii) other government officials.
- (17) Any other action or recommendation relevant to the antidegradation demonstration made by a:
 - (A) state;
 - (B) county;
 - (C) township; or
 - (D) municipality;potentially affected by the proposed discharge.
- (18) Any other action or recommendation relevant to the antidegradation demonstration received during the public participation process.
- (19) Any other factors that the commissioner:
 - (A) finds relevant; or

(B) is required to consider under the Clean Water Act.

(t) In determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures, the commissioner:

- (1) must give substantial weight to any applicable determinations by governmental entities; and
- (2) may rely on consideration of any one (1) or a combination of the factors listed in subsection (s).

(u) Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law.

(v) Beginning June 1, 2009, all waters of the state are classified in the following categories:

- (1) Outstanding national resource waters.
- (2) Outstanding state resource waters.
- (3) Waters of the state as described in 327 IAC 2-1-2(1), as in effect on January 1, 2009.
- (4) High quality waters as described in 327 IAC 2-1-2(2), as in effect on January 1, 2009.
- (5) Waters of the state as described in 327 IAC 2-1.5-4(a), as in effect on January 1, 2009.
- (6) High quality waters as described in 327 IAC 2-1.5-4(b), as in effect on January 1, 2009.

SECTION 18. IC 13-18-3-2.1, AS ADDED BY P.L.78-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. (a) If:

- (1) a discharge results from an activity for which:
 - (+) (A) an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or
 - (-) (B) a modification or renewal of a permit referred to in one (1) of the sections referred to in subdivision (1);

is sought; and

- (2) **the permit application or application to modify or renew the permit that proposes a new or increased discharge that would result in a significant lowering of water quality as defined in IC 13-18-3-2(1)(1); is sought;**

the deadline for the department to complete the antidegradation review under 40 CFR 131.12 and 40 CFR Part 132, Appendix E with respect to the discharge is the deadline for the commissioner to approve or deny the NPDES permit application under IC 13-15-4-1.

(b) The commissioner may extend for cause for not more than ninety (90) days the deadline under subsection (a) for the department to complete the antidegradation review.

SECTION 19. IC 13-18-12-4, AS AMENDED BY P.L.37-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The board shall, in accordance with IC 13-14-9, adopt rules to establish the following:

(1) Standards for the following:

(A) The issuance of **permits for:**

(i) septage management ~~permits~~ under section 3 of this chapter; **and**

(ii) **land application of authorized septage, solid waste, and industrial waste products.**

(B) Transportation, storage, ~~and treatment, of septage,~~ and disposal of septage. ~~including land application.~~

(2) Procedures and standards for approval of sites for land application. ~~of septage.~~

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules adopted under this section.

SECTION 20. IC 13-20-17.7-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 9: ~~This chapter expires on the earlier of:~~

(1) ~~the date on which a national mercury switch recovery program takes effect, as determined by the commissioner; or~~

(2) ~~July 1, 2016.~~

SECTION 21. IC 13-20-25-14, AS AMENDED BY P.L.147-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 30, 2015 (RETROACTIVE)]: Sec. 14. ~~Not later than December 31, 2015; May 1, 2016, and in each succeeding calendar year,~~ the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the calendar year most recently ended. The executive

director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling.

SECTION 22. IC 13-20.5-7-4, AS AMENDED BY P.L.53-2014, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Before August 1, 2013, and before August 1 of each year thereafter, the department shall submit a report concerning the implementation of this article to:

- (1) the general assembly in an electronic format under IC 5-14-6;
- (2) the governor;
- (3) the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6; and
- (4) the Indiana recycling market development board established by IC 4-23-5.5-2.

(b) For each state fiscal year, the report submitted under subsection (a):

- (1) must discuss the total weight of covered electronic devices recycled in the state ~~fiscal~~ **program** year and a summary of information in the reports submitted by manufacturers and recyclers under IC 13-20.5-3;
- (2) must discuss the various collection programs used by manufacturers to collect covered electronic devices, information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers, and information about covered electronic devices, if any, being disposed of in landfills in Indiana;
- (3) must include a description of enforcement actions under this article during the state fiscal year; and
- (4) may include other information received by the department regarding the implementation of this article.

SECTION 23. IC 13-26-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Just and equitable rates and charges are those that: ~~produce sufficient revenue to:~~

- (1) **produce sufficient revenue to** pay all expenses incident to the operation of the works, including maintenance cost, operating

charges, upkeep, repairs, and interest charges on bonds or other obligations;

(2) **produce sufficient revenue to** provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; ~~and~~

(3) **produce sufficient revenue to** provide adequate money to be used as working capital, as well as money for making improvements, additions, extensions, and replacements; **and**

(4) **give due consideration to the interests of the ratepayers.**

(b) Rates and charges too low to meet the financial requirements described in subsection (a) are unlawful. The initial rates and charges established after notice and hearing under this article are prima facie just and equitable.

(c) Nothing in this section shall prohibit a district authority from examining the methodology or process by which rates and charges were derived.

SECTION 24. IC 13-30-9-1, AS AMENDED BY P.L.221-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to actions brought by the state or a person. However, this chapter does not apply to an action brought by the state if the action arises from a site: ~~that:~~

(1) **that** is listed on the National Priorities List for hazardous substance response sites (40 CFR 300 et seq.);

(2) scores at least ~~twenty-five (25)~~ under the Indiana scoring model under ~~329 IAC-7~~; **that:**

(A) is considered a high priority site; or

(B) is the site of a release that is considered a high priority release;

under rules adopted by the board under IC 13-25-4-7; or

(3) **that** is deemed by the commissioner to pose an imminent threat to human health or the environment.

SECTION 25. **An emergency is declared for this act.**

P.L.113-2016

[H.1312. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning veterans.

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

SECTION 1. IC 5-22-14-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "NGB-22" means the National Guard Report of Separation form or its predecessor or successor form.**

SECTION 2. IC 5-22-14-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. As used in this chapter, "veteran" means an individual who:**

(1) has previously:

(A) served on active duty in any branch of the armed forces of the United States or their reserves, in the national guard, or in the Indiana National Guard; and

(B) received an honorable discharge from service; or

(2) is currently serving in:

(A) any branch of the armed forces of the United States or their reserves;

(B) the national guard; or

(C) the Indiana National Guard.

SECTION 3. IC 5-22-14-3.5, AS ADDED BY P.L.90-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) A business qualifies as a small business for purposes of this chapter if the business is an Indiana small business concern owned and controlled by veterans, as defined in 15 U.S.C. 632(q)(3) as in effect January 1, 2013, or is an Indiana small business owned and operated by veterans (as defined in section 2.5 of this chapter) and the business:**

(1) has:

(A) a current verification as a veteran owned small business concern under 38 CFR 74, et seq., by the Center of Veterans Enterprise of the United States Department of Veterans Affairs; **or**

(B) a current certification as a veteran owned small business by the Indiana department of administration;

(2) is owned and controlled by one (1) or more veterans ~~who have been residents of Indiana for at least one (1) year before making an offer~~ or, in the case of a corporation, have at least fifty-one percent (51%) of the corporation's stock owned by one (1) or more veterans; ~~who have been residents of Indiana for at least one (1) year before making an offer;~~ and

(3) has its principal place of business located in Indiana.

(b) The Indiana economic development corporation may assist the Indiana department of administration in doing any of the following:

(1) Compiling and maintaining a comprehensive list of veteran owned small businesses.

(2) Assisting veteran owned small businesses in complying with the procedures for bidding on state contracts.

(3) Examining requests from the Indiana department of administration for the purchase of supplies or services to help determine which purchases may be consistent with the goal described in section 11(a) of this chapter.

(4) Simplifying specifications and contract terms to increase the opportunities for veteran owned small businesses to participate in state contracts.

(c) The Indiana economic development corporation, in consultation with the Indiana department of administration, may develop programs to encourage cities, counties, towns, townships, and private businesses to adopt the goal for contracts with veteran owned small businesses described in section 11(a) of this chapter.

(d) For purposes of this chapter, information submitted by an applicant for certification as a veteran owned small business that contains:

(1) personal financial information; or

(2) confidential business information;

is confidential.

(e) For purposes of this chapter, the following forms submitted by an applicant for certification as a veteran owned small business are confidential:

- (1) DD 214 (as defined in IC 10-17-15-1).**
- (2) NGB-22 (as defined in section 0.5 of this chapter).**
- (3) All forms submitted to verify current military or naval service status.**

SECTION 4. IC 5-22-14-11, AS AMENDED BY P.L.53-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The Indiana department of administration shall adopt rules under IC 4-22-2 to do the following:

- (1) Increase contracting opportunities for Indiana veteran owned small businesses described in section 3.5 of this chapter with a goal to procure in each state fiscal year at least three percent (3%) of state contracts with Indiana veteran owned small businesses.
- (2) Develop procurement policies and procedures to accomplish the goal described in subdivision (1), including guidelines to be followed by the Indiana department of administration in conducting the department's procurement efforts.
- (3) Implement IC 5-22-14-3.5.**

These procurement policies do not apply to a procurement of supplies and services to address immediate and serious government needs at a time of emergency, including a threat to the public health, welfare, or safety that may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, a threat proclaimed by the President of the United States or the governor, or a threat declared by the commissioner of the Indiana department of administration.

(b) The Indiana department of administration shall annually evaluate its progress in meeting the goal described in this section for the previous state fiscal year. Beginning in 2014, after June 30 and before November 1 of each year, the Indiana department of administration shall submit a report to the governor, the Indiana department of veterans' affairs, and the interim study committee on public safety and military affairs established by IC 2-5-1.3-4 and the legislative council in an electronic format under IC 5-14-6. The report must include:

- (1) the percentage goal obtained by the Indiana department of administration during the previous state fiscal year; and

(2) a summary of why the Indiana department of administration failed to meet the goal and what actions are being taken by the Indiana department of administration to meet the goal in the current state fiscal year.

(c) The Indiana department of administration shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted. The Indiana department of veterans' affairs shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted by the Indiana department of administration.



P.L.114-2016

[H.1313. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.114-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a)** The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

- (1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.
- (2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
- (3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of

Mental Disorders of the American Psychiatric Association.

(4) "Bond" does not necessarily imply a seal.

(5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.

(6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

(7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

(8) "Infant" or "minor" means a person less than eighteen (18) years of age.

(9) "Inhabitant" may be construed to mean a resident in any place.

(10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

(11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

(12) "Mentally incompetent" means of unsound mind.

(13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

(14) "Month" means a calendar month, unless otherwise expressed.

(15) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

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

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

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

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

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

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

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

(23) "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

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

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

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

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

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

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

(30) The definitions in IC 35-31.5 apply to all statutes relating to penal offenses.

(b) This subsection applies to the definitions of "Hoosier veteran" and "veteran" when used in reference to state programs for veterans. The term "veteran" includes "Hoosier veteran", and applies to the construction of all Indiana statutes, unless the construction is expressly excluded by the terms of the statute, is plainly repugnant to the intent of the general assembly or of the context of the statute, or is inconsistent with federal law. "Hoosier veteran" means an individual who meets the following criteria:

(1) The individual is a resident of Indiana.

(2) The individual served in a reserve component of the armed forces of the United States or the Indiana National Guard.

(3) The individual completed any required military occupational specialty training and was not discharged or separated from the armed forces or the Indiana National

Guard under dishonorable or other than honorable conditions.

The definitions set forth in this subsection may not be construed to affect a Hoosier veteran's eligibility for any state program that is based upon a particular aspect of the Hoosier veteran's service such as a disability or a wartime service requirement.

P.L.115-2016

[H.1359. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 36-8-3.5-12, AS AMENDED BY P.L.99-2007, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) **Subject to IC 36-8-4.7**, to be appointed to the department, an applicant must be:

- (1) a citizen of the United States;
- (2) a high school graduate or equivalent; and
- (3) at least twenty-one (21) years of age, but under thirty-six (36) years of age.

However, the age requirements do not apply to a person who has been previously employed as a member of the department.

(b) A person may not be appointed, reappointed, or reinstated if he has a felony conviction on his record.

(c) Applications for appointment or reappointment to the department must be filed with the commission. The applicant must produce satisfactory proof of the date and place of his birth.

(d) Applicants for appointment or reappointment to the department must pass the general aptitude test required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5. The general aptitude test shall:

- (1) reflect the essential functions of the job;
- (2) be conducted according to procedures adopted by the commission; and
- (3) be administered in a manner that reasonably accommodates the needs of applicants with a disability.

The results of the general aptitude test shall be filed with the commission. If the commission finds that the applicant lacks the proper qualifications, it shall reject the applicant.

(e) The applicants shall then be rated on the selection criteria and testing methods adopted by the commission, which may include mental alertness, character, habits, and reputation. The commission shall adopt rules for grading the applicants, including the establishment of a passing score. The commission shall place the names of applicants with passing scores on an eligibility list by the order of their scores and shall certify the list to the safety board.

(f) **This subsection is subject to IC 36-8-4.7.** If an applicant for original appointment reaches his thirty-sixth birthday, his name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years a person may reapply as an applicant.

(g) When a vacancy occurs in the department, the commission, upon a written request of the chief of the department, shall administer the physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the applicant having the highest score on the eligibility list. If the appointed applicant successfully completes the physical agility test, the applicant shall then be enrolled as a member of the department to fill the vacancy if:

- (1) the applicant is still of good character; and
- (2) the applicant passes the required examinations identified in IC 36-8-3.2-6 and IC 36-8-8-19.

(h) All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify him in writing that he is being reprimanded, that he is being suspended, or that he will not receive a permanent appointment. If a member is notified that he will not receive a permanent appointment, his employment immediately ceases. Otherwise, at the expiration of the

probationary period the member is considered regularly employed.

SECTION 2. IC 36-8-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) **Subject to IC 36-8-4.7**, a person may not be appointed as a member of the police department or fire department after the person has reached thirty-six (36) years of age. A person may be reappointed as a member of the department only if the person is a former member or a retired member not yet receiving retirement benefits of the 1925, 1937, 1953, or 1977 fund and can complete twenty (20) years of service before reaching sixty (60) years of age.

(b) This section does not apply to a fire chief appointed under a waiver under section 6(c) of this chapter or a police chief appointed under a waiver under section 6.5(c) of this chapter.

(c) A person must pass the aptitude, physical agility, and physical examination required by the local board of the fund and by IC 36-8-8-19 to be appointed or reappointed as a member of the department.

(d) A fire chief appointed under a waiver under section 6(c) of this chapter or police chief appointed under a waiver under section 6.5(c) of this chapter who is receiving, or is entitled to receive, benefits from the 1925, 1937, 1953, or 1977 fund may receive those benefits while serving as chief, subject to all normal requirements for receipt of a benefit, including a separation from service.

SECTION 3. IC 36-8-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4.7. Employment of Veterans as Public Safety Officers

Sec. 1. This chapter applies after June 30, 2016, to an appointing authority of a police department or a fire department.

Sec. 2. As used in this chapter, "appointing authority" means:

- (1) the chief executive officer, board, or other entity of a police department with authority to appoint and hire a member of the police department; or**
- (2) the chief executive officer, board, or other entity of a fire department with authority to appoint and hire a member of the fire department.**

Sec. 3. As used in this chapter, "armed forces" means the active and reserve components of the following:

- (1) The United States Army.
- (2) The United States Navy.
- (3) The United States Air Force.
- (4) The United States Marine Corps.
- (5) The United States Coast Guard.
- (6) The Indiana National Guard.

Sec. 4. As used in this chapter, "veteran" means an individual who has served or is serving in the armed forces.

Sec. 5. (a) Notwithstanding any contrary law, an appointing authority shall waive any age restriction for a person not more than forty (40) years and six (6) months of age that applies to the appointment and hiring of an individual as:

- (1) a member of the police department; or
- (2) a member of the fire department;

if the individual meets the requirements of subsection (b).

(b) An individual who meets all the following requirements is entitled to the waiver described in subsection (a):

- (1) On the date the individual applies to be appointed and hired as:

- (A) a member of the police department; or
- (B) a member of the fire department;

the individual is a veteran who has completed at least twenty (20) years of military service.

- (2) The individual received or is eligible to receive an honorable discharge from the armed forces.

- (3) The individual meets all other requirements for appointment and hiring as:

- (A) a member of the police department; or
- (B) a member of the fire department;

including all physical requirements.

(c) An individual who is entitled to the waiver described in subsection (a) is eligible to become a member of the 1977 fund.

SECTION 4. IC 36-8-8-1, AS AMENDED BY P.L.119-2012, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30,

1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; **and**

(9) a veteran described in IC 36-8-4.7;

except as provided by section 7 of this chapter.

SECTION 5. IC 36-8-8-7, AS AMENDED BY P.L.111-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) **Subject to IC 36-8-4.7 and** except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

- (1) a police officer; or
- (2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than thirty (30) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or

firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
 - (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
 - (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
 - (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;
- shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this

chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;
- (2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

- (1) before a consolidation under IC 8-22-3-11.6, a police officer

or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

(n) Notwithstanding any other provision of this chapter and subject to subsection (o), a police officer or firefighter who:

(1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;

(2) separates from that employer; and

(3) not later than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or firefighter with a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting for a second time the age limitation under subsection (a) and the requirements under sections 19 and 21 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund.

(o) The one hundred eighty (180) day limitation described in subsection (n)(3) does not apply to a member of the 1977 fund who is eligible for reinstatement under IC 36-8-4-11.

(p) Notwithstanding any other provision of this chapter, a veteran who is:

(1) described in IC 36-8-4.7; and

(2) employed as a firefighter or police officer;

is a member of the 1977 fund.

SECTION 6. IC 36-8-8-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies after June 30, 2018.**

(b) A fund member shall retire at seventy (70) years of age.



P.L.116-2016

[H.1373. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 10-16-7-23, AS AMENDED BY P.L.156-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty" means:

- (1) training or duty under federal law; ~~or~~
- (2) state active duty under an order of a governor of another state as provided by law; or**
- ~~(2)~~ **(3) state active duty under section 7 of this chapter;**

performed under an order of the governor.

(b) The rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to a member of:

- (1) the Indiana national guard; or**
- (2) the national guard of another state;**

ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member or reserve member of:

- (1) the Indiana national guard; or**
- (2) the national guard of another state;**

ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless the member or member's dependent provides documentation to the person that the person is a member or reserve member of the Indiana national guard **or the national guard of another state**, ordered to state active duty for at least thirty (30) consecutive days.

(d) The rights, benefits, and protections of the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., as amended and in effect on January 1, 2003, apply to a member of:

- (1) the Indiana national guard; **or**
- (2) **the national guard of another state;**

ordered to active duty.

(e) Nothing in this section shall be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the Indiana national guard; **or**
- (2) **the national guard of another state;**

under federal law.

SECTION 2. IC 10-16-20-2, AS ADDED BY P.L.156-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The following definitions apply throughout this chapter:

- (1) "Military service" means:
 - (A) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:
 - (i) full-time training duty;
 - (ii) annual training duty; and
 - (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;
 - (B) in the case of a member or reserve member of the Indiana National Guard, service under a call to active:
 - (i) service authorized by the President of the United States

or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or

(ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; ~~or~~

(D) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for at least thirty (30) consecutive days; or

(E) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Servicemember" means an individual engaged in military service.

SECTION 3. IC 12-15-2.5-2, AS AMENDED BY P.L.161-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a) Except as provided in subsection (b), a person who is a lawful permanent resident is eligible for Medicaid assistance under this article for a period of one (1) year.**

(b) This subsection applies to the eligibility of an individual or the individual's dependent for Medicaid assistance and Medicaid waiver services. An individual who:

(1) is a legal Indiana resident;

(2) is an active member of the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard;

(3) is assigned to a duty station outside Indiana or deployed; and

(4) except for meeting the state residency requirements, is otherwise eligible for Medicaid assistance or Medicaid waiver services under this article;

or the individual's dependent is eligible for Medicaid assistance or Medicaid waiver services under this article for one (1) year following the individual's discharge from service in the armed forces of the United States or the national guard or postdeployment in the armed forces of the United States or the national guard.

(c) The office shall allow an individual described in subsection (b) or a dependent of the individual to be placed on a Medicaid waiver waiting list if the individual or the individual's dependent does not reside in Indiana due to the individual's military assignment outside Indiana. When residency has been reestablished, the office shall resume:

(1) Medicaid assistance; and

(2) Medicaid waiver services, subject to the availability of a waiver slot under federal regulations;

for the individual or the individual's dependent if the individual or the individual's dependent is otherwise eligible under this section.

P.L.117-2016

[H.1395. Approved March 22, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24.2-4-3, AS AMENDED BY P.L.233-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as specifically provided in this article and section 4 of this chapter, the following provisions of this title and a rule or guideline adopted by the state board under one (1) of the following provisions of this title do not apply to a qualified district or qualified high school:

(1) Provisions that do not apply to school corporations in general.

(2) IC 20-20 (programs administered by the state), except for IC 20-20-1 (educational service centers) and IC 20-20-8 (school corporation annual performance report).

(3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher continuing education), IC 20-28-4-8 (hiring of transition to

teaching participants; restrictions), IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit), IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school administrators), IC 20-28-9 (teacher salary and related payments), IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff performance evaluations).

(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), and IC 20-30-5-19 (personal financial responsibility instruction).

(5) IC 20-32 (student standards, assessments, and performance), except for IC 20-32-4 (graduation requirements), IC 20-32-5 (Indiana statewide testing for educational progress), and IC 20-32-8 (remediation).

~~(6) IC 20-36 (high ability students).~~

~~(7) (6) IC 20-37 (career and technical education).~~

(b) Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district or the status of a high school within the school corporation as a qualified high school, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district or qualified high school.

SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.233-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

IC 20-20-1 (educational service centers).

IC 20-20-8 (school corporation annual performance report).

IC 20-23 (organization of school corporations).

IC 20-26 (school corporation general administrative provisions).

IC 20-27 (school transportation).

IC 20-28-3-4 (teacher continuing education).

IC 20-28-4-8 (hiring of transition to teaching participants;

restrictions).

IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).

IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).

IC 20-28-6 (teacher contracts).

IC 20-28-7.5 (cancellation of teacher contracts).

IC 20-28-8 (contracts with school administrators).

IC 20-28-9 (teacher salary and related payments).

IC 20-28-10 (conditions of employment).

IC 20-28-11.5 (staff performance evaluations).

IC 20-29 (collective bargaining for teachers).

IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

IC 20-30-5-13 (human sexuality instructional requirements).

IC 20-30-5-19 (personal financial responsibility instruction).

IC 20-31 (accountability for school performance and improvement).

IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation, assessment, and remediation), or any other statute, rule, or guideline related to standardized assessments.

IC 20-33 (students: general provisions).

IC 20-34-3 (health and safety measures).

IC 20-35 (special education).

IC 20-36 (high ability students).

IC 20-39 (accounting and financial reporting procedures).

IC 20-40 (government funds and accounts).

IC 20-41 (extracurricular funds and accounts).

IC 20-42.5 (allocation of expenditures to student instruction).

IC 20-43 (state tuition support).

IC 20-44 (property tax levies).

IC 20-45 (general fund levies).

IC 20-46 (levies other than general fund levies).

IC 20-47 (related entities; holding companies; lease agreements).

IC 20-48 (borrowing and bonds).

IC 20-49 (state management of common school funds; state advances and loans).

IC 20-50 (homeless children and foster care children).

SECTION 3. IC 20-32-5-6, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** The scoring of student responses under an ISTEP program test:

- (1) must measure student achievement relative to the academic standards established by the state board;
- (2) must adhere to scoring rubrics and anchor papers; and
- (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

(b) The scores of student responses under an ISTEP program test must be reported to the state board not later than July 1 of the year in which the ISTEP program test is administered.

SECTION 4. IC 20-32-5-9, AS AMENDED BY P.L.219-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent the student's ISTEP program test scores.
- (2) Make available for inspection to each student and the student's parent the following:
 - (A) A copy of all questions that are not multiple choice, **gridded items, tech enhanced items**, or true and false and prompts used in assessing the student.
 - (B) A copy of the student's scored responses.
 - (C) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent may request a rescoring of a student's responses to an ISTEP program test, including a student's essay.

(b) A student's ISTEP program test scores may not be disclosed to the public.

(c) After the questions described in subsection (a)(2)(A) are released for inspection, the state board and department shall:

- (1) post:**
 - (A) the questions; and**
 - (B) with the permission of each student's parent, student answers that are exemplary responses to the released**

- questions;
- on the Internet web sites of the state board and department;
- and
- (2) publicize the availability of the questions and answers to school corporations, educators, and the public.

A student answer posted under this subsection may not identify the student who provided the answer.

SECTION 5. IC 20-32-5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. This chapter expires July 1, 2017.**

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) A panel is established to study alternatives to the ISTEP program tests and to make recommendations of its findings, including recommendations for replacing the ISTEP program under IC 20-32-5. The panel shall submit its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, to the general assembly not later than December 1, 2016. The panel shall consider the following when making its recommendations:

- (1) The feasibility of using existing tests or components or portions of existing tests other than the ISTEP program tests, as well as new testing approaches.
- (2) Reducing testing time while maintaining assessment integrity.
- (3) Reducing costs associated with the administration of a statewide assessment.
- (4) Test transparency and fairness to schools, teachers, and students.
- (5) The requirements of the Every Student Succeeds Act, including new school accountability metrics based on multiple measurements.
- (6) How student test performance affects teacher evaluations.

(c) The panel consists of the following twenty-three (23) members:

- (1) The superintendent of public instruction.
- (2) The commissioner of the department of workforce development.
- (3) The commissioner of the commission for higher education.

- (4) The chairperson of the senate education and career development committee.**
 - (5) The chairperson of the house of representatives education committee.**
 - (6) A member of the state board elected by the state board with a majority vote not later than May 1, 2016.**
 - (7) The governor shall appoint the following five (5) members:**
 - (A) One (1) member who serves as chairperson of the panel. The member appointed as chairperson of the panel must be a current or former educator or school administrator.**
 - (B) One (1) member who is a teacher.**
 - (C) One (1) member who is a principal.**
 - (D) One (1) member who is a school superintendent.**
 - (E) One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.**
 - (8) The president pro tempore of the senate shall appoint the following four (4) members:**
 - (A) One (1) member who is a teacher.**
 - (B) One (1) member who is a principal.**
 - (C) One (1) member who is a school superintendent.**
 - (D) One (1) member who is business leader.**
 - (9) The speaker of the house of representatives shall appoint the following four (4) members:**
 - (A) One (1) member who is a teacher.**
 - (B) One (1) member who is a principal.**
 - (C) One (1) member who is a school superintendent.**
 - (D) One (1) member who is a parent of a student in an elementary or secondary school.**
 - (10) The superintendent of public instruction shall appoint the following four (4) members:**
 - (A) One (1) member who is a teacher.**
 - (B) One (1) member who is a principal.**
 - (C) One (1) member who is a school superintendent.**
 - (D) One (1) member representing a school employee organization (as defined in IC 20-29-2-14).**
- (d) Members appointed under subsection (c) shall be appointed by the member's respective appointing authority not later than**

May 1, 2016. Each member appointed under subsection (c) serves at the will of the member's appointing authority.

(e) A quorum of the panel consists of twelve (12) members. The affirmative vote of at least twelve (12) members of the panel is necessary for any action to be taken by the panel.

(f) The panel shall meet at the call of the chairperson.

(g) The legislative services agency shall provide administrative support for the panel. Upon request, the state board and the department shall provide research, data, and technical assistance for the panel in a timely manner.

(h) Each member of the panel who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Meetings of the panel must comply with IC 5-14-1.5.

(k) This SECTION expires January 1, 2017.

SECTION 7. [EFFECTIVE JULY 1, 2016] (a) The legislative services agency shall prepare legislation for introduction in the 2017 regular session of the general assembly to organize and correct statutes affected by this act.

(b) This SECTION expires December 31, 2018.

SECTION 8. An emergency is declared for this act.

P.L.118-2016
[S.3. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-20-8-8, AS AMENDED BY P.L.213-2015, SECTION 159, AND AS AMENDED BY P.L.220-2015, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) *and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.*
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ~~ISTEP program test scores.~~ *All state standardized assessment scores.*
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) *The school's performance category or designation of school improvement assigned under IC 20-31-8.*
- ~~(7)~~ (7) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.

- (E) Remediation.
- (F) Limited English language proficiency.
- (G) Students receiving free or reduced price lunch under the national school lunch program.
- (H) School flex program, if offered.
- ~~(7)~~ (8) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- ~~(8)~~ (9) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- ~~(9)~~ (10) The percentage of grade 8 students enrolled in algebra I.
- ~~(10)~~ *The percentage of graduates who pursue higher education.*
- (11) *The percentage of graduates considered college and career ready in a manner prescribed by the state board.*
- ~~(11)~~ (12) School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- ~~(12)~~ (13) Financial information and various school cost factors, including the following:
 - (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- ~~(13)~~ *Technology accessibility and use of technology in instruction.*
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, *including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, *including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

(21) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(22) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(21)~~ (23) The number of student work permits revoked.

~~(22) The number of student driver's licenses revoked.~~

~~(23) The number of students who have not advanced to grade 10 due to a lack of completed credits.~~

~~(24) The number of students suspended for any reason.~~

~~(25)~~ (24) The number of students receiving an international baccalaureate diploma.

(26) (25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

*(b) This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.*

SECTION 2. IC 20-24-13-5, AS ADDED BY P.L.213-2015, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to a charter school that does not qualify for a grant under subsection (c). Each year, such a charter school may apply for an annual grant under this chapter.

(b) The application under subsection (a) must be submitted after July 1 and before September 1 of a state fiscal year for a grant that is requested to be made during that state fiscal year.

(c) The state board shall determine if the charter school is placed in the same or a better category or designation of performance established under IC 20-31-8-3 for the most recently completed school year than the nearest noncharter public school that is configured to teach the same grades of students as the charter school teaches. Except as provided in subsection (d), if the charter school has been placed in the same or a better category or designation of performance, the state board shall make the grant to the charter school.

(d) If a charter school:

- (1) does not qualify for a grant under section 4 of this chapter; and
- (2) for two (2) consecutive years ~~the charter school~~ has not been placed in the same or a better category or designation of performance established under IC 20-31-8-3 for the most recently completed school year than the nearest noncharter public school that is configured to teach the same grades of students as the charter school teaches;

the charter school is not eligible for a grant, unless the charter school is placed in the "C" category or designation of performance or better established under IC 20-31-8-3 for the most recently completed school year.

SECTION 3. IC 20-25-5-7, AS AMENDED BY P.L.233-2015,

SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter, "resolution" of ~~any other~~ a school corporation means a resolution duly adopted by the school corporation's governing body.

SECTION 4. IC 20-25.7-4-3, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Two (2) or more teachers and:

- (1) a principal;
- (2) a superintendent; or
- (3) any combination of individuals described in either subdivision (1) or (2);

who are currently employed by a school corporation may submit a plan to a board for the establishment of an innovation network school.

(b) In considering whether to approve a plan submitted under this section, the board may consider innovations in the following areas:

- (1) Whether the plan:
 - (A) increases teacher salaries;
 - (B) achieves financial sustainability for teacher salary increases under clause (A) by reallocating other funds, including local, private, state, or federal funds; and
 - (C) develops measures for determining how the innovations or teacher empowerment:
 - (i) improves the quality of classroom instruction; and
 - (ii) increases the attractiveness of teaching.
- (2) Class size and schedule.
- (3) Length of school day or year.
- (4) Use of technology to deliver highly effective instruction.
- (5) Staffing models for teachers, paraprofessionals, and administrators.
- (6) Teacher recruitment, training, preparation, and professional development.
- (7) School governance and the roles, responsibilities, and expectations of principals in ~~freedom to teach schools, zones, and districts:~~ **innovation network schools.**
- (8) Preparation and counseling of students for transition to higher education or careers.
- (9) Whether the plan incorporates a school model that uses job redesign or technology to extend the reach of effective or highly

effective teachers to more students for more pay within budget.

(c) A board that approves a plan under this section may request a grant from the state board under IC 20-25.7-7 for costs associated with the development and implementation of a plan developed under this section. The board shall apply for the grant from the state board in a manner prescribed by the state board.

SECTION 5. IC 20-26-5-4, AS AMENDED BY P.L.213-2015, SECTION 165, AND AS AMENDED BY P.L.233-2015, SECTION 98, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's ADM of the previous year (as defined in IC 20-43-1-7) to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To do the following:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate

improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law

relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session; if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To do the following:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians,

dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with IC 20-28-9-1.5.

(C) Classify persons or services described in this subdivision and to adopt *schedules of salaries or a compensation plan with a salary range* that ~~are~~ *is* consistent with IC 20-28-9-1.5.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. *The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.*

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation,

including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children. *and without regard to the distance the children live from the school.* The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase curricular materials, to furnish curricular materials without cost or to rent curricular materials to students, to participate in a curricular materials aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection

with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection (a)(8):

(1) is not required to hold a teacher's license under IC 20-28-5; and

(2) is required to have obtained at least a master's degree from an accredited postsecondary educational institution.

SECTION 6. IC 20-26-5-18, AS AMENDED BY P.L.233-2015, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. For purposes of ~~IC 20-26-5-1~~ **section 1 of this chapter** and under the powers of ~~IC 20-26-5-4(a)(19)~~; **section 4(a)(20) of this chapter**, the governing body of any school corporation may join and associate with groups of

other school corporations within Indiana in regional school study councils to examine common school problems and exchange educational information of mutual benefit, and dues to the study councils shall be paid by the school corporation from the general fund.

SECTION 7. IC 20-26-5-19, AS AMENDED BY P.L.213-2015, SECTION 166, AND AS AMENDED BY P.L.233-2015, SECTION 102, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A governing body under its powers to fix and pay the salaries and compensation of employees of the school corporation and to contract for services under ~~IC 20-26-5-4(a)(7)~~ ~~IC 20-26-5-4(a)(8)~~ **section 4(a)(8) of this chapter** may distribute payroll based on contractual and *salary schedule compensation plan* commitments instead of payroll estimates approved in advance by the governing body.

SECTION 8. IC 20-26-5-24, AS AMENDED BY P.L.37-2015, SECTION 1, AND AS AMENDED BY P.L.233-2015, SECTION 103, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) An agreement under section 23 of this chapter must set out the responsibilities and rights of the public school corporations, the institutions, and the students or persons who supervise the students and who are working jointly for a school corporation and an institution.

(b) An agreement must contain:

(1) a provision for the payment of an honorarium for consulting services by the postsecondary educational institution directly to the supervisor; **and**

(2) a provision that, if the sum paid by the institution to the supervisor should ever be lawfully determined to be a wage rather than an honorarium by an instrumentality of the United States, then the postsecondary educational institution shall be considered under the agreement to be the supervisor's part-time employer; *and*

(3) *a provision requiring a student to be supervised by a certificated employee that who has been rated as either highly effective or effective on the certificated employee's latest annual performance evaluation under IC 20-28-11.5.*

(c) *The provisions required by subsection (b) (b)(1) and (b)(2) must be included in an agreement entered into or renewed under this*

chapter after June 30, 1981. The provision required by subsection (b)(3) must be included in an agreement entered into or renewed under this chapter after June 30, 2015. Public school corporations and postsecondary educational institutions shall revise agreements in effect on July 1, 1981, July 1, 2015, to include the provisions required by subsection (b).

SECTION 9. IC 20-26-7-18, AS AMENDED BY P.L.184-2015, SECTION 10, AND AS AMENDED BY P.L.233-2015, SECTION 115, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. *Subject to IC 5-3-1-3(h)*, a school corporation may issue and sell bonds under the general statutes governing the issuance of bonds to purchase and improve buildings or lands, or both. All laws relating to approval (if required) in a local public question under IC 6-1.1-20, the filing of petitions, remonstrances, and objecting petitions, giving notices of the filing of petitions, the determination to issue bonds, and the appropriation of the proceeds of the bonds are applicable to the issuance of bonds under ~~sections section 17 through 19~~ of this chapter.

SECTION 10. IC 20-27-14 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Science, Technology, Engineering, and Mathematics Teacher Recruitment Fund).

SECTION 11. IC 20-28-6-2, AS AMENDED BY P.L.213-2015, SECTION 177, AND P.L.233-2015, SECTION 205, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

- (1) be in writing;
- (2) be signed by both parties; and
- (3) contain the:
 - (A) beginning date of the school term as determined annually by the school corporation;
 - (B) number of days in the school term as determined annually by the school corporation;
 - (C) total salary to be paid to the teacher during the school year;
 - (D) number of salary payments to be made to the teacher during the school year; and
 - (E) number of hours per day the teacher is expected to work, as discussed pursuant to IC 20-29-6-7.

(b) The contract may provide for the annual determination of the teacher's annual compensation ~~under IC 20-29-6~~ based on a local compensation plan specifying a salary range, which is part of the contract. The ~~salary~~ compensation plan may be changed by ~~subsequent adoption of salary changes under the collective bargaining process~~ the school corporation before the later of May 1 of a year, with the changes effective the next school year, or the date specified in a collective bargaining ~~process~~ agreement applicable to the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed compensation plan not later than thirty (30) days after the adoption of the compensation plan.

(c) A contract under this section is also governed by the following statutes:

- (1) IC 20-28-9-5 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 12. IC 20-28-6-7, AS AMENDED BY P.L.213-2015, SECTION 178, AND AS AMENDED BY P.L.233-2015, SECTION 207, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "teacher" includes an individual who:

- (1) holds a substitute teacher's license; and
- (2) provides instruction in a joint summer school program under IC 20-30-7-5.

(b) The supplemental service teacher's contract shall be used when a teacher provides professional service in evening school or summer school employment, except when a teacher or other individual is employed to supervise or conduct noncredit courses or activities.

(c) If a teacher serves more than one hundred twenty (120) days on a supplemental service teacher's contract in a school year, the following apply:

~~(1) Sections 1, 2, 3, and 8 of this chapter.~~

~~(2) IC 20-28-10-1 through IC 20-28-10-5.~~

~~(d)~~ (c) The salary of a teacher on a supplemental service contract shall be determined by the superintendent. The superintendent may, but is not required to, base the salary on the regular *salary schedule compensation plan* for the school corporation.

SECTION 13. IC 20-28-8-3, AS AMENDED BY P.L.233-2015, SECTION 212, AND AS AMENDED BY P.L.239-2015, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an *employee attorney acting* at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

~~(b) If notice is not given before March 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.~~

~~(c)~~ (b) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body.

SECTION 14. IC 20-32-4-11, AS ADDED BY P.L.99-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies to a student who is a **child student** with a disability (as defined in ~~IC 20-35-1-2~~; **IC 20-35-1-8**).

(b) During the annual case review (as defined in ~~IC 20-35-7-1~~) held when the student is in grade 8, the case conference committee (as defined in ~~IC 20-35-7-2~~) **IC 20-35-9-3**) shall, as a part of the annual case review, discuss with the student's parent and the student, if appropriate:

- (1) the types of diplomas available for students to receive in the state of Indiana;
- (2) the course requirements for each type of diploma; and
- (3) employment and career options for the student and the type of academic, technical, and vocational preparation necessary to achieve the employment or career.

The student's individualized education program must include the type

of diploma the student will seek and courses that allow the student to progress toward the diploma in a timely manner.

(c) Beginning in grade 9 and in addition to the annual case review, the student's teacher of record shall communicate at least one (1) time each grading period with the student's parent concerning the student's progress toward the selected diploma. If the parent requests a meeting with the teacher of record to discuss the student's progress, the teacher must meet with the parent in a timely manner. A meeting under this subsection does not constitute a case conference committee meeting, and a request for a meeting under this subsection does not abrogate a parent's right to call for a meeting of the case conference committee at any time.

SECTION 15. IC 20-40-12-5, AS AMENDED BY P.L.233-2015, SECTION 290, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The fund may be used to provide money for the following purposes:

- (1) The payment of a judgment rendered against the school corporation, or rendered against an officer or employee of the school corporation for which the school corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).
- (2) The payment of a claim or settlement for which the school corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).
- (3) The payment of a premium, management fee, claim, or settlement for which the school corporation is liable under a federal or state statute, including IC 22-3 and IC 22-4.
- (4) The payment of a settlement or claim for which insurance coverage is permitted under ~~IC 20-26-5-4(a)(14)~~: **IC 20-26-5-4(a)(15)**.

SECTION 16. IC 20-40-12-8, AS AMENDED BY P.L.233-2015, SECTION 291, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Subject to ~~IC 20-26-5-4(a)(14)~~ **IC 20-26-5-4(a)(15)** and this chapter and notwithstanding any other law, a self-insurance program must comply with this chapter.

SECTION 17. IC 20-41-2-4, AS AMENDED BY P.L.233-2015,

SECTION 295, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A governing body in operating a school lunch program under ~~IC 20-26-5-4(a)(10)~~ **IC 20-26-5-4(a)(11)** may use either of the following accounting methods:

- (1) It may supervise and control the program through the school corporation account, establishing a school lunch fund.
- (2) It may cause the program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-41-1.

SECTION 18. IC 20-41-2-5, AS AMENDED BY P.L.233-2015, SECTION 296, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A governing body in operating a curricular materials rental program under ~~IC 20-26-5-4(a)(11)~~ **IC 20-26-5-4(a)(12)** may use either of the following accounting methods:

- (1) The governing body may supervise and control the program through the school corporation account, establishing a curricular materials rental fund.
- (2) If curricular materials have not been purchased and financial commitments or guarantees for the purchases have not been made by the school corporation, the governing body may cause the program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-41-1.

(b) If the governing body determines that a hardship exists due to the inability of a student's family to purchase or rent curricular materials, taking into consideration the income of the family and the demands on the family, the governing body may furnish curricular materials to the student without charge, without reference to the application of any other statute or rule except IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

SECTION 19. IC 20-43-10-3, AS AMENDED BY HEA 1003-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this section, "achievement test" means a:

- (1) test required by the ISTEP program; or

(2) Core 40 end of course assessment for the following:

- (A) Algebra I.
- (B) English 10.
- (C) Biology I.

(b) As used in this section, "graduation rate" means the percentage graduation rate for a high school in a school corporation as determined under IC 20-26-13-10 but adjusted to reflect the pupils who meet the requirements of graduation under ~~subsection (e)~~: **subsection (d)**.

(c) As used in this section, "test" means either:

- (1) a test required by the ISTEP program; or
- (2) a Core 40 end of course assessment.

(d) A pupil meets the requirements of graduation for purposes of this section if the pupil successfully completed:

- (1) a sufficient number of academic credits, or the equivalent of academic credits; and
- (2) the graduation examination required under IC 20-32-3 through IC 20-32-5;

that resulted in the awarding of a high school diploma or an academic honors diploma to the pupil for the school year ending in the immediately preceding state fiscal year.

(e) Determinations for a school for a state fiscal year must be made using:

- (1) the count of tests passed compared to the count of tests taken throughout the school;
- (2) the graduation rate in the high school; and
- (3) the count of pupils graduating in the high school.

(f) In determining grants under this section, a school corporation may qualify for the following two (2) grants each year:

- (1) One (1) grant under subsection (h), (i), or (j).
- (2) One (1) grant under subsection (k), (l), or (m).

(g) The sum of the two (2) grant amounts described in subsection (f), as determined for a school corporation under this section, constitutes an annual performance grant that is in addition to state tuition support. The annual performance grant for a state fiscal year shall be distributed to the school corporation before December 5 of that state fiscal year. If the:

- (1) total amount to be distributed as performance grants for a particular state fiscal year exceeds the amount appropriated by the

general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations shall be proportionately reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the performance grant that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed as performance grants to all school corporations if a reduction were not made under this section; and

(2) total amount to be distributed as performance grants for a particular state fiscal year is less than the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations for that particular state fiscal year shall be proportionately increased so that the total amount to be distributed equals the amount of the appropriation for that particular state fiscal year.

The performance grant received by a school corporation shall be allocated among and used only to pay cash stipends to all teachers who are rated as effective or as highly effective and employed by the school corporation as of December 1. The lead school corporation or interlocal cooperative administering a cooperative or other special education program or administering a career and technical education program, including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award performance stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program. The amount of the distribution from an annual performance grant to an individual teacher is determined at the discretion of the governing body of the school corporation. The governing body shall differentiate between the amount of the stipend awarded to a teacher rated as a highly effective teacher and a teacher rated as an effective teacher and may differentiate between school buildings. A stipend to an individual teacher in a particular year is not subject to collective bargaining and is in addition to the minimum

salary or increases in salary set under IC 20-28-9-1.5. In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a stipend to an individual teacher in a particular state fiscal year beginning after June 30, 2015, becomes a permanent part of and increases the base salary of the teacher receiving the stipend for school years beginning after the state fiscal year in which the stipend is received. The addition to base salary under this section is not subject to collective bargaining, is payable from funds other than the performance grant, and is in addition to the minimum salary and increases in salary set under IC 20-28-9-1.5. The school corporation shall complete the appropriation process for all stipends from a performance grant to individual teachers before December 31 of the state fiscal year in which the performance grant is distributed to the school corporation and distribute all stipends from a performance grant to individual teachers before the immediately following January 31. Any part of the performance grant not distributed as stipends to teachers before February must be returned to the department on the earlier of the date set by the department or June 30 of that state fiscal year.

(h) Except as provided in subsection (n), a school qualifies for a grant under this subsection if the school has more than seventy-five percent (75%) but less than ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) twenty-three dollars and fifty cents (\$23.50).

(i) Except as provided in subsection (n), a school qualifies for a grant under this subsection if the school has at least ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) forty-seven dollars (\$47).

(j) This subsection does not apply to a school corporation in its first year of operation or to a school corporation that is entitled to a distribution under subsection (h) or (i). Except as provided in subsection (n), a school qualifies for a grant under this subsection if the school's school year over school year percentage growth rate of achievement tests receiving passing scores was at least one percent (1%), comparing the school year ending in the immediately preceding state fiscal year to the school year immediately preceding that school year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who had a passing score on their achievement test in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) one hundred sixty dollars (\$160).

(k) A school qualifies for a grant under this subsection if the school had a graduation rate of ninety percent (90%) or more for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) one hundred seventy-six dollars (\$176).

(l) A school qualifies for a grant under this subsection if the school had a graduation rate greater than seventy-five percent (75%) but less than ninety percent (90%) for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) eighty-eight dollars (\$88).

(m) This subsection does not apply to a school in its first year of operation or to a school corporation that is entitled to a distribution under subsection (k) or (l). A school qualifies for a grant under this subsection if the school's school year over school year percentage growth in its graduation rate is at least one percent (1%), comparing the graduation rate for the school year ending in the immediately preceding state fiscal year to the graduation rate for the school year immediately preceding that school year. The grant amount for the state fiscal year

is:

- (1) the count of the school corporation's pupils who met the requirements for graduation in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) one thousand dollars (\$1,000).

(n) This subsection applies to the state fiscal year beginning July 1, 2015, and ending June 30, 2016. Notwithstanding subsection (h), (i), or (j), the amount of the grant described in subsection (h), (i), or (j) shall be calculated using the higher of:

- (1) the percentage of passing scores on ISTEP program tests for the school for the 2013-2014 school year; or
- (2) the percentage of passing scores on ISTEP program tests for the school for the 2014-2015 school year.

If a grant amount for a school is calculated using the percentage described in subdivision (1), the ISTEP data from the 2013-2014 school year shall be used in the calculation of the grant amount, and the grant amount may not exceed the grant amount that the school received for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, or in the case of a currently eligible school that was ineligible for a grant in the state fiscal year beginning July 1, 2014, and ending June 30, 2015, because the school had not completed the required teacher evaluations, the grant amount that the school would have been entitled to receive for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, if the school had been eligible. Notwithstanding subsection (g), the school corporation shall distribute all stipends from a performance grant to individual teachers within twenty (20) business days of the date the department distributes the performance grant to the school corporation.

(o) This section expires June 30, 2017.

SECTION 20. IC 20-49-3-8, AS AMENDED BY P.L.213-2015, SECTION 231, AND AS AMENDED BY P.L.233-2015, SECTION 309, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The fund may be used to make advances:

- (1) to school corporations, including *school townships and* school corporation career and technical education schools described in IC 20-37-1-1, under IC 20-49-4 and IC 20-49-5; ~~and~~
- (2) under IC 20-49-6; *and*

(3) to charter and innovation network schools under IC 20-49-9.

Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1. However, an advance to a school corporation career and technical education school described in IC 20-37-1-1 is not considered an advance to a school corporation for purposes of determining if the school corporation career and technical education school described in IC 20-37-1-1 qualifies for an advance.

SECTION 21. IC 20-49-9-1, AS ADDED BY P.L.213-2015, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~(a)~~ This chapter applies to the following:

- (1) A charter school that does not receive a pro rata share of local property tax revenue.
- (2) An innovation network school located in a school city, as defined in IC 20-25-2-12, that existed on January 1, 2015, that does not receive a pro rata share of local property tax revenue (referred to as an innovation network school in this chapter).

SECTION 22. IC 20-49-9-8, AS ADDED BY P.L.213-2015, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A school qualifies for an advance under this chapter if the school is one (1) of the following:

- (1) A charter school in its first or second year of operation.
- (2) A charter school that was placed in the "A", "B", or "C" category or designation of performance established under IC 20-31-8-3 for the most recently completed school year.
- (3) A charter school that does not receive a category or designation of performance established under IC 20-31-8-3 for the most recently completed school year.
- (4) A school that has a majority of students with developmental, intellectual, or behavioral challenges.
- (5) An innovation network school described in section ~~1(a)(2)~~ **1(2)** of this chapter.

(b) If a charter school does not qualify for an advance under subsection (a), the state board shall determine if the charter school is placed in the same or a better category or designation of performance established under IC 20-31-8-3 for the most recently completed school

year than the nearest noncharter public school that is configured to teach the same grades of students as the charter school teaches. Except as provided in subsection (c), if the charter school has been placed in the same or a better category or designation of performance, the state board shall make the advance to the charter school.

(c) If a charter school:

- (1) does not qualify for an advance under subsection (a); and
- (2) for two (2) consecutive years ~~the charter school~~ has not been placed in the same or a better category or designation of performance established under IC 20-31-8-3 for the most recently completed school year than the nearest noncharter public school that is configured to teach the same grades of students as the charter school teaches;

the charter school is not eligible for an advance, unless the charter school is placed in the "C" category or designation of performance or better established under IC 20-31-8-3 for the most recently completed school year.

SECTION 23. IC 21-13-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 11. Science, Technology, Engineering, and Mathematics Teacher Recruitment Fund

Sec. 1. (a) After June 30, 2016, all rights, duties, or obligations established under IC 20-27-14 before its repeal are considered rights, duties, or obligations under this chapter.

(b) Any money in the science, technology, engineering, and mathematics teacher recruitment fund under IC 20-27-14-3 (before its repeal) on June 30, 2016, is considered money of the fund established under section 3 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the science, technology, engineering, and mathematics teacher recruitment fund established by section 3 of this chapter.

Sec. 3. The science, technology, engineering, and mathematics teacher recruitment fund is established. The commission shall administer the fund.

Sec. 4. The fund consists of:

- (1) appropriations made to the fund by the general assembly;**
- and**

(2) grants, gifts, and donations intended for deposit in the fund.

Sec. 5. Expenses of administering the fund must be paid from money in the fund.

Sec. 6. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments must be deposited in the fund.

Sec. 7. Money in the fund at the end of a fiscal year does not revert to the state general fund.

Sec. 8. The commission may use money in the fund to provide grants to Indiana organizations that recruit science, technology, engineering, and mathematics teachers for employment by Indiana school corporations.

Sec. 9. The commission shall establish two (2) grant programs as follows:

(1) A grant program to encourage the growth of existing organizations that recruit science, technology, engineering, and mathematics teachers.

(2) A grant program to support the establishment of programs that increase the pool of high-quality science, technology, engineering, and mathematics teachers in Indiana.

Sec. 10. The commission shall develop an application process for grants under this chapter that identifies recruiting organizations and programs:

(1) that produce high student achievement and effective and highly effective teachers; and

(2) that match science, technology, engineering, and mathematics teachers with Indiana school corporations that would otherwise encounter a shortage of qualified teachers in science, technology, engineering, and mathematics.

Sec. 11. The commission shall develop standards for evaluating recipients of grants under this chapter.

Sec. 12. A recipient of a grant under this chapter shall submit to the commission a written report concerning the recipient's compliance with the evaluation standards developed under section 11 of this chapter on the following dates:

(1) December 1 of each year.

(2) July 1 of each year.

Sec. 13. The commission shall consider the information submitted under section 12 of this chapter when evaluating a subsequent application from a recruiting organization or program. An applicant may be denied a grant under this chapter based on the information submitted under section 12 of this chapter.

SECTION 24. An emergency is declared for this act.

P.L.119-2016

[S.9. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24-7-2, AS AMENDED BY P.L.218-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Not later than each of the dates established by the department for determining ADM under IC 20-43-4-3, the organizer shall submit to the department the following information on a form prescribed by the department:

- (1) The number of students enrolled in the charter school.
- (2) The name and address of each student.
- (3) The name of the school corporation in which the student has legal settlement.
- (4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.
- (5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported:

- (b) The department shall distribute state tuition support distributions, and in the case of an adult high school (as defined in

IC 20-24-1-2.3), funding provided in the state biennial budget for adult high schools, to the organizer. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

SECTION 2. IC 20-24-7-3, AS AMENDED BY P.L.205-2013, SECTION 230, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to a conversion charter school.

(b) ~~Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter;~~ The department shall distribute to the organizer:

- (1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;
- (2) a proportionate share of state and federal funds received:
 - (A) for students with disabilities; or
 - (B) for staff services for students with disabilities; enrolled in the conversion charter school; and
- (3) a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

P.L.120-2016
[S.20. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-2-16-3, AS ADDED BY P.L.88-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Unless federal or state law provides otherwise, a unit may not establish, mandate, or otherwise require an employer to provide to an employee who is employed within the jurisdiction of the unit:

- (1) a benefit;
- (2) a term of employment;
- (3) a working condition; or
- (4) an attendance, **scheduling**, or leave policy;

that exceeds the requirements of federal or state law, rules, or regulations.

SECTION 2. IC 22-4-17-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) As used in this section, "attorney" refers to **one (1) of the following:**

- (1) An attorney in good standing admitted to the practice of law in Indiana.**
- (2) An attorney in good standing admitted to the practice of law in another state who has been granted temporary admission to the state bar under Rule 3 of the Rules for Admission to the Bar and the Discipline of Attorneys adopted by the supreme court.**

(b) An employer or an employing unit having an interest in a claim for benefits pending before an administrative law judge, the review board, or other individuals who adjudicate claims may be represented by:

- (1) an officer or other employee of the employer or employing unit as designated by the employer or the employing unit;**
- (2) an attorney;**
- (3) an accountant certified by and in good standing with the state; or**
- (4) a representative of an unemployment compensation service firm.**

(c) A claimant for benefits may be represented by:

- (1) the claimant in person;**
- (2) an attorney;**
- (3) an accountant certified by and in good standing with the state; or**
- (4) an authorized agent of a bona fide labor organization to which the claimant belonged at the time the pending claim occurred.**

(d) In addition to the persons listed in subsection (c), a claimant for benefits may designate a lay person of the claimant's choice to assist the claimant in the presentation of the claimant's case to the administrative law judge, the review board, or another individual who adjudicates claims.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Before December 1, 2016, the department of workforce development shall amend 646 IAC 5-10-18 to make the rule comply with IC 22-4-17-3.2, as added by this act.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under subsection (a).**
- (2) December 31, 2016.**

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the interim study committee on employment and labor established by IC 2-5-1.3-4 or another appropriate interim study committee during the 2016 legislative interim the topics of:

- (1) employee misclassification;**
- (2) payroll fraud; and**
- (3) the use of independent contractor status.**

(c) If the topics described in subsection (b) are assigned to an interim study committee, the interim study committee shall issue

a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2016.

(d) This SECTION expires December 31, 2016.

SECTION 5. An emergency is declared for this act.

P.L.121-2016

[S.21. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 4-4-11-15.6, AS AMENDED BY P.L.233-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.6. In addition to the powers listed in section 15 of this chapter, the authority may:

- (1) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17;
- (2) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by the northwest Indiana regional development authority established by IC 36-7.5-2-1;
- ~~(3) after December 31, 2009, issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by either the commuter rail service board established under IC 8-24-5 or the regional demand and scheduled bus service board established under IC 8-24-6;~~

~~(4)~~ (3) enter into leases and issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to carry out the purposes of IC 5-1-17.5 within a motorsports investment district; and

~~(5)~~ (4) perform any other functions determined by the authority to be necessary or appropriate to carry out the purposes of IC 5-1-17.5 within a motorsports investment district.

SECTION 2. IC 4-15-2.2-1, AS ADDED BY P.L.229-2011, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to employees of a governmental entity that exercises any of the executive powers of the state under the direction of the governor or lieutenant governor.

(b) This chapter does not apply to the following:

- (1) The legislative department of state government.
- (2) The judicial department of state government.
- (3) The following state elected officers and their personal staffs:
 - (A) The governor.
 - (B) The lieutenant governor.
 - (C) The secretary of state.
 - (D) The treasurer of state.
 - (E) The auditor of state.
 - (F) The superintendent of public instruction.
 - (G) The attorney general.
- (4) A body corporate and politic of the state created by state statute.
- (5) A political subdivision (as defined in IC 36-1-2-13).
- (6) An inmate who is working in a state penal, charitable, correctional, or benevolent institution.
- (7) The state police department.

(c) This subsection does not apply to a political subdivision, the ports of Indiana (established by IC 8-10-1-3), ~~or~~ the northern Indiana commuter transportation district (established under IC 8-5-15). ~~or the northern Indiana regional transportation district (established under IC 8-24-2)~~. The chief executive officer of a governmental entity that is exempt from this chapter under subsection (b) may elect to have this chapter apply to all or a part of the entity's employees by submitting a written notice of the election to the director.

SECTION 3. IC 4-15-17-3, AS ADDED BY P.L.229-2011, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this chapter, "state" means any of the following:

- (1) A department, commission, division, authority, board, bureau, or office of state government that exercises any executive powers.
- (2) Any statewide elected official.
- (3) A body corporate and politic of the state created by state statute.

(b) The term does not include any of the following:

- (1) The state police department.
- (2) A state educational institution (as defined in IC 21-7-13-32).
- (3) A political subdivision (as defined in IC 3-5-2-38).
- (4) The ports of Indiana (established by IC 8-10-1-3).
- (5) The northern Indiana commuter transportation district (established under IC 8-5-15).
- (6) ~~The northern Indiana regional transportation district (established under IC 8-24-2).~~

SECTION 4. IC 4-20.5-6-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11. (a) ~~The department shall commission and place within the state capitol a permanent display commemorating the contributions of black citizens of Indiana to:~~

- ~~(1) the state;~~
- ~~(2) other governmental entities; and~~
- ~~(3) the private sector;~~

~~throughout the history of Indiana.~~

(b) ~~The department shall consult with the Indiana historical bureau to:~~

- ~~(1) identify the individuals whose contributions are to be included in the display; and~~
- ~~(2) assist in the design of the display.~~

(c) ~~Not later than July 1, 2008, the department shall submit the plans for the display to the legislative council for approval.~~

(d) ~~After the legislative council has approved the plans for the display, the department shall have the display constructed and placed in the state capitol.~~

SECTION 5. IC 4-20.5-6-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12. (a) ~~The department shall commission and place~~

~~within the state capitol a bust of President Benjamin Harrison.~~

~~(b) The department shall consult with the Indiana historical bureau and the Indiana arts commission to assist in the design of the bust.~~

~~(c) Not later than July 1, 2008, the department shall submit the plans for the bust to the legislative council for approval.~~

~~(d) After the legislative council approves the plans for the bust, the department shall have the bust made and placed in the state capitol.~~

SECTION 6. IC 4-23-24.2-5, AS AMENDED BY P.L.132-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The commission shall do the following:

- (1) Enhance coordination and cooperation between state and local governments.
- (2) Review the effect of any federal or state legislation or any court decisions on local governmental entities.
- (3) Act as a forum for consultation among state and local government officials.
- (4) Conduct research on intergovernmental issues.
- (5) Review studies of intergovernmental issues by universities, research and consulting organizations, and entities.
- (6) Issue reports on the commission's activities.

(b) In addition to the duties set forth in subsection (a), the commission shall study the appropriate roles and responsibilities of the state, counties, municipalities, townships, and other political subdivisions in providing 911 and enhanced 911 services in Indiana. In conducting the study required by this subsection, the commission may consult with, or request necessary information or testimony from, local officials, public safety agencies, PSAPs (as defined in IC 36-8-16.7-20), the statewide 911 board established by IC 36-8-16.7-24, providers (as defined in IC 36-8-16.7-19), and any other appropriate witnesses or experts. Not later than November 1, 2012, the commission shall submit to the legislative council and to the budget committee a report of the commission's findings and recommendations as a result of the study conducted under this subsection. The report to the legislative council and the budget committee under this subsection must be in an electronic format under IC 5-14-6. **This subsection expires July 1, 2016.**

SECTION 7. IC 5-10-8-6.6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6:6. (a) As used in this section, "local unit group" means all

of the local units that elect to provide coverage for health care services for active and retired:

- (1) elected or appointed officers and officials;
- (2) full-time employees; and
- (3) part-time employees;

of the local unit under this section:

(b) As used in this section, "state employee health plan" means:

- (1) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) purchased through the state personnel department under section 7(a) of this chapter; or
- (2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(c) The state personnel department shall allow a local unit to participate in the local unit group by electing to provide coverage of health care services for active and retired:

- (1) elected or appointed officers and officials;
- (2) full-time employees; and
- (3) part-time employees;

of the local unit under a state employee health plan. This subsection expires July 1, 2014.

(d) If a local unit elects to provide coverage under subsection (c):

(1) the local unit group must be treated as a single group that is separate from the group of state employees that is covered under a state employee health plan;

(2) the state personnel department shall:

(A) establish:

- (i) the premium costs, as determined by an accident and sickness insurer or a prepaid health care delivery plan under which coverage is provided under this section;
- (ii) the administrative costs; and
- (iii) any other costs;

of the coverage provided under this section, including the cost of obtaining insurance or reinsurance, for the local unit group as a whole; and

(B) establish a uniform premium schedule for each accident and sickness insurance policy or prepaid health care delivery plan under which coverage is provided under this section for

the local unit group; and

(3) the local unit shall provide for payment of the cost of the coverage as provided in sections 2-2 and 2-6 of this chapter.

The premium determined under subdivision (2) and paid by an individual local unit shall not be determined based on claims made by the local unit. This subsection expires July 1, 2014.

(e) The state personnel department shall provide an annual opportunity for local units to elect to provide or terminate coverage under subsection (c). This subsection expires July 1, 2014.

(f) The state personnel department may adopt rules under IC 4-22-2 to establish minimum participation and contribution requirements for participation in a state employee health plan under this section. This subsection expires July 1, 2014.

(g) The state personnel department shall not, after June 30, 2014, amend or renew:

(1) an accident and sickness insurance policy; or

(2) a prepaid health care delivery plan;

that is in effect on June 30, 2014, to provide coverage under this section for the local unit group.

(h) An accident and sickness insurance policy or a prepaid health care delivery plan that is in effect on June 30, 2014, to provide coverage under this section for the local unit group terminates on the first policy or plan renewal date occurring after June 30, 2014.

SECTION 8. IC 5-10-8-7, AS AMENDED BY P.L.91-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The state, excluding state educational institutions, may not purchase or maintain a policy of group insurance, except:

(1) life insurance for the state's employees;

(2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees;

(3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that:

(A) is in effect on June 30, 2014; and

(B) covers individuals to whom coverage is provided by a local unit under section 6-6 of this chapter;

may be maintained until the first policy renewal date after June 30, 2014; or

~~(4)~~ (3) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department

~~(1)~~ may contract for health services for state employees through one (1) or more prepaid health care delivery plans. ~~and~~

~~(2) may maintain a contract:~~

~~(A) for health services for individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans; and~~

~~(B) that is in effect on June 30, 2014;~~

~~until the first policy renewal date after June 30, 2014.~~

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

(1) require participation in the plan by employees with six (6) months of continuous, full-time service;

(2) require an employee to make a contribution to the plan in the form of a payroll deduction;

(3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6)

month elimination period;

(4) prohibit the termination of an employee who is eligible for benefits under the plan;

(5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;

(6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:

(A) Social Security;

(B) the public employees' retirement fund;

(C) the Indiana state teachers' retirement fund;

(D) pension disability;

(E) worker's compensation;

(F) benefits provided from another employer's group plan; or

(G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).);

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

(A) accept work assignments appropriate to the employee's medical condition;

(B) submit information necessary for claim administration; or

(C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

(i) To carry out the purposes of this section, a trust fund may be established. The trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. The trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to the trust fund are irrevocable. The trust fund must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. The trust fund shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in the trust fund established under this subsection:

- (1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and
- (2) are exempt from levy, sale, garnishment, attachment, or other legal process.

The trust fund established under this subsection shall be administered by the state personnel department. The expenses of administering the trust fund shall be paid from money in the trust fund. The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 9. IC 5-11-10-1, AS AMENDED BY P.L.182-2009(ss), SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This section applies to the state and its political subdivisions. However, this section does not apply to the following:

- (1) A state educational institution, including Ivy Tech Community

College of Indiana.

- (2) A municipality (as defined in IC 36-1-2-11).
- (3) A county.
- (4) An airport authority operating in a consolidated city.
- (5) A capital improvements board of managers operating in a consolidated city.
- (6) A board of directors of a public transportation corporation operating in a consolidated city.
- (7) A municipal corporation organized under IC 16-22-8-6.
- (8) A public library.
- (9) A library services authority.
- (10) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.
- (11) A school corporation (as defined in IC 36-1-2-17).
- (12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (13) A municipally owned utility (as defined in IC 8-1-2-1).
- (14) A board of an airport authority under IC 8-22-3.
- (15) A conservancy district.
- (16) A board of aviation commissioners under IC 8-22-2.
- (17) A public transportation corporation under IC 36-9-4.
- (18) A commuter transportation district under IC 8-5-15.
- (19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (20) A county building authority under IC 36-9-13.
- (21) A soil and water conservation district established under IC 14-32.
- (22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.
- ~~(23) The commuter rail service board established under IC 8-24-5.~~
- ~~(24) The regional demand and scheduled bus service board established under IC 8-24-6.~~

(b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by law.

- (c) The certificate provided for in subsection (b) is not required for:
- (1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated by a governmental body;
 - (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
 - (3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or
 - (4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).

(d) The disbursing officer shall issue checks or warrants for all claims which meet all of the requirements of this section. The disbursing officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certificate provided for in subsection (b) must be in the following form:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SECTION 10. IC 5-11-10-1.6, AS AMENDED BY P.L.182-2009(ss), SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.6. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A municipality (as defined in IC 36-1-2-11).
- (2) A school corporation (as defined in IC 36-1-2-17), including a school extracurricular account.
- (3) A county.
- (4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.
- (6) A board of an airport authority under IC 8-22-3.
- (7) A board of aviation commissioners under IC 8-22-2.
- (8) A conservancy district.
- (9) A public transportation corporation under IC 36-9-4.
- (10) A commuter transportation district under IC 8-5-15.
- (11) The state.
- (12) A solid waste management district established under

IC 13-21 or IC 13-9.5 (before its repeal).

(13) A levee authority established under IC 14-27-6.

(14) A county building authority under IC 36-9-13.

(15) A soil and water conservation district established under IC 14-32.

(16) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

~~(17) The commuter rail service board established under IC 8-24-5.~~

~~(18) The regional demand and scheduled bus service board established under IC 8-24-6.~~

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.

(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

(1) there is a fully itemized invoice or bill for the claim;

(2) the invoice or bill is approved by the officer or person receiving the goods and services;

(3) the invoice or bill is filed with the governmental entity's fiscal officer;

(4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and

(5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-20-13-10. This subsection does not prohibit a municipality from making meal expense advances to a municipal employee who will be traveling on official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance payment, specifying the maximum amount that may be paid in advance, specifying the required invoices and other documentation that must be submitted by the municipal employee, and providing for reimbursement from the wages of the municipal employee if the municipal employee does not submit the required invoices and documentation.

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts.

SECTION 11. IC 5-14-3.5-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13: Not later than November 15, 2011, the auditor of state shall provide a report to the state board of finance and the legislative council that details the progress the auditor has made to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.~~

SECTION 12. IC 5-14-3.6-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5: Not later than November 15, 2011, the commission shall provide a report to the state board of finance and the legislative council on the progress the commission has made to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.~~

SECTION 13. IC 5-14-3.8-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 6: Not later than November 15, 2011, the department shall provide a report to the state board of finance and the legislative council that details the progress the department has made to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.~~

SECTION 14. IC 5-28-6-1, AS AMENDED BY P.L.53-2014, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The corporation shall do the following:

- (1) Create and regularly update a strategic economic development plan that includes the following:
 - (A) Identification of specific economic regions within Indiana and methods by which the corporation will implement more regional collaboration between the corporation and the various local economic development organizations within these regions.
 - (B) Methods by which the corporation will implement more collaboration between the corporation and the various state

economic development organizations within the states contiguous to Indiana.

- (2) Establish strategic benchmarks and performance measures.
- (3) Monitor and report on Indiana's economic performance.
- (4) Market Indiana to businesses worldwide.
- (5) Assist Indiana businesses that want to grow.
- (6) Solicit funding from the private sector for selected initiatives.
- (7) Provide for the orderly economic development and growth of Indiana.
- (8) Establish and coordinate the operation of programs commonly available to all citizens of Indiana to implement a strategic plan for the state's economic development and enhance the general welfare.
- (9) Evaluate and analyze the state's economy to determine the direction of future public and private actions, and report and make recommendations to the general assembly in an electronic format under IC 5-14-6 with respect to the state's economy. The report prepared under this subdivision must include recommendations for strategies and plans for collaboration by the corporation with:
 - (A) local economic development organizations within geographic regions in Indiana; and
 - (B) the various state economic development organizations within the states contiguous to Indiana.
- ~~(10) Conduct a statewide study to determine specific economic sectors that should be emphasized by the state and by local economic development organizations within geographic regions in Indiana.~~
- ~~(11) Report in an electronic format under IC 5-14-6 the results of the study conducted under subdivision (10) to the interim study committee on commerce and economic development established by IC 2-5-1.3-4.~~

SECTION 15. IC 5-28-11-10, AS AMENDED BY P.L.53-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The corporation shall collaborate with local economic development organizations throughout Indiana. ~~Before August 1 each year through 2014, the corporation shall submit a report to the interim study committee on commerce and economic development established by IC 2-5-1.3-4 in an electronic format under~~

~~IC 5-14-6~~, indicating how the corporation has collaborated with local economic development organizations during the previous state fiscal year:

SECTION 16. IC 6-1.1-20.3-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 14.~~ (a) The office of management and budget shall:

- (1) review the board's organizational structure; the board's composition; the number of board members; and the staffing; policies; procedures; and capabilities of the board; and
- (2) determine whether the board requires any additional powers or resources to carry out section 15 of this chapter.

(b) The office of management and budget may:

- (1) recommend any legislation necessary to provide the board with sufficient powers and resources to carry out section 15 of this chapter; and
- (2) submit the recommended legislation to the general assembly for consideration in the 2015 legislative session.

The office of management and budget shall submit the recommended legislation under subdivision (2) in an electronic format under ~~IC 5-14-6~~.

SECTION 17. IC 6-8.1-1-1, AS AMENDED BY P.L.220-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous

waste disposal tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); ~~the regional transportation improvement income tax (IC 8-24-17)~~; the oil inspection fee (IC 16-44-2); ~~the emergency and hazardous chemical inventory form fee (IC 6-6-10)~~; the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); and any other tax or fee that the department is required to collect or administer.

SECTION 18. IC 8-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Northern Indiana Regional Transportation District).

SECTION 19. IC 14-19-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The city of Indianapolis may do the following, subject to the same rules, regulations, ordinances, and laws as public parks owned by the city of Indianapolis:

- (1) Beautify, improve, maintain, and regulate the use of University Square ~~and Military Park~~ in Indianapolis.
- (2) Erect in University Square ~~and Military Park~~ monuments, fountains, and art treasures.

SECTION 20. IC 14-19-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. University Square ~~and Military Park~~ must be open at all times for the use and enjoyment of the people of Indiana as ~~a public parks park~~ to the same extent as to residents of Indianapolis.

SECTION 21. IC 14-19-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The general assembly or the governor may revoke the authority granted by this chapter. However, the city of Indianapolis may remove the monuments, fountains, or art treasures that the city erected or located in ~~the parks~~ **University Square** if the authority is revoked.

SECTION 22. IC 16-47-1-0.1, AS ADDED BY P.L.220-2011, SECTION 325, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.1. The following amendments to

this chapter apply as follows:

(1) The addition of section 5(a)(1) of this chapter by P.L.50-2004 applies to a health benefit plan described in section 2(1) **and** 2(2) ~~and 2(3)~~ of this chapter, as added by P.L.50-2004, established, entered into, delivered, amended, or renewed after December 31, 2004.

(2) The addition of section 5(a)(2) of this chapter by P.L.50-2004 applies to a health benefit plan described in section ~~2(4)~~ **2(3)** of this chapter, as added by P.L.50-2004, on the date that the health benefit plan is established, entered into, delivered, amended, or renewed after December 31, 2004.

SECTION 23. IC 16-47-1-2, AS AMENDED BY P.L.2-2007, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "health benefit plan" refers to the following:

~~(1) An accident and sickness insurance policy purchased or maintained under IC 5-10-8-7(a)(3).~~

~~(2)~~ **(1)** A self-insurance program established under IC 5-10-8-7(b) to provide group health coverage.

~~(3)~~ **(2)** A contract with a prepaid health care delivery plan that is entered into or renewed under IC 5-10-8-7(c).

~~(4)~~ **(3)** A plan through which a state educational institution arranges for coverage of the cost of health care services (as defined in IC 27-13-1-18) provided to employees of the state educational institution.

SECTION 24. IC 16-47-1-5, AS AMENDED BY P.L.46-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This subsection does not apply to prescription drugs that are dispensed through an onsite clinic. The following shall participate in the program:

(1) The department, for a health benefit plan:

(A) described in section 2(1) **or** 2(2) ~~or 2(3)~~ of this chapter; and

(B) that provides coverage for prescription drugs.

(2) After June 30, 2011, a state educational institution, for a health benefit plan:

(A) described in section ~~2(4)~~ **2(3)** of this chapter; and

(B) that provides coverage for prescription drugs;

unless the budget agency determines that the state educational institution's participation in the program would not result in an overall financial benefit to the state educational institution. The budget agency may delay compliance with this subdivision to a date after July 1, 2011, that is determined by the budget agency to allow for the orderly transition from another program.

(b) The following may participate in the program:

(1) A state agency other than the department that:

(A) purchases prescription drugs; or

(B) arranges for the payment of the cost of prescription drugs.

(2) A local unit (as defined in IC 5-10-8-1).

(3) The Indiana comprehensive health insurance association established under IC 27-8-10.

(c) The state Medicaid program may not participate in the program under this chapter.

SECTION 25. IC 20-26-5-4, AS AMENDED BY SEA 3-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's ADM of the previous year (as defined in IC 20-43-1-7) to promote the best interests of the school corporation through:

- (A) the purchase of meals, decorations, memorabilia, or awards;
 - (B) provision for expenses incurred in interviewing job applicants; or
 - (C) developing relations with other governmental units.
- (4) To do the following:
- (A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.
 - (B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.
 - (C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.
- (5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase

or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session; if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in

IC 36-1-11-10 in leasing property under this subdivision.

(8) To do the following:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with IC 20-28-9-1.5.

(C) Classify persons or services described in this subdivision and to adopt a compensation plan with a salary range that is consistent with IC 20-28-9-1.5.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the

governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase curricular materials, to furnish curricular materials without cost or to rent curricular materials to students, **and** to participate in a curricular materials aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection

with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under ~~IC 5-10-8-6.6~~ or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection (a)(8):

(1) is not required to hold a teacher's license under IC 20-28-5; and

(2) is required to have obtained at least a master's degree from an accredited postsecondary educational institution.

SECTION 26. IC 20-28-2-0.3, AS ADDED BY P.L.220-2011, SECTION 334, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.3. (a) ~~The professional standards board (previously established by section 1 of this chapter) is abolished.~~

(b) ~~The following are transferred on July 1, 2005, from the professional standards board to the department:~~

(1) All real and personal property of the professional standards board:

(2) All powers, duties, assets, and liabilities of the professional standards board:

(3) All appropriations to the professional standards board:

(c) Money in the professional standards board licensing fund established by P.L.224-2003; SECTION 9 is transferred on July 1, 2005, to the professional standards fund established by section 10 of this chapter:

(d) (a) Rules that were adopted by the professional standards board before July 1, 2005, shall be treated as though the rules were adopted by the advisory board of the division of professional standards of the department established by section 2 of this chapter, as amended by P.L.246-2005.

(e) (b) After June 30, 2005, a reference to the professional standards board in a statute or rule shall be treated as a reference to the division of professional standards established by section 1.5 of this chapter.

(f) The members appointed before July 1, 2005, to the professional standards board:

(1) become members of the advisory board for the division of professional standards established by section 2 of this chapter; and

(2) may serve until the expiration of the term for which the members were appointed:

(g) A license or permit issued by the professional standards board before July 1, 2005, shall be treated after June 30, 2005, as a license or permit issued by the department:

(h) Proceedings pending before the professional standards board on July 1, 2005, shall be transferred from the professional standards board to the department and treated as if initiated by the department:

SECTION 27. IC 20-28-2-7, AS ADDED BY P.L.246-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department may recommend to the general assembly for consideration measures relating to the department's powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The department shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the department, the division, and the **advisory state** board; and

(2) including any recommendations developed under this chapter.

A report under this subsection must in an electronic format under IC 5-14-6.

SECTION 28. IC 20-28-5-3, AS AMENDED BY P.L.6-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department shall designate the grade point average required for each type of license.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2011, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;

- (B) removing a foreign body causing an obstruction in an airway;
- (C) the Heimlich maneuver; and
- (D) the use of an automated external defibrillator;
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the ~~advisory~~ **state** board; or
- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).

(d) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(e) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway;
 - (C) the Heimlich maneuver; and
 - (D) the use of an automated external defibrillator;
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or

- (C) a comparable organization or institution approved by the **advisory state** board; or
- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).
- (f) The department shall periodically publish bulletins regarding:
 - (1) the details described in subsection (b);
 - (2) information on the types of licenses issued;
 - (3) the rules governing the issuance of each type of license; and
 - (4) other similar matters.

SECTION 29. IC 21-13-2-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 16. Before January 1, 2015, the commission shall provide a report in an electronic format under IC 5-14-6 to the general assembly regarding the effectiveness of the program.~~

SECTION 30. IC 22-2-15-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5. The department shall before November 1, 2010, make recommendations in an electronic format under IC 5-14-6 to the legislative council concerning any legislative changes needed to implement the guidelines and procedures developed under this chapter, including a budgetary recommendation for the implementation of the guidelines and procedures and a funding mechanism, to the extent possible, which must include a fee.~~

SECTION 31. IC 35-44.2-2-3, AS ADDED BY P.L.126-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This subsection does not apply to the following:

- (1) A state educational institution (as defined in IC 21-7-13-32).
- (2) A municipality (as defined in IC 36-1-2-11).
- (3) A county.
- (4) An airport authority operating in a consolidated city.
- (5) A capital improvements board of managers operating in a consolidated city.
- (6) A board of directors of a public transportation corporation operating in a consolidated city.
- (7) A municipal corporation organized under IC 16-22-8-6.
- (8) A public library.
- (9) A library services authority.
- (10) A hospital organized under IC 16-22 or a hospital organized

under IC 16-23.

(11) A school corporation (as defined in IC 36-1-2-17).

(12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).

(13) A municipally owned utility (as defined in IC 8-1-2-1).

(14) A board of an airport authority under IC 8-22-3.

(15) A conservancy district.

(16) A board of aviation commissioners under IC 8-22-2.

(17) A public transportation corporation under IC 36-9-4.

(18) A commuter transportation district under IC 8-5-15.

(19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(20) A county building authority under IC 36-9-13.

(21) A soil and water conservation district established under IC 14-32.

(22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

~~(23) The commuter rail service board established under IC 8-24-5.~~

~~(24) The regional demand and scheduled bus service board established under IC 8-24-6.~~

(b) A disbursing officer (as described in IC 5-11-10) who knowingly or intentionally pays a claim that is not:

(1) fully itemized; and

(2) properly certified to by the claimant or some authorized person in the claimant's behalf, with the following words of certification: I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid;

commits a violation of the itemization and certification rule, a Class A misdemeanor.

SECTION 32. IC 36-3-1-5.1, AS AMENDED BY P.L.266-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority vote adopt an ordinance, approved by the mayor, to consolidate the police department of the consolidated city and the county sheriff's department. The consolidated law enforcement

department must be a division of the department of public safety under the direction and control of a director of public safety.

(b) The city-county legislative body may not adopt an ordinance under this section unless it first:

- (1) holds a public hearing on the proposed consolidation; and
- (2) determines that:
 - (A) reasonable and adequate police protection can be provided through the consolidation; and
 - (B) the consolidation is in the public interest.

(c) If an ordinance is adopted under this section, the consolidation shall take effect on the date specified in the ordinance.

(d) Notwithstanding any other law, an ordinance adopted under this section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

- (1) County jail operations and facilities.
- (2) Emergency communications.
- (3) Security for buildings and property owned by:
 - (A) the consolidated city;
 - (B) the county; or
 - (C) both the consolidated city and county.
- (4) Service of civil process and collection of taxes under tax warrants.
- (5) Sex and violent offender registration.

(e) The following apply if an ordinance is adopted under this section:

- (1) The department of local government finance shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for property taxes first due and payable in the year a consolidation takes effect under this section. When added together, the adjustments under this subdivision must total zero (0).
- (2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.
- (3) The ordinance may not prohibit the providing of law enforcement services for an excluded city under an interlocal

agreement under IC 36-1-7.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city who:

(A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The ordinance must designate the merit system that shall apply to the law enforcement officers of the consolidated law enforcement department.

(7) The ordinance must designate who shall serve as a coapplicant for a warrant or an extension of a warrant under IC 35-33.5-2.

(8) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated law enforcement department. The police special service district established under section 6 of this

chapter may levy property taxes to provide for the payment of expenses for the operation of the consolidated law enforcement department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-7.5 may be levied only by the police special service district within the police special service district. The consolidated city may not levy property taxes to fund the pension obligation under IC 36-8-7.5. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the police department of the consolidated city on the effective date of the consolidation may be levied only by the police special service district within the police special service district. Property taxes to fund the pension obligation under IC 36-8-10 for members of the sheriff's pension trust and under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the police department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the consolidated city's maximum permissible ad valorem property tax levy. The assets of the consolidated city's 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date of the consolidation as collateral for any loan.

~~(9) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year following the adoption of the consolidation ordinance and for the following two (2) years, to determine:~~

~~(A) the amount of any cost savings, operational efficiencies, or improved service levels; and~~

~~(B) any tax shifts among taxpayers;~~

~~that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the budget committee.~~

SECTION 33. IC 36-8-16.7-48, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 48. (a) The budget committee shall review the statewide 911 system governed by this chapter for the two (2) calendar

years ending:

- (1) December 31, 2013; and
- (2) December 31, 2014.

(b) In conducting the review required by this section, the budget committee may examine the following:

(1) Whether the fund is being administered by the board in accordance with this chapter. ~~In performing a review under this subdivision, the budget committee may consider the audit reports submitted to the budget committee by the state board of accounts under section 30(a) of this chapter.~~

(2) The collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. In performing a review under this subdivision, the budget committee may

~~(A)~~ examine whether the statewide 911 fee:

- ~~(i)~~ ~~(A)~~ is being assessed in an amount that is reasonably necessary to provide adequate and efficient 911 service; and
- ~~(ii)~~ ~~(B)~~ is being used only for the purposes set forth in this chapter. ~~and~~

~~(B)~~ consider:

- ~~(i)~~ the reports submitted to the budget committee by the board under section 30(e) of this chapter; and
- ~~(ii)~~ the audit reports submitted to the budget committee by the state board of accounts under section 38(e) of this chapter.

(3) The report submitted to the budget committee by the Indiana advisory commission on intergovernmental relations under IC 4-23-24.2-5(b) **(before its expiration on July 1, 2016)**.

(4) Any other data, reports, or information the budget committee determines is necessary to review the statewide 911 system governed by this chapter.

(c) Subject to section 42 of this chapter, the board, the state board of accounts, political subdivisions, providers, and PSAPs shall provide to the budget committee all relevant data, reports, and information requested by the budget committee to assist the budget committee in carrying out its duties under this section.

(d) After conducting the review required by this section, the budget committee shall, not later than June 1, 2015, report its findings to the legislative council. The budget committee's findings under this

subsection:

(1) must include a recommendation as to whether the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015; and

(2) if the budget committee recommends under subdivision (1) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, may include recommendations for the introduction in the general assembly of any legislation that the budget committee determines is necessary to ensure that the statewide 911 system governed by this chapter is managed in a fair and fiscally prudent manner.

A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(e) If the budget committee does not recommend in its report under subsection (d) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, the statewide 911 fee assessed under section 32 of this chapter expires July 1, 2015, and may not be assessed or collected after June 30, 2015.

SECTION 34. IC 36-9-2-1, AS AMENDED BY P.L.119-2012, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to all units except townships. However, with respect to a public transportation system, this chapter does not apply after December 31, 2009, to a county that is a member of the northern Indiana regional transportation district established under IC 8-24 and that has a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000);

or a unit located in such a county.

SECTION 35. IC 36-9-3-2, AS AMENDED BY P.L.119-2012, SECTION 224, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (d); A fiscal body of a county or municipality may, by ordinance, establish a regional transportation authority (referred to as

"the authority" in this chapter) for the purpose of acquiring, improving, operating, maintaining, financing, and generally supporting a public transportation system that operates within the boundaries of an area designated as a transportation planning district by the Indiana department of transportation. However, only one (1) public transportation authority may be established within an area designated as a transportation planning district by the Indiana department of transportation.

(b) The ordinance establishing the authority must include an effective date and a name for the authority. Except as provided in subsection (c), the words "regional transportation authority" must be included in the name of the authority.

(c) ~~After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24.~~ The words "regional bus authority" must be included in the name of an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) ~~After December 31, 2009, this subsection applies if a county is a member of the northern Indiana regional transportation district established under IC 8-24 and has a population of:~~

- (1) ~~more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or~~
- (2) ~~more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000):~~

~~In such a county the regional bus authority or regional transportation authority, whichever applies, is abolished effective January 1, 2010. After December 31, 2009, a regional transportation authority may not be established by a fiscal body of such a county or a municipality in such a county.~~

SECTION 36. IC 36-9-3-5, AS AMENDED BY P.L.119-2012, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
- (2) one (1) member appointed by the executive of the largest

municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) ~~After December 31, 2009, this subsection applies if both a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) and a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) are not members of the northern Indiana regional transportation district established under IC 8-24.~~ An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

- (1) Three (3) members appointed by the executive of a city with a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).
- (2) Two (2) members appointed by the executive of a city with a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).
- (3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A city with a population of more than four thousand nine hundred fifty (4,950) but less than five thousand (5,000).
 - (B) A city with a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).
- (4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A town with a population of more than sixteen thousand five hundred (16,500) but less than twenty thousand (20,000).
 - (B) A town with a population of more than twenty-three thousand seven hundred (23,700) but less than twenty-four thousand (24,000).
 - (C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).
- (5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A town with a population of more than fourteen thousand (14,000) but less than sixteen thousand (16,000).
 - (B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).
 - (C) A town with a population of more than sixteen thousand (16,000) but less than sixteen thousand five hundred (16,500).
- (6) One (1) member who is jointly appointed by the following

authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than twenty-five thousand (25,000) but less than twenty-nine thousand (29,000).

(B) The fiscal body of a town with a population of more than ten thousand (10,000) but less than fourteen thousand (14,000).

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than ten thousand (10,000).

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-nine thousand (29,000) but less than twenty-nine thousand five hundred (29,500).

(B) The executive of a city having a population of more than twelve thousand five hundred (12,500) but less than twelve thousand seven hundred (12,700).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand

(400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than thirty-one thousand seven hundred twenty-five (31,725) but less than thirty-five thousand (35,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-six thousand eight hundred twenty-five (36,825) but less than forty thousand (40,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county, with a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

- (A) Chesterton.
- (B) Porter.
- (C) Burns Harbor.
- (D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

- (A) Washington Township.
- (B) Morgan Township.
- (C) Pleasant Township.
- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 37. IC 36-9-3-7, AS AMENDED BY P.L.182-2009(ss), SECTION 448, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Except as provided in subsection (e), as soon as is practical, but not later than ninety (90) days after the authority is established, the members shall meet and organize themselves as a board.

(b) Except as provided in subsection (f), at its first meeting, and annually after that, the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, and a treasurer. If the authority includes more than one (1) county, the president and vice president must be from different counties.

(c) The regional planning commission staff or the metropolitan planning organization if the authority includes a consolidated city shall serve as staff to the board secretary for the purpose of recording the minutes of all board meetings and keeping the records of the authority.

(d) The board shall keep its maps, plans, documents, records, and accounts in a suitable office, subject to public inspection at all reasonable times.

~~(e) After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24. If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the first meeting of the board shall be at the call of the county council of the county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The president of the county council shall preside over the first meeting until the officers of the board have been elected.~~

~~(f) After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24. If the authority includes a county having a~~

population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board shall first meet in January. At the first meeting the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, a treasurer, and any other officers the board determines are necessary for the board to function.

SECTION 38. IC 36-9-3-9, AS AMENDED BY P.L.182-2009(ss), SECTION 449, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in subsection (c), the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) ~~After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24.~~ If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

SECTION 39. IC 36-9-3-10, AS AMENDED BY P.L.182-2009(ss), SECTION 450, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Except as provided in subsection (b), the members of the board are not entitled to a salary but are entitled to an allowance for actual expenses and mileage at the same rate as other county officials.

(b) ~~After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24.~~ If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), a member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided:

- (1) in the procedures established by the department of administration and approved by the budget agency for state

employee travel; or

(2) by ordinance of the county fiscal body.

SECTION 40. IC 36-9-4-1, AS AMENDED BY P.L.119-2012, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to all municipalities. However, after December 31, 2009, this chapter does not apply to a municipality if it is located in a county that is a member of the northern Indiana regional transportation district established under IC 8-24 and has a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000).

SECTION 41. P.L.281-2013, SECTION 35, IS REPEALED [EFFECTIVE JULY 1, 2016]. SECTION 35: (a) As used in this SECTION, the "commission" refers to the commission for higher education established in IC 21-18-2-1.

(b) The commission shall study and evaluate the following issues:

(1) The financial costs for students pursuing postsecondary education, including worker certifications, associate degrees, and baccalaureate degrees. The commission shall identify opportunities, methods, and strategies to increase the affordability of certification and degree programs in Indiana.

(2) On time degree completion rates for public and nonpublic Indiana colleges and universities. The commission shall identify opportunities, methods, and strategies to increase the percentage of students in Indiana who complete a degree on time.

(c) Not later than November 1, 2013, the commission shall report its finding under subsection (b) to the legislative council in an electronic format under IC 5-14-6.

P.L.122-2016
[S.23. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-35-7-12, AS AMENDED BY P.L.181-2015, SECTION 6, AND AS AMENDED BY P.L.213-2015, SECTION 52, AND AS AMENDED BY P.L.255-2015, SECTION 40, AND AS AMENDED BY P.L.256-2015, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

(1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.

(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, and before July 1, 2015.

(3) *Subject to section 12.5 of this chapter, the percentage of the adjusted gross receipts of the slot machine gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.*

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:
(A) ~~Sixty~~ *Fifty-five* percent (~~60%~~) (55%) for the following purposes:

(i) Ninety-seven percent (97%) for thoroughbred purses.

(ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.

(iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) ~~Forty~~ *Forty-five* percent (~~40%~~) (45%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.

(2) Forty-six percent (46%) for standardbred purposes as follows:

(A) Three hundred seventy-five thousand dollars (\$375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.

(B) One hundred twenty-five thousand dollars (\$125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs *and the department of parks and recreation in Johnson County* to support standardbred racing and facilities at county fair *and county park* tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, ~~and~~ the Indiana county fair association, *and a member of the board of directors of a county park established under IC 36-10 that provides or intends to provide facilities to support standardbred racing*, to make recommendations to the state fair commission on grants under this clause. *A grant may be provided to the Johnson County fair or department of parks and recreation under this clause only if the county fair or department provides matching funds equal to one dollar (\$1) for every three dollars (\$3) of grant funds provided.*

- (3) Eight percent (8%) for quarter horse purposes as follows:
- (A) Seventy percent (70%) for the following purposes:
 - (i) Ninety-five percent (95%) for quarter horse purses.
 - (ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.
 - (B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

- (1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.
- (2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.
- (3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing

in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall ~~annually~~ audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

(i) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

(1) issue a warning to the licensee;

(2) impose a civil penalty that may not exceed one million dollars (\$1,000,000); or

(3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund.

SECTION 2. IC 5-30-8-7 IS REPEALED [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]. ~~Sec. 7. IC 5-16-13 and IC 5-16-14 apply to a contract awarded under this article.~~

SECTION 3. IC 5-32-1-4 IS REPEALED [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]. ~~Sec. 4. IC 5-16-13 and IC 5-16-14 apply to a contract awarded under this article, regardless of which applicable public works statute applies to the contract.~~

SECTION 4. IC 6-3-1-3.5, AS AMENDED BY P.L.250-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and
 - (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(13) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

- (14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.
- (15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- (17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (18) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (19) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.
- (20) Subtract income that is:
- (A) exempt from taxation under IC 6-3-2-21.7; and
 - (B) included in the individual's federal adjusted gross income under the Internal Revenue Code.
- (21) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after

December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(22) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

- (6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related ~~intangible~~ interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.
- (10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).
- (11) Subtract income that is:
- (A) exempt from taxation under IC 6-3-2-21.7; and
 - (B) included in the corporation's taxable income under the Internal Revenue Code.
- (12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included

in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service

in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(d) In the case of insurance companies subject to tax under Section

831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
- (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
- (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

- (9) Subtract income that is:
- (A) exempt from taxation under IC 6-3-2-21.7; and
 - (B) included in the insurance company's taxable income under the Internal Revenue Code.
- (10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.
- (11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.
- (12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.
- (e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:
- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
 - (2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.
 - (3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus

depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section

108(i) of the Internal Revenue Code.

(9) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

SECTION 5. IC 6-3-2-2, AS AMENDED BY P.L.250-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

- (1) income from real or tangible personal property located in this state;
- (2) income from doing business in this state;
- (3) income from a trade or profession conducted in this state;
- (4) compensation for labor or services rendered within this state; and
- (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property to the extent that the income is apportioned to Indiana under this section or if the income is allocated to Indiana or considered to be derived from sources within Indiana under this section.

Income from a pass through entity shall be characterized in a manner consistent with the income's characterization for federal income tax purposes and shall be considered Indiana source income as if the person, corporation, or pass through entity that received the income had directly engaged in the income producing activity. Income that is derived from one (1) pass through entity and is considered to pass through to another pass through entity does not change these characteristics or attribution provisions. In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of

this chapter), only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (r) is considered derived from sources within Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by the following:

(1) For all taxable years that begin after December 31, 2006, and before January 1, 2008, a fraction. The:

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus the product of the sales factor multiplied by three (3); and

(B) denominator of the fraction is five (5).

(2) For all taxable years that begin after December 31, 2007, and before January 1, 2009, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and

(B) denominator of the fraction is six and sixty-seven hundredths (6.67).

(3) For all taxable years beginning after December 31, 2008, and before January 1, 2010, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eight (8); and

(B) denominator of the fraction is ten (10).

(4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and

(B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning after December 31, 2010, the sales factor.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

- (1) the individual's service is performed entirely within the state;
- (2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or
- (3) some of the service is performed in this state and:
 - (A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or
 - (B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of

this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter. Regardless of the f.o.b. point or other conditions of the sale, sales of tangible personal property are in this state if:

- (1) the property is delivered or shipped to a purchaser that is within Indiana, other than the United States government; or
- (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and the purchaser is the United States government.

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 and from the sale of computer software shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than receipts from intangible property covered by subsection (e) and sales of tangible personal property, are in this state if:

- (1) the income-producing activity is performed in this state; or
- (2) the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

- (i) if and to the extent that the property is utilized in this state; or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

- (i) the property had a situs in this state at the time of the sale; or
- (ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

- (i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or
- (ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the

taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(1) separate accounting;

(2) for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of the factors, except the sales factor;

(3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or

(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

(1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and

credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

- (1) a foreign corporation; or
- (2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.

(r) This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

- (1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and
- (2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's annual statement filed with the department of insurance.

(s) This subsection applies to receipts derived from motorsports racing.

- (1) Any purse, prize money, or other amounts earned for placement or participation in a race or portion thereof, including qualification, shall be attributed to Indiana if the race is conducted in Indiana.
- (2) Any amounts received from an individual or entity as a result of sponsorship or similar promotional consideration for one (1) or more races shall be in this state in the amount received, multiplied by the following fraction:
 - (A) The numerator of the fraction is the number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year and that occur in Indiana.
 - (B) The denominator of the fraction is the total number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year.
- (3) Any amounts earned as an incentive for placement or participation in one (1) or more races and that are not covered under ~~subdivisions~~ **subdivision** (1) or (2) or under IC 6-3-2-3.2 shall be attributed to Indiana in the proportion of the races that occurred in Indiana.

This subsection, as enacted in 2013, is intended to be a clarification of the law and not a substantive change in the law

SECTION 6. IC 6-3.1-26-15, AS AMENDED BY P.L.250-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Subject to subsection (d), a taxpayer may carry forward an unused credit for the number of years determined by the corporation, not to exceed nine (9) consecutive taxable years, beginning with the taxable year after the taxable year in which the taxpayer makes the qualified investment.

(b) The amount that a taxpayer may carry forward to a particular taxable year under this section equals the unused part of a tax credit allowed under this chapter.

(c) A taxpayer may:

- (1) claim a tax credit under this chapter for a qualified investment; and
- (2) carry forward a remainder for one (1) or more different qualified investments;

in the same taxable year.

(d) This subsection applies only to a taxpayer that:

- (1) is not a pass through entity;
- (2) proposes at least five hundred million dollars (\$500,000,000) in total investment over a five (5) year period; and
- (3) enters into a written agreement with the corporation under this subsection before January 1, 2017, and agrees to claim tax credits under this chapter for not more than one hundred seventy million dollars (\$170,000,000) of qualified investment that is made as part of the investment proposed as described in subdivision (2).

If a tax credit awarded under this chapter exceeds a taxpayer's state income tax liability for the taxable year, notwithstanding subsection (a), the corporation may accelerate to that taxable year the excess amount of the tax credit that could otherwise be carried forward under subsection (a). The excess amount of the tax credit accelerated under this subsection shall be discounted as determined under a written agreement entered into by the taxpayer and the corporation. The discounted amount of the excess tax credit accelerated under this subsection as determined by the corporation may be remitted to the taxpayer as provided in the written agreement between the corporation and the taxpayer. Subject to subsection (f), the total amount of qualified investments for which tax credits may be accelerated under this subsection may not exceed one hundred seventy million dollars (\$170,000,000). The ~~requirements~~ **requirement** for an agreement under section 21(11) of this chapter ~~do~~ **does** not apply to this subsection. This subsection expires December 31, 2025.

(e) A written agreement under subsection (d) may contain a provision for payment of liquidated damages:

- (1) to the corporation for failure to comply with the conditions set forth in this chapter and the agreement entered into by the corporation and taxpayer under this chapter; and
- (2) that are in addition to an assessment made by the department for noncompliance under section 23 of this chapter.

This subsection expires December 31, 2025.

(f) The total aggregated amount of tax credits that the corporation may discount under subsection (d) and section 16(d) of this chapter in a state fiscal year may not exceed seventeen million dollars (\$17,000,000), as determined before the discount is applied. This subsection expires December 31, 2025.

SECTION 7. IC 6-3.1-26-16, AS AMENDED BY P.L.250-2015, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a pass through entity does not have state tax liability against which the tax credit may be applied, a shareholder, member, or partner of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, member, or partner is entitled.

(b) Subject to subsection (d), a shareholder, member, or partner of a pass through entity that is entitled to a tax credit under this section may carry forward an unused credit for the number of years determined by the corporation, not to exceed nine (9) consecutive taxable years, beginning with the taxable year after the taxable year in which the pass through entity makes the qualified investment.

(c) The amount that a shareholder, member, or partner may carry forward to a particular taxable year under this section equals the unused part of a tax credit allowed under this chapter to which the shareholder, member, or partner is entitled.

(d) This subsection applies only to a pass through entity that:

- (1) proposes at least five hundred million dollars (\$500,000,000) in total investment over a five (5) year period; and
- (2) enters into a written agreement with the corporation under this subsection before January 1, 2017, and the shareholders, members, or partners of the pass through entity agree to claim tax credits under this chapter for not more than one hundred seventy million dollars (\$170,000,000) of qualified investment that is made as part of the investment proposed as described in subdivision (1).

Notwithstanding subsection (b), the corporation may accelerate to the current taxable year the excess tax credit amount that could otherwise be carried forward by all shareholders, members, or partners of a pass through entity under subsection (b). The excess amount of the tax credit accelerated under this subsection shall be discounted as determined under a written agreement entered into by the pass through entity and the corporation. Subject to subsection (f), the total amount of qualified investments for which tax credits may be accelerated under

this subsection may not exceed one hundred seventy million dollars (\$170,000,000). The discounted amount of the excess tax credit accelerated under this subsection as determined by the corporation may be remitted to the shareholders, members, or partners of the pass through entity as provided in the written agreement between the corporation and the pass through entity. The ~~requirements~~ **requirement** for an agreement under section 21(11) of this chapter ~~do~~ **does** not apply to this subsection. This subsection expires December 31, 2025.

(e) A written agreement under subsection (d) may contain a provision for payment of liquidated damages:

- (1) to the corporation for failure to comply with the conditions set forth in this chapter and the agreement entered into by the corporation and pass through entity under this chapter;
- (2) that are personally guaranteed by the shareholders, members, or partners of the pass through entity; and
- (3) that are in addition to an assessment made by the department for noncompliance under section 23 of this chapter.

This subsection expires December 31, 2025.

(f) The total aggregated amount of tax credits that the corporation may discount under subsection (d) and section 15(d) of this chapter in a state fiscal year may not exceed seventeen million dollars (\$17,000,000), as determined before the discount is applied. This subsection expires December 31, 2025.

SECTION 8. IC 6-8-11-11.5, AS ADDED BY P.L.250-2015, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 11.5. If an employer contributes money to an account under this chapter after December 31, 2015, for which no exemption applies under IC 6-3-2-18(c) **and for which no exemption or exclusion applies under the Internal Revenue Code at the time of contribution:**

- (1) the money may be withdrawn from the account by the employee at any time and for any purpose without a penalty; **and**
- (2) **the withdrawal of the principal amount contributed by the employer is not income to the employee that is subject to taxation under IC 6-3-1 through IC 6-3-7.**

SECTION 9. IC 6-8-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:

Sec. 17. (a) An employee may, under this section, withdraw money from the employee's medical care savings account for a purpose other than the purposes set forth in section 13 of this chapter.

(b) Except as provided in ~~section~~ **sections 11(b) and 11.5** of this chapter, if an employee withdraws money from the employee's medical care savings account on the last business day of the account administrator's business year for a purpose not set forth in section 13 of this chapter:

- (1) the money withdrawn is income to the individual that is subject to taxation under IC 6-3-2-18(e); but
- (2) the withdrawal does not:
 - (A) subject the employee to a penalty; or
 - (B) make the interest earned on the account during the tax year taxable as income of the employee.

(c) Except as provided in ~~section~~ **sections 11(b) and 11.5** of this chapter, if an employee withdraws money for a purpose not set forth in section 13 of this chapter at any time other than the last business day of the account administrator's business year, all of the following apply:

- (1) The amount of the withdrawal is income to the individual that is subject to taxation under IC 6-3-2-18(e).
- (2) The administrator shall withhold and, on behalf of the employee, pay a penalty to the department of state revenue equal to ten percent (10%) of the amount of the withdrawal.
- (3) All interest earned on the balance in the account during the tax year in which a withdrawal under this subsection is made is income to the individual that is subject to taxation under IC 6-3-2-18(f).

(d) Money paid to the department of state revenue as a penalty under this section shall be deposited in the local health maintenance fund established by IC 16-46-10-1.

SECTION 10. IC 6-8-11-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:

Sec. 23. (a) This section applies when the employment of an individual by an employer that participates in a medical care savings account program is terminated.

(b) If the former employer is not informed, within ninety (90) days after the former employee's final day of employment, of the name and address of an account administrator to which the former employer is

transferring the former employee's medical care savings account under section 21 of this chapter, the former employer shall pay the money in the former employee's medical care savings account to the former employee under subsection (d).

(c) If:

(1) the former employee, under section 22(2) of this chapter, requests in writing that the former employer's account administrator remain the administrator of the individual's medical care savings account; and

(2) the account administrator does not agree to retain the account; the former employer shall, within ninety (90) days after the former employee's final day of employment, pay the money in the former employee's medical care savings account to the former employee under subsection (d).

(d) An employer that is required under this section to pay the money in a former employee's medical care savings account to the former employee shall mail to the former employee, at the former employee's last known address, a check for the balance in the account on the ninety-first day after the employee's final day of employment.

(e) Except as provided in ~~section sections~~ 11(b) and 11.5 of this chapter, money that is paid to a former employee under subsection (d):

(1) is subject to taxation under IC 6-3-1 through IC 6-3-7 as income of the individual; but

(2) is not subject to the penalty referred to in section 17(c)(2) of this chapter.

SECTION 11. An emergency is declared for this act.

P.L.123-2016
[S.31. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning probate.

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

SECTION 1. IC 2-5-1.3-4, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary, **including the Probate Study subcommittee established under section 12 of this chapter.**
- (5) Education.
- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.
- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.

SECTION 2. IC 2-5-1.3-12, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) **Except as provided by subsection (b)**, the chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair

of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.

(b) A probate study subcommittee is established for the interim study committee on courts and the judiciary. The chair of the interim study committee on courts and the judiciary may establish not more than one (1) other subcommittee under subsection (a). The probate study subcommittee consists of the following members:

(1) One (1) member, appointed by the president pro tempore of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.

(2) One (1) member, appointed by the minority leader of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.

(3) One (1) member, appointed by the speaker of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.

(4) One (1) member, appointed by the minority leader of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.

(5) Lay members appointed under section 6 of this chapter, if the legislative council authorizes the appointment of lay members to the probate study subcommittee. One (1) of the members appointed under this subdivision must be a resident of Indiana and work in the trust department of a bank, trust company, savings institution, or credit union chartered and supervised under IC 28 or federal law.

A member of the probate study subcommittee serves at the pleasure of the appointing authority. IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair of the probate study subcommittee. The probate study subcommittee shall meet on the call of the chair of the probate study subcommittee with the

consent of the chair of the interim study committee on courts and the judiciary. The probate study subcommittee shall carry out a program to study and recommend to the interim study committee on courts and the judiciary changes that are needed in the probate code (IC 29-1), the trust code (IC 30-4), and other statutes affecting guardianships, probate jurisdiction, trusts, or fiduciaries.

~~(b)~~ (c) The expenses of a subcommittee, including per diem, mileage, and travel allowances payable under IC 2-5-1.2-11, shall be paid from money authorized by the legislative council for operation of the study committee. The amount authorized by the legislative council for expenditures of a study committee may not be increased to pay for the operation of a subcommittee.

SECTION 3. An emergency is declared for this act.

P.L.124-2016

[S.40. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-25-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. "Proof of financial responsibility" means proof of ability to respond in damages for each motor vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the motor vehicle in the following amounts:

- (1) Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of any one (1) person.
- (2) Subject to the limit in subdivision (1), fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident.
- (3) ~~Fen~~ **Twenty-five** thousand dollars ~~(\$10,000)~~ **(\$25,000)**

because of injury to or destruction of property in any one (1) accident.

SECTION 2. IC 9-25-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Except as provided in section 6 of this chapter, the minimum amounts of financial responsibility are as follows:

- (1) Subject to the limit set forth in subdivision (2), twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual.
- (2) Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.
- (3) ~~Ten~~ **Twenty-five** thousand dollars (~~\$10,000~~) **(\$25,000)** for damage to or the destruction of property in one (1) accident.

SECTION 3. IC 9-25-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A person required to give proof of financial responsibility under this article may give proof of financial responsibility by delivering to the bureau a receipt from the treasurer of state showing a deposit with the treasurer of state of one (1) of the following:

- (1) ~~Forty~~ **Fifty** thousand dollars (~~\$40,000~~) **(\$50,000)** in cash or securities that may legally be purchased by savings banks.
- (2) Trust funds with a market value of ~~forty~~ **fifty** thousand dollars (~~\$40,000~~) **(\$50,000)**.

(b) Money and securities deposited under this section are subject to execution to satisfy a judgment under this article within the limits of coverage and subject to the limits on amounts required by this chapter for motor vehicle liability policies. Money and securities deposited under this section are not subject to attachment or execution for a reason not listed under this article.

(c) The treasurer of state may not accept a deposit or issue a receipt for a deposit under this section, and the bureau may not accept a receipt for a deposit under this section, unless the person making the deposit provides evidence that there are no unsatisfied judgments against the person making the deposit registered in the office of the circuit court clerk of the county where the person making the deposit resides.

SECTION 4. IC 9-25-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A judgment referred to in this chapter is considered satisfied only when the following conditions are

fulfilled as appropriate:

(1) Subject to the limit in subdivision (2), twenty-five thousand dollars (\$25,000) has been credited upon a judgment rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of one (1) accident.

(2) Fifty thousand dollars (\$50,000) has been credited upon a judgment rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident.

(3) ~~Ten~~ **Twenty-five** thousand dollars (~~\$10,000~~) (**\$25,000**) has been credited upon a judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

(4) The judgment is satisfied by payment accepted by the judgment creditor in full satisfaction of all claims arising from bodily injury, death, or property damage arising from the motor vehicle accident involved in the judgment.

(b) A payment made in settlement of a claim because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

SECTION 5. [EFFECTIVE JULY 1, 2016] **(a) Notwithstanding IC 9-25-2-3, IC 9-25-4-5, IC 9-25-4-10, and IC 9-25-6-5, all as amended by this act, IC 9-25-2-3, IC 9-25-4-5, IC 9-25-4-10, and IC 9-25-6-5, all as amended by this act, apply beginning July 1, 2017.**

(b) This SECTION expires December 31, 2017.

P.L.125-2016
[S.45. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning museums.

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

SECTION 1. IC 4-37-3-4, AS ADDED BY P.L.167-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) ~~Thirteen (13) voting~~ **A majority of the current members of serving on the board constitute constitutes** a quorum.

(b) The board shall adopt bylaws establishing procedures for the board.

SECTION 2. IC 32-34-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A notice given by a museum under this chapter must be mailed to the lender's last known address by certified mail. Proper notice is given if the museum receives proof of receipt of the notice not more than thirty (30) days after the notice was mailed.

(b) If:

(1) the lender's address; or

(2) the address of any designated agent of the lender;

changes, the lender shall provide written notice of the new address to the museum.

(c) If the ownership of property loaned to a museum changes while the museum is in possession of the property, the new owner of the property shall provide written notice of:

(1) the change of ownership of the property; and

(2) the address of the new owner;

to the museum.

SECTION 3. IC 32-34-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A museum may give notice by publication under this chapter if the museum does not:

- (1) know the identity of the lender **or any designated agent of the lender;**
- (2) have an address last known for the lender **or any designated agent of the lender;** or
- (3) receive proof of receipt of the notice by the person to whom the notice was sent within thirty (30) days after the notice was mailed.

(b) Notice by publication under subsection (a) must be given at least once a week for two (2) consecutive weeks in a newspaper of general circulation in:

- (1) the county in which the museum is located; and
- (2) the county of the lender's last known address, if the identity of the lender is known.

SECTION 4. IC 32-34-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. In addition to any other information that may be required or seem appropriate, a notice given by a museum under this chapter must contain the following:

- (1) The name of:
 - (A) the lender; **or**
 - (B) **any designated agent of the lender;**if known.
- (2) The last known address of:
 - (A) the lender; **or**
 - (B) **any designated agent of the lender.**
- (3) A brief description of the property on loan.
- (4) The date of the loan, if known.
- (5) The name of the museum.
- (6) The name, address, and telephone number of the person or office to be contacted regarding the property.

SECTION 5. IC 32-34-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A museum may acquire title in the following manner to property that is on permanent loan to the museum or that was loaned for a specified term that has expired:

- (1) The museum must give notice that the museum is terminating the loan of the property.
- (2) The notice that the loan of the property is terminated must include a statement containing substantially the following

information:

"The records at (name of museum) indicate that you have property on loan to it. The museum hereby terminates the loan. If you desire to claim the property, you must contact the museum, establish your ownership of the property, and make arrangements to collect the property. If you do not contact the museum, you will be considered to have donated the property to the museum."

(3) If the lender does not respond to the notice of termination within ~~one (1) year~~ **sixty (60) days** after receipt of the notice by filing a notice of intent to preserve an interest in the property on loan, clear and unrestricted title is transferred to the museum ~~three hundred sixty-five (365)~~ **sixty (60)** days after the notice was received.

(b) If the loan of property to a museum is not considered a permanent loan and does not have a specific expiration date, the property is considered abandoned if there has not been any written communication between:

- (1) the lender or the lender's designated agent; and**
- (2) the museum;**

for at least seven (7) years after the date the museum took possession of the property.

SECTION 6. IC 32-34-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. A museum may acquire title to undocumented property held by the museum for at least ~~seven (7)~~ **three (3)** years as follows:

- (1) The museum must give notice that the museum is asserting title to the undocumented property.
- (2) The notice that the museum is asserting title to the property must include a statement containing substantially the following information:

"The records of (name of museum) fail to indicate the owner of record of certain property in its possession. The museum hereby asserts title to the following property: (general description of property). If you claim ownership or other legal interest in this property, you must contact the museum, establish ownership of the property, and make arrangements to collect the property. If you fail to do so within ~~three (3)~~

~~years, sixty (60) days~~, you will be considered to have waived any claim you may have had to the property."

(3) If a lender does not respond to the notice within ~~three (3) years~~ **sixty (60) days** by giving a written notice of intent to retain an interest in the property on loan, the museum's title to the property becomes absolute.

P.L.126-2016

[S.67. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-3.6-9-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A trust account within the state general fund shall be established for each county that imposes a tax. Any revenue derived from the imposition of the tax by a county shall be deposited in that county's trust account in the state general fund. **The county's trust account shall be maintained by the budget agency for each county without consideration for the county's allocation of tax revenue among the purposes authorized by this article.**

(b) Any income earned on money held in a trust account under subsection (a) becomes a part of that trust account.

(c) Any revenue remaining in a trust account established under subsection (a) at the end of a fiscal year does not revert to the state general fund.

SECTION 2. IC 6-3.6-9-15, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) If the budget agency determines that the balance in a county trust account exceeds ~~five~~ **fifteen** percent (~~50%~~)

(15%) of the certified distributions to be made to the county in the ~~ensuing~~ **determination** year, the budget agency shall make a supplemental distribution to the county from the county's ~~special trust~~ account. **The budget agency shall use the trust account balance as of December 31 of the year that precedes the determination year by two (2) years (referred to as the "trust account balance year" in this section).**

(b) A supplemental distribution described in subsection (a) must be:

(1) made in ~~January~~ of the ~~ensuing~~ calendar year **at the same time as the determinations are provided to the county auditor under subsection (d)(2);** and

(2) allocated in the same manner as certified distributions for deposit in a civil unit's rainy day fund established under ~~IC 36-1-8-5.1~~. However, the part of a supplemental distribution that is attributable to an additional rate authorized under this article:

(A) shall be used for the purpose specified in the statute authorizing the additional rate; and

~~(B) is not required to be deposited in the unit's rainy day fund.~~
for the purposes described in this article.

(c) The amount of ~~the a~~ supplemental distribution **described in subsection (a)** is equal to the amount by which:

(1) the balance in the county trust account; **minus**

(2) **the amount of any supplemental or special distribution that has not yet been accounted for in the last known balance of the county's trust account;**

exceeds ~~fifty~~ **fifteen** percent (~~50%~~) **(15%)** of the certified distributions to be made to the county in the ~~ensuing~~ **determination** year.

(d) **For a county that qualifies for a supplemental distribution under this section in a year, the following apply:**

(1) **Before May 2, the budget agency shall provide the amount of the supplemental distribution for the county to the department of local government finance and to the county auditor.**

(2) **The department of local government finance shall determine for the county and each taxing unit within the county:**

(A) **the amount and allocation of the supplemental**

distribution attributable to the taxes that were imposed as of December 31 of the trust account balance year, including any specific distributions for that year; and
(B) the amount of the allocation for each of the purposes set forth in this article, using the allocation percentages in effect in the trust account balance year.

The department of local government finance shall provide these determinations to the county auditor before May 16 of the determination year.

(3) Before June 1, the county auditor shall distribute to each taxing unit the amount of the supplemental distribution that is allocated to the taxing unit under subdivision (2).

For determinations before 2019, the tax rates in effect under and the allocation methods specified in the former income tax laws shall be used for the determinations under subdivision (2).

(e) For any part of a supplemental distribution attributable to property tax credits under a former income tax or IC 6-3.6-5, the adopting body for the county may allocate the supplemental distribution to property tax credits for not more than the three (3) years after the year the supplemental distribution is received.

~~(c)~~ **(f) Any income earned on money held in a trust account established for a county under this chapter shall be deposited in that trust account.**

~~(d) A determination under this section must be made before November 2.~~

SECTION 3. IC 6-3.6-9-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.**

(b) This section refers to a county's trust account maintained under the former local income tax laws set forth in IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7.

(c) Before May 1, 2016, the budget agency shall make a one (1) time special distribution to each county having a positive balance in the county's trust account as of December 31, 2014.

(d) The amount of the special distribution from a county's trust account is one hundred percent (100%) of the balance in the county's trust account as of December 31, 2014, as determined by the budget agency.

(e) Before May 1, 2016, the budget agency and department of local government shall do the following:

(1) For any county having a positive balance in the county's trust account as of December 31, 2014, determine the amount of the trust account balance as of December 31, 2014 (referred to as the county's trust balance amount).

(2) Determine each taxing unit's share of the county's trust balance amount (referred to as the taxing unit's allocation amount), using the following allocation method for each former tax:

(A) For county adjusted gross income taxes (IC 6-3.5-1.1) as follows:

(i) First, the taxing units that would have received property tax replacement credits shall be allocated that part of the county's allocation amount that would have been considered property tax replacements under IC 6-3.5-1.1.

(ii) The remaining amount of the county's allocation amount shall be allocated in the same manner as certified shares under IC 6-3.5-1.1.

(B) For county option income taxes (IC 6-3.5-6), the county's allocation amount shall be allocated in the same manner as certified shares under IC 6-3.5-6.

(C) For county economic development income taxes, the county's allocation amount shall be allocated in the same manner as a certified distribution under IC 6-3.5-7-12(b) or IC 6-3.5-7-12(c), whichever applies.

(f) Before May 1, 2016, the budget agency and the department of local government finance shall jointly determine and provide to the county auditor the following:

(1) The county's trust balance amount.

(2) Each taxing unit's allocation amount.

(g) Before June 1, 2016, the county auditor shall distribute to each taxing unit an amount equal to the taxing unit's allocation amount.

(h) Money distributed to a county, city, or town may be expended only upon an appropriation by the county's, city's, or town's fiscal body as follows:

(1) At least seventy-five percent (75%) of the special

distribution must be:

(A) used exclusively by the county, city, or town for:

- (i) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;**
- (ii) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;**
- (iii) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5;**
- (iv) the purchase, rental, or repair of highway equipment;**
- (v) providing a match for a grant from the local road and bridge matching grant fund under IC 8-23-30; or**
- (vi) capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3-1; or**

(B) deposited in the county's, city's, or town's rainy day fund established under IC 36-1-8-5.1. The money deposited in a rainy day fund under this clause may not be appropriated from the rainy day fund or transferred to another fund under IC 36-1-8-5.1(g), unless the money will be used exclusively for purposes set forth in clause (A).

(2) The remaining part of the special distribution may be used by the county, city, or town for any of the purposes of the county, city, or town.

The amount received by a taxing unit that is not a county, city, or town shall be deposited in the taxing unit's rainy day fund established under IC 36-1-8-5.1.

SECTION 4. An emergency is declared for this act.

P.L.127-2016
[S.93. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 6-1.1-20.3-6.9, AS ADDED BY P.L.213-2015, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.9. (a) The board may do the following:

- (1) Hold a public hearing to review the budget, tax levies, assessed value, debt service requirements, and other financial information for the Gary Community School Corporation.
- (2) After reviewing the information described in subdivision (1) and subject to subdivision (3), the board may, with the consent of the governing body of the Gary Community School Corporation, select a financial specialist to take financial control of the Gary Community School Corporation, who shall act in consultation with the governing body of the Gary Community School Corporation and the city of Gary.
- (3) In selecting a financial specialist to take financial control of the Gary Community School Corporation under subdivision (2):
 - (A) the board shall recommend three (3) persons as potential candidates for the financial specialist position to take financial control of the Gary Community School Corporation; and
 - (B) the governing body of the Gary Community School Corporation may, within twenty-one (21) days after the board makes the recommendations under clause (A), choose one (1) of the persons recommended by the board under clause (A) that the board may then select as a financial specialist to take financial control of the Gary Community School Corporation as provided in subdivision (2).

If the governing body of the Gary Community School Corporation does not choose a financial specialist as provided in clause (B)

from the persons recommended by the board within twenty-one (21) days, the board's authority under this section is terminated.

(4) A financial specialist selected under this section:

- (A) shall be paid out of the funds appropriated to the board;
- (B) may perform the duties authorized under this section for not more than ~~twelve (12)~~ **twenty-four (24)** consecutive months; and
- (C) may request the Indiana Association of School Business Officials to provide technical consulting services to the financial specialist and the Gary Community School Corporation on the following issues:

- (i) Debt management.
- (ii) Cash management.
- (iii) Facility management.
- (iv) Other school business management issues.

The Indiana Association of School Business Officials will determine the appropriate individuals to consult with the financial specialist and the Gary Community School Corporation. Any consulting expenses will be paid out of the funds appropriated to the board.

(b) The board may do any of the following if the board selects a financial specialist to take financial control of the Gary Community School Corporation under subsection (a):

- (1) The board may work jointly with the city of Gary and the financial specialist to develop a financial plan for the Gary Community School Corporation.
- (2) The board may delay or suspend, for a period determined by the board, any payments of principal or interest, or both, that would otherwise be due from the Gary Community School Corporation on loans or advances from the common school fund.
- (3) The board may recommend to the state board of finance that the state board of finance make an interest free loan to the Gary Community School Corporation from the common school fund. If the board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than six (6) years.

SECTION 2. IC 16-41-21.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]:

Chapter 21.1. Testing of Water in School Buildings

Sec. 1. As used in this chapter, "school building" means any building used by a public school (as defined in IC 20-18-2-15), including a charter school (as defined in IC 20-18-2-2.5), for the classroom instruction of students in any grade from kindergarten through grade 12.

Sec. 2. Every school building shall be supplied with safe, potable water from a public water system approved by the commissioner of the department of environmental management in accordance with IC 13-18-16.

SECTION 3. IC 20-18-2-18, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) **Except as provided in subsection (b), "secondary school" means a high school.**

(b) For purposes of IC 20-28-9-25, "secondary school" has the meaning set forth in IC 20-28-9-25.

SECTION 4. IC 20-20-8-8, AS AMENDED BY SEA 3-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) All state standardized assessment scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The school's performance category or designation of school improvement assigned under IC 20-31-8.
- (7) The number and percentage of students in the following groups or programs:

- (A) Alternative education, if offered.
- (B) Career and technical education.
- (C) Special education.
- (D) High ability.
- ~~(E) Remediation.~~
- ~~(F)~~ **(E)** Limited English language proficiency.
- ~~(G)~~ **(F)** Students receiving free or reduced price lunch under the national school lunch program.
- ~~(H) School flex program, if offered.~~
- (8) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) **the average** test scores for all students taking the test;
 - (ii) **the average** test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (9) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- ~~(10) The percentage of grade 8 students enrolled in algebra I.~~
- ~~(11)~~ **(10)** The percentage of graduates considered college and career ready in a manner prescribed by the state board.
- ~~(12)~~ **(11)** School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- ~~(13)~~ **(12)** Financial information and various school cost factors **including the following: required to be provided to the office of management and budget under IC 20-42.5-3-5.**
 - ~~(A) Expenditures per pupil.~~
 - ~~(B) Average teacher salary.~~
 - ~~(C) Remediation funding.~~

~~(14)~~ **(13)** Interdistrict and intradistrict student mobility rates, if that information is available.

~~(15)~~ **(13)** The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

~~(16)~~ **(14)** The percentage of grade 3 students reading at grade 3 level.

~~(17)~~ **(15)** The number of students expelled, ~~including the number participating in other recognized education programs during their expulsion~~, including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(18)~~ **(16)** Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

~~(19)~~ **(17)** Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

~~(20)~~ **(18)** The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(21)~~ **(19)** The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(22)~~ **(20)** The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(23)~~ **(21)** The number of student work permits revoked.

~~(24)~~ **(22)** The number of students receiving an international

baccalaureate diploma.

(b) This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

SECTION 5. IC 20-23-17.2-3, AS AMENDED BY P.L.216-2015, SECTION 38, IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2016 and each four (4) years thereafter.

(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 6. IC 20-23-17.2-3, AS AMENDED BY P.L.222-2015, SECTION 1, IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2012.

(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire

school corporation.

(c) This section expires January 1, 2017.

SECTION 7. IC 20-23-17.2-3.1, AS ADDED BY P.L.222-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.1. (a) After December 31, 2016, the governing body of the school corporation consists of five (5) members, elected as provided in this chapter.

(b) Three (3) members shall be elected as follows:

- (1) From districts established as provided in section 4.1 of this chapter.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in ~~2016~~ 2018 and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

- (1) At large by all the voters of the school corporation.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in 2016 and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

- (1) is four (4) years; and
- (2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 8. IC 20-23-17.2-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.3. (a) Notwithstanding section 3.1 of this chapter, as in effect on July 1, 2016, the members of the governing body described in section 3.1(b) of this chapter shall:**

- (1) be elected at the general election held in the county in 2016; and**
- (2) serve a term of two (2) years.**

(b) The successors of the members of the governing body described in subsection (a) shall:

- (1) be elected at the general election held in the county in 2018; and**
- (2) serve a term of four (4) years.**

(c) This section expires January 1, 2023.

SECTION 9. IC 20-23-17.2-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4: (a) The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under ~~IC 36-4-6~~.

(b) This section expires January 1, 2017.

SECTION 10. IC 20-23-17.2-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 9: The members of the governing body of the school corporation shall be elected at the general election to be held in 2016 and every four (4) years thereafter.

SECTION 11. IC 20-24-3-3, AS AMENDED BY P.L.280-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The organizer's constitution, charter, articles, or bylaws must contain a clause providing that upon ~~dissolution~~: **the cessation of operation of the charter school:**

- (1) the remaining assets of the charter school shall be distributed first to satisfy outstanding payroll obligations for employees of the charter school, then to creditors of the charter school, then to any outstanding debt to the common school fund; and
- (2) ~~the~~ remaining funds received from the department shall be returned to the department not more than thirty (30) days after ~~dissolution~~: **the charter school ceases operation due to:**

- (A) closure of the charter school;**
- (B) nonrenewal of the charter school's charter; or**
- (C) revocation of the charter school's charter.**

If the assets of the charter school are insufficient to pay all parties to whom the charter school owes compensation under subdivision (1), the priority of the distribution of assets may be determined by a court.

SECTION 12. IC 20-24-3-5.5, AS AMENDED BY P.L.221-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) This section applies to an authorizer that is not the executive of a consolidated city.

(b) Before issuing a charter, the authorizer must conduct a public hearing concerning the establishment of the proposed charter school. The public hearing must be held within ~~either the county or~~ the school corporation where the proposed charter school would be located. **If the**

location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located. At the public hearing, the governing body of the school corporation in which the proposed charter school will be located must be given an opportunity to comment on the effect of the proposed charter school on the school corporation, including any foreseen negative impacts on the school corporation.

SECTION 13. IC 20-24-3-14, AS AMENDED BY P.L.280-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies to ~~university authorizers.~~ **state educational institutions described in IC 20-24-1-2.5(2).**

(b) Except as provided in subsection (c), the ultimate responsibility for choosing to authorize a charter school and responsibilities for maintaining authorization rest with the university's board of trustees.

(c) The university's board of trustees may vote to assign authorization authority and authorization responsibilities to another person or entity that functions under the direction of the university's board. A decision made under this subsection shall be communicated in writing to the department and the charter school review panel.

(d) Before a university may authorize a charter school, the university must conduct a public meeting with public notice in the ~~county~~ **school corporation** where the charter school will be located. **If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.**

SECTION 14. IC 20-24-3-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.1. (a) This section applies to nonprofit colleges and universities described in IC 20-24-1-2.5(5).**

(b) **Except as provided in subsection (c), the ultimate responsibility for choosing to authorize and for maintaining authorization rests with the nonprofit college's or university's board of trustees.**

(c) **Beginning January 1, 2017, the nonprofit college's or university's board of trustees shall assign authorization authority and authorization responsibilities to a separate legal entity that functions under the direction of the nonprofit college's or**

university's board. A decision made under this subsection shall be communicated in writing to the department and the state board.

(d) An entity created under subsection (c) is subject to the requirements of IC 5-14-1.5 and IC 5-14-3. Creation of an entity under subsection (c) by a nonprofit college or university described in IC 20-24-1-2.5(5) does not subject the nonprofit college or university itself to the requirements of IC 5-14-1.5 and IC 5-14-3 unless otherwise required by law.

(e) Before an entity created under subsection (c) may authorize a charter school, the entity must conduct a public meeting with public notice in the school corporation where the charter school will be located. If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.

SECTION 15. IC 20-24-7-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. A charter school is considered a school corporation for purposes of any state or federal funding opportunities administered by the department or any other state agency that are otherwise available to a school corporation as described in IC 20-18-2-16(a).**

SECTION 16. IC 20-26-5-37.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 37.2. (a) This section applies to school corporations and charter schools that are required to do any of the following:**

- (1) Pay to the Internal Revenue Service employer and employee taxes imposed after June 30, 2016, under FICA.
- (2) Pay to the department of state revenue amounts that are deducted and withheld as taxes after June 30, 2016, under IC 6-3-4-8.

(b) As used in this section, "delinquency" or "delinquent" refers to either of the following:

- (1) Failing to pay FICA taxes within thirty (30) days after the taxes are due.
- (2) Failing to pay to the department of state revenue amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30) days after the

payment of those withheld taxes is due.

(c) As used in this section, "due date" refers to:

- (1) the date by which employer and employee taxes owed by a school corporation or a charter school under FICA must be paid to the Internal Revenue Service; or
- (2) the date by which amounts that are deducted and withheld as taxes under IC 6-3-4-8 must be paid to the department of state revenue;

as applicable.

(d) As used in this section, "FICA" refers to the Federal Insurance Contributions Act.

(e) As used in this section, "FICA taxes" refers to employer and employee taxes imposed after June 30, 2016, under FICA. The term includes any known accrued interest and penalties.

(f) If a school corporation or a charter school:

- (1) fails to pay FICA taxes in full to the Internal Revenue Service within thirty (30) days after the due date; or
- (2) fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date;

the school business official or school financial officer responsible for ensuring that a school corporation's or charter school's tax payments are made shall report the school corporation's or charter school's delinquency to the governing body of the school corporation or charter school not later than forty-five (45) days after the due date. The school official or school financial officer shall make a report under this subsection each time the school corporation or charter school fails to pay FICA taxes within thirty (30) days after the due date or fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date.

(g) Not later than thirty (30) days after receiving a report under subsection (f), the governing body of the school corporation or charter school shall hold a public meeting at which:

- (1) the governing body shall provide a report on the school corporation's or charter school's failure to pay:
 - (A) FICA taxes; or

(B) amounts that are deducted and withheld as taxes under IC 6-3-4-8;

as applicable; and

(2) interested parties are permitted to testify regarding the school corporation's or charter school's failure to pay FICA taxes or amounts that are deducted and withheld as taxes under IC 6-3-4-8 (as applicable).

(h) This subsection applies if, within a three hundred sixty-five (365) day period, a school corporation or charter school is:

(1) delinquent in paying FICA taxes two (2) or more times; or

(2) delinquent in paying amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, two (2) or more times.

Not later than forty-five (45) days after a school corporation or charter school is delinquent for the second or subsequent time, the school corporation or charter school shall notify the department, the budget agency, and the distressed unit appeal board of the delinquency.

SECTION 17. IC 20-26-11-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33. (a) Notwithstanding a policy adopted under section 32(a) of this chapter, a school corporation may accept a student who does not have legal settlement in the school corporation into an alternative education program (as defined in IC 20-30-8-1).**

(b) A school corporation that accepts students under subsection (a) is not subject to the requirements set forth in section 32 of this chapter other than those requirements set forth in section 32(g), 32(h), 32(j), 32(k), and 32(l) of this chapter.

SECTION 18. IC 20-27-3-4, AS AMENDED BY P.L.107-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. (a) The committee has the following powers:**

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in

IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses and special purpose buses, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses and special purpose buses and the issuance of certificate of inspection decals.

(6) The committee may maintain an approved list of school buses and special purpose buses that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus driver contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15 **and IC 20-27-8-15.**

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 19. IC 20-27-8-1, AS AMENDED BY P.L.219-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An individual may not drive a school bus for the transportation of students or be employed as a school bus monitor

unless the individual satisfies the following requirements:

- (1) Is of good moral character.
- (2) Does not use intoxicating liquor during school hours.
- (3) Does not use intoxicating liquor to excess at any time.
- (4) Is not addicted to any narcotic drug.
- (5) Is at least:
 - (A) twenty-one (21) years of age for driving a school bus; or
 - (B) eighteen (18) years of age for employment as a school bus monitor.
- (6) In the case of a school bus driver, holds a valid public passenger chauffeur's license or commercial driver's license issued by the state or any other state.
- (7) Possesses the following required physical characteristics:
 - (A) Sufficient physical ability to be a school bus driver, as determined by the committee.
 - (B) The full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.
 - (C) Freedom from any communicable disease that:
 - (i) may be transmitted through airborne or droplet means; or
 - (ii) requires isolation of the infected person under 410 IAC 1-2.3.
 - (D) Freedom from any mental, nervous, organic, or functional disease that might impair the person's ability to properly operate a school bus.
 - (E) This clause does not apply to a school bus monitor. Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with one hundred fifty (150) degree minimum and with depth perception of at least eighty percent (80%) **or thirty-three (33) seconds of arc or less angle of stereopsis.**

(b) This subsection applies to a school bus monitor. Notwithstanding subsection (a)(5)(B), a school corporation or school bus driver may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus driver does not receive a sufficient number of qualified applicants for employment as a school bus monitor who are at least twenty-one (21) years of age. A school corporation or school bus driver shall maintain a record of applicants, their ages, and their qualifications

to show compliance with this subsection.

SECTION 20. IC 20-27-8-15, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The driver of a school bus for a public or nonpublic school that is accredited by the state board shall have in the school bus driver's possession, while transporting passengers, a certificate that states the school bus driver has:

- (1) enrolled in or completed a course in school bus driver safety education as required under sections 9 and 10 of this chapter; or
- (2) operated a school bus at least thirty (30) days during the three
- (3) year period preceding the effective date of the school bus driver's employment.

(b) A certificate of enrollment in or completion of the course or courses in school bus driver safety education shall be prescribed by the committee and completed by the designated representative of the committee.

(c) A driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, shall be reported by the person who conducted the course to the committee and to the school corporation where the school bus driver is employed or under contract.

(d) A driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, may not drive a school bus within Indiana while transporting a student.

(e) The department may at any time order the revocation of a driver's certificate of completion of the school bus driver safety education training due to:

- (1) fraudulent completion of the annual safety meeting or workshop required under section 9 of this chapter; or**
- (2) circumstances endangering the safe transportation of students, including the following:**

(A) Permanent revocation for a:

- (i) conviction for a felony or for a Class A misdemeanor that endangers the safety or safe transportation of a student; or**
- (ii) positive drug or alcohol test result that does not fall under the return to duty policy of the employing school corporation.**

(B) A two (2) year revocation for a conviction for a Class B misdemeanor that endangers the safety or safe transportation of a student.

(C) A one (1) year revocation for a:

(i) conviction for a Class C misdemeanor; or

(ii) judgment for a Class A infraction;

that endangers the safety or safe transportation of a student.

(D) A six (6) month revocation for a judgment for a Class B or Class C infraction that endangers the safety or safe transportation of a student.

SECTION 21. IC 20-28-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. Unless otherwise required under this chapter, an individual may enroll in a program and receive a transition to teaching license without passing a content area examination before admission to the program.**

SECTION 22. IC 20-28-9-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25. For purposes of the federal teacher loan forgiveness program provided under 34 CFR 682.216(a)(4), "secondary school" includes any eligible elementary or secondary school at which a highly qualified teacher in a high needs area (as defined in 34 CFR 682.216(b)) is employed.**

SECTION 23. IC 20-34-8-2, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. As used in this chapter, "athletic activity" includes the following:**

(1) An athletic contest or competition conducted between or among schools.

(2) An intramural athletic contest or competition that is sponsored by or associated with a school.

(3) (2) Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.

SECTION 24. IC 21-18-13-3, AS ADDED BY P.L.139-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. As used in this chapter, "athletic activity" includes the following:**

(1) An athletic contest or competition conducted between or among postsecondary educational institutions.

~~(2) An intramural athletic contest or competition that is sponsored by or associated with a postsecondary educational institution.~~

~~(3)~~ (2) Competitive and noncompetitive cheerleading that is sponsored by or associated with a postsecondary educational institution.

SECTION 25. [EFFECTIVE UPON PASSAGE] (a) The following parts of rules are void:

(1) 511 IAC 10.1-3-3(2).

(2) 511 IAC 10.1-3-4(2).

(3) 511 IAC 10.1-3-5(2).

(4) 511 IAC 10.1-3-6(2).

(5) 511 IAC 16-4-2(b)(3).

(6) 511 IAC 16-4-2(b)(5).

(7) 511 IAC 16-4-2(f).

The publisher of the Indiana Administrative Code and the Indiana Register shall remove these provisions from the Indiana Administrative Code.

(b) This SECTION expires June 30, 2017.

SECTION 26. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign the following topics to an appropriate study committee during the 2016 legislative interim:

(1) **Determining graduation rates, including the feasibility of amending the definition of "cohort" for purposes of determining graduation rates to exclude students who are pursuing a certificate of completion under an individualized education program.**

(2) **Methods to ensure opportunities for secondary school students to earn college credits while enrolled in high school and to provide incentives for a teacher to obtain a master's degree or at least eighteen (18) hours of graduate course work in the subject matter the teacher is teaching or wishes to teach as part of a dual credit course, including:**

(A) **providing graduate programs that combine summer, evening, online, and weekend classes;**

(B) **completing a supervised practicum while teaching;**

(C) **encouraging primary and secondary schools to**

- establish programs to mentor new teachers;
 - (D) offering scholarships for returning dual credit teachers; and
 - (E) providing flexibility to school corporations to establish pay scales that reflect the value of teachers with master's degrees.
- (3) The feasibility of allowing a school corporation and an individual teacher to voluntarily enter into an employment contract that contains terms that differ from the terms set forth in a collective bargaining agreement, and issues related to the topic.
- (4) Issues related to the establishment of special education scholarship accounts and a special education scholarship account fund.
- (5) The extent that a school corporation or school calendar influences the following:
- (A) The development of Indiana's workforce through the impact on meaningful employment and internship opportunities for high school students.
 - (B) Access to dual credit courses offered to high school students through Indiana's institutions of higher learning.
 - (C) Access to professional development for teachers.
 - (D) Economic development opportunities and tax revenue impacts for state and local governments.
 - (E) Cost of operation of school corporations and schools.
 - (F) Access to supplemental meal programs for Indiana students during school breaks.
- (b) This SECTION expires December 31, 2016.
- SECTION 27. An emergency is declared for this act.

P.L.128-2016

[S.96. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-12-23, AS AMENDED BY P.L.233-2015, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. A school corporation may:

- (1) borrow money to buy curricular materials; and
- (2) issue notes, maturing serially in not more than ~~three (3)~~ **four (4)** years and payable from its general fund, to secure the loan.

SECTION 2. **An emergency is declared for this act.**

P.L.129-2016

[S.146. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning civil law and procedure.

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

SECTION 1. IC 34-13-3-2, AS AMENDED BY P.L.145-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011 (RETROACTIVE)]: Sec. 2. This chapter applies to a claim or suit in tort against any of the following:

(1) A member of the bureau of motor vehicles commission established under IC 9-15-1-1.

(2) An employee of the bureau of motor vehicles commission who is employed at a license branch under IC 9-16, except for an employee employed at a license branch operated under a contract with the commission under IC 9-16.

(3) A member of the driver education advisory board established by IC 9-27-6-5.

(4) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)(1)), or an association acting on behalf of an approved postsecondary educational institution, that:

(A) shares data with the commission for higher education under IC 21-12-12-1; and

(B) is named as a defendant in a claim or suit in tort based on any breach of the confidentiality of the data that occurs after the institution has transmitted the data in compliance with IC 21-12-12-1.

SECTION 2. IC 34-13-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011 (RETROACTIVE)]: **Sec. 2.5. The addition of section 2(4) of this chapter by SEA 146-2016, SECTION 1, does not apply to a claim or suit in tort against a postsecondary educational institution if filed before March 30, 2016.**

SECTION 3. **An emergency is declared for this act.**

P.L.130-2016

[S.167. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 23-17-19-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Without the prior approval of the circuit court or superior court of the county where the corporation's principal office or, if the principal office is not located in Indiana, the corporation's registered office, is located in a proceeding that the attorney general has been given written notice, a public benefit or religious corporation may only merge with the following:

- (1) A public benefit or religious corporation.
- (2) A foreign corporation that would qualify under this article as a public benefit or religious corporation.
- (3) A wholly-owned foreign or domestic business or mutual benefit corporation if the public benefit or religious corporation is the surviving corporation and continues to be a public benefit or religious corporation after the merger.
- (4) A business or mutual benefit corporation if the following conditions are met:
 - (A) On or before the effective date of the merger, assets with a value equal to the greater of the fair market value of the net tangible and intangible assets, including goodwill, of the public benefit corporation or the fair market value of the public benefit corporation if the corporation were to be operated as a business concern are transferred or conveyed to a person who would have received the corporation's assets under ~~IC 23-17-22-6(a)(5)~~ IC 23-17-22-5(a)(5) and

~~IC 23-17-22-6(a)(6)~~ **IC 23-17-22-5(a)(6)** had the corporation dissolved.

(B) The business or mutual benefit corporation returns, transfers, or conveys any assets held by the business or mutual benefit corporation upon condition requiring return, transfer, or conveyance, that occurs by reason of the merger, in accordance with the condition.

(C) The merger is approved by a majority of directors of the public benefit or religious corporation who are not and will not become:

- (i) members in;
 - (ii) shareholders in; or
 - (iii) officers, employees, agents, or consultants of;
- the surviving corporation.

(D) The requirements of section 8 of this chapter are met.

(5) A state educational institution if it is a public benefit corporation and the public benefit corporation is controlled by the state educational institution before the merger.

(b) At least twenty (20) days before consummation of any merger of a public benefit corporation or a religious corporation under subsection (a)(4), notice, including a copy of the proposed plan of merger, must be delivered to the attorney general.

(c) Without the prior written consent of the attorney general or of the circuit court or superior court of the county where:

- (1) the corporation's principal office is located; or
- (2) if the principal office is not located in Indiana, the corporation's registered office is located;

in a proceeding in which the attorney general has been given notice, a member of a public benefit or religious corporation may not receive or keep anything as a result of a merger other than a membership or membership in the surviving public benefit or religious corporation. The court shall approve the transaction if the transaction is in the public interest.

P.L.131-2016

[S.169. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.121-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) Subject to section 16.1 of this chapter **and except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(e) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

- (1) A town that:

(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).

(2) A city that has an indoor theater as described in section 26 of this chapter.

(g) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. A permit holder and any lessee or proprietor of the permit premises is subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);

located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, **and except as provided in section 16.3 of this chapter**, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) Subject to section 16.2 of this chapter **and except as provided in section 16.3 of this chapter**, the commission may issue not more than six (6) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land within a municipal lakefront development project funded in part with state, local, and federal money. A permit issued under this subsection may not be transferred. If the commission issues six (6) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed six (6) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars (\$10,000).

(k) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than ~~eight (8)~~ **nine (9)** new three-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be a proprietor, as owner or lessee, or both, of a restaurant located:

- (1) within a motorsports investment district (as defined in IC 5-1-17.5-11); or
- (2) not more than one thousand five hundred (1,500) feet from a motorsports investment district.

The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues ~~eight (8)~~ **nine (9)** new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ~~eight (8)~~ **nine (9)** at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(l) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than two (2) new three-way permits to sell alcoholic beverages for on-premises consumption for premises located within a qualified motorsports facility (as defined in IC 5-1-17.5-14). The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues two (2) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed two (2) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

SECTION 2. IC 7.1-3-20-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 16.3. If the holder of a permit holds a:**

- (1) **permit issued under section 16(c) through 16(l) of this chapter to sell beer for on-premises consumption; and**

(2) permit for a brewery described in IC 7.1-3-2-7(5) that is located on or adjacent to the premises for which the permit holder holds a permit described in subdivision (1); the permit holder may sell for carryout, at the premises for which the permit holder holds a permit described in subdivision (1), beer manufactured at the brewery.

P.L.132-2016

[S.172. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-3-20-8.6, AS AMENDED BY P.L.196-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.6. The holder of a club permit may do the following:

- (1) Designate one (1) ~~day each calendar week~~ **or more days each calendar month** as a guest ~~day~~ **days, not to exceed a total of four (4) guest days in any calendar month.**
- (2) Keep a record of all designated guest days.
- (3) Invite guests who are not members of the club to attend the club on a guest day.
- (4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.
- (5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

P.L.133-2016

[S.177. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) As used in this section, "proprietor of a package liquor store" means the person that:**

(1) holds the financial investment in; and
(2) exercises the financial and operational oversight of;
a package liquor store.

~~(a)~~ **(b)** The commission may issue a beer dealer's permit only to an applicant who is the proprietor of a drug store, grocery store, or package liquor store.

~~(b)~~ **(c) Subject to subsection (d),** the commission may issue a beer dealer's permit to an applicant that is a foreign corporation if:

- (1) the applicant is duly admitted to do business in Indiana;
- (2) the sale of beer is within the applicant's corporate powers; and
- (3) the applicant is otherwise qualified under this title.

(d) Except as provided under IC 7.1-3-21-5.6, the commission may issue a beer dealer's permit under subsection (c) for the premises of a package liquor store only if the proprietor of the package liquor store satisfies the Indiana resident ownership requirements described in IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).

~~(c)~~ **(e)** The commission shall not issue a beer dealer's permit to a person who is disqualified under the special disqualifications. However, the special disqualification listed in IC 7.1-3-4-2(a)(13) shall not apply to an applicant for a beer dealer's permit.

~~(d)~~ **(f)** Notwithstanding subsection ~~(a)~~; **(b)**, the commission may renew a beer dealer's permit for an applicant who:

- (1) held a permit before July 1, 1997; and
- (2) is the proprietor of a confectionery or a store that:
 - (A) is not a drug store, grocery store, or package liquor store;
 - (B) is in good repute; and
 - (C) in the judgment of the commission, deals in merchandise that is not incompatible with the sale of beer.

SECTION 2. IC 7.1-3-20-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17.5. (a) As used in this section, "banquet or gathering space" means a room or space in which social events are hosted that is located on the licensed premises of a hotel or restaurant.**

(b) As used in this section, "social event" means a party, banquet, wedding or other reception, or any other social event.

(c) Subject to subsection (d), the holder of a retailer's permit issued for the premises of a hotel or restaurant that has a banquet or gathering space without a permanent bar over which alcoholic beverages may be sold or dispensed may temporarily amend the floor plans of the licensed premises to use the banquet or gathering space to sell or dispense alcoholic beverages from a temporary bar or service bar in the banquet or gathering space.

(d) The holder of a retailer's permit shall notify and submit the amended floor plans described in subsection (c) to the commission not later than twenty-four (24) hours before the date the holder intends to sell or dispense alcoholic beverages from a temporary bar or service bar.

(e) A holder of a retailer's permit who intends to sell or dispense alcoholic beverages from a temporary bar or service bar as described in this section remains subject to laws and rules requiring that the area in which minors are allowed be separate from the room or area in which the bar is located.

SECTION 3. IC 7.1-3-20-18.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.7. (a) This section applies to the premises of a hotel that is owned by an accredited college or university (as described in IC 24-4-11-2).**

(b) Subject to subsection (c), the holder of a retailer permit that is issued for the premises of a hotel may sell or dispense, for on premise consumption only, alcoholic beverages, for which the permittee holds the appropriate permit, from a:

(1) nonpermanent bar located on an outside patio or terrace;
or

(2) service window located on the licensed premises that opens to an outside patio or terrace;

that is contiguous to the main building of the licensed premises of the hotel.

(c) The holder of a retailer permit that is issued for the premises of a hotel may sell or dispense alcoholic beverages as provided under subsection (b) only if all the following conditions are met:

(1) The patio or terrace area described in subsection (b) is:

(A) part of the licensed premises; and

(B) clearly delineated and completely enclosed on all sides by a fence, rail, wall, or hedge that is at least four (4) feet in height.

(2) Access to the nonpermanent bar or service window is limited by a barrier that reasonably deters free access by minors to the bar or window.

(3) A conspicuous sign is posted by the barrier described in subdivision (2) that states that minors are not allowed to cross the barrier to enter the area near the nonpermanent bar or service window.

SECTION 4. IC 7.1-3-20-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) This section applies to the premises of a restaurant.

(b) Subject to subsection (c), the holder of a retailer permit that is issued for the premises of a restaurant may sell or dispense, for on premise consumption only, alcoholic beverages, for which the permittee holds the appropriate permit, from a service window located on the licensed premises that opens to an outside patio or terrace that is contiguous to the main building of the licensed premises of the restaurant.

(c) The holder of a retailer permit that is issued for the premises of a restaurant may sell or dispense alcoholic beverages as

provided under subsection (b) only if all the following conditions are met:

- (1) The patio or terrace area described in subsection (b) is:
 - (A) part of the licensed premises; and
 - (B) clearly delineated and completely enclosed on all sides by a barrier that is at least eighteen (18) inches in height.
- (2) Access to the service window is limited by a barrier that reasonably deters free access by minors to the window.
- (3) A conspicuous sign is posted by the barrier described in subdivision (2) that states that minors are not allowed to cross the barrier to enter the area near the service window.

SECTION 5. IC 7.1-3-21-5, AS AMENDED BY P.L.107-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall not issue an alcoholic beverage retailer's or dealer's permit of any type to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a corporation unless:

- (1) sixty percent (60%) of the outstanding stock in the corporation is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and
- (2) the stock described in subdivision (1) constitutes a controlling interest in the corporation.

~~(b)~~ (c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 6. IC 7.1-3-21-5.2, AS AMENDED BY P.L.107-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) The commission shall not issue an alcoholic beverage retailer's or dealer's permit of any type to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited partnership unless:

(1) at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

(2) the partnership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

~~(b)~~ **(c)** Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 7. IC 7.1-3-21-5.4, AS AMENDED BY P.L.107-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited liability company unless:

(1) at least sixty percent (60%) of the outstanding membership interest in the limited liability company is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

(2) the membership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

~~(b)~~ **(c)** Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 8. IC 7.1-3-21-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. **(a) Notwithstanding section 5, 5.2, or 5.4 of this chapter, the commission may renew or transfer ownership of a dealer's permit of any type for the holder of a dealer's permit who:**

(1) held the permit for the premises of a package liquor store before January 1, 2016; and

(2) does not qualify for the permit under section 5(b), 5.2(b), or 5.4(b) of this chapter.

(b) The commission may transfer ownership of a dealer's permit under this section only to an applicant who satisfies the Indiana resident ownership requirements under this chapter.

SECTION 9. IC 7.1-5-3-4, AS AMENDED BY P.L.79-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) This section does not apply to the following:

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit issued under ~~IC 7.1-3-2-2(b)~~ **for a brewery described in IC 7.1-3-2-7(5).**

(3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit issued under IC 7.1-3-2-2(b).

(4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(5) The refilling of a bottle or container with hard cider in an establishment where alcoholic beverages are sold that is owned, in whole or in part, by an entity that manufactures hard cider under the appropriate permit issued under this title.

(6) The refilling of a bottle or container with a product from a farm winery in an establishment in which alcoholic beverages are sold that is owned, in whole or in part, by the holder of a farm winery permit.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 10. An emergency is declared for this act.

P.L.134-2016

[S.217. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-20-16-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) This section applies only to a township assistance recipient who has prepaid service.**

(b) As used in this section, "electric service provider" means a corporation organized under:

(1) IC 8-1-13; or

(2) IC 23-17 that:

(A) is an electric cooperative; and

(B) has at least one (1) member that is a corporation organized under IC 8-1-13.

(c) As used in this section, "prepaid service" refers to a payment option offered by an electric service provider in which payments for electric usage are charged against a prepaid credit balance in a service account as electric service is rendered.

(d) As used in this section, "recipient" means a township assistance recipient.

(e) As used in this section, "service account" means a customer or member account with an electric service provider.

(f) Notwithstanding IC 12-20-20-1 or any other law, if the requirements of this section are met, a township trustee and an electric service provider may do the following:

- (1) A township trustee may deposit township assistance funds into a service account to create a credit balance.**
 - (2) An electric service provider may pay a recipient's electric usage charges with the deposited township assistance funds as those electric usage charges are incurred. However, any personal funds that are present in the service account at the time the township assistance funds are deposited must be used to pay any electric usage charges first, before the use of township assistance funds.**
- (g) An electric service provider shall do the following:**
- (1) Hold any funds deposited under subsection (f)(1) in a fiduciary capacity for the township trustee. The township trustee is the beneficiary of any township assistance funds remaining:**
 - (A) at the close of business:**
 - (i) on the day that a service account is terminated; or**
 - (ii) on the next business day, if the service account is terminated after the close of normal business hours; or**
 - (B) at the close of business:**
 - (i) on the day a request is received by the electric service provider from the township trustee for remittance of the funds; or**
 - (ii) on the next business day, if the request for remittance occurs after the close of normal business hours.**
 - (2) Remit any funds remaining in a service account or terminated service account not later than fifteen (15) business days after:**
 - (A) the service account is terminated as set forth in subdivision (1)(A); or**
 - (B) the electric service provider receives a request for remittance from the township trustee as set forth in subdivision (1)(B).**
- (h) For any month that:**
- (1) an electric service provider receives or expends township assistance funds provided by a township trustee; or**
 - (2) a service account has a remaining balance of township assistance funds, including any balance of township assistance funds remaining in an individual service account for any prior months;**

the electric service provider shall provide the township trustee with a monthly accounting statement not later than fifteen (15) business days following the last calendar day of the month. A monthly accounting statement must detail the receipt and expenditure of funds from service accounts during that month and any balances remaining in individual service accounts.

(i) This section may not be interpreted as requiring an electric service provider to:

(1) remit to a township trustee more funds than are available in a service account at the close of business on the day that:

(A) a service account is terminated as set forth in subsection (g)(1)(A); or

(B) the electric service provider receives a request for remittance as set forth in (g)(1)(B); or

(2) maintain separate service accounts or account numbers for township assistance funds.

(j) The funds deposited into a service account may be used only to pay for a recipient's electric usage, including any facility charges, and may not be used to pay administrative charges, equipment, maintenance, repair, disconnection fees, delinquent bills, or any other charge.

(k) If the electric service provider refunds charges paid from the service account, or repays any remaining credit balance in the service account, the refund or repayment shall be paid directly to the township trustee.

(l) During any calendar month, the township trustee may deposit township assistance funds in the service account only to the extent that the credit balance in the service account does not exceed the charges incurred by the recipient during the immediately preceding calendar month.

SECTION 2. IC 12-20-20-1, AS AMENDED BY P.L.73-2005, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) If a township trustee, as administrator of township assistance, grants township assistance to an indigent individual or to any other person or agency on a township assistance order as provided by law or obligates the township for an item properly payable from township assistance money, the claim against the township must be:

(1) itemized and sworn to as provided by law;

(2) accompanied by the original township assistance order, which must be itemized and signed; and

(3) checked with the records of the township trustee, as administrator of township assistance, and audited and certified by the township trustee.

(b) The township trustee shall pay claims against the township for township assistance in the same manner that other claims against the township are paid. The township trustee, when authorized to pay claims directly to vendors, shall pay a claim within forty-five (45) days. The township trustee shall pay the claim from:

(1) any balance standing to the credit of the township against which the claim is filed; or

(2) from any other available fund from which advancements can be made to the township for that purpose.

(c) A township assistance claim for prepaid electric service shall be paid in accordance with IC 12-20-16-3.5.

P.L.135-2016

[S.234. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-34-7-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.6. As used in this chapter, "school" refers to a public school and an accredited nonpublic school.**

SECTION 2. IC 20-34-7-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.7. As used in this chapter, "student athlete" means any student who:**

- (1) attends a school;**
- (2) is in grade 5, 6, 7, 8, 9, 10, 11, or 12; and**
- (3) participates in any:**
 - (A) interscholastic sport, including cheerleading; or**
 - (B) intramural sport, including cheerleading, in which the head coach or assistant coach elects to comply or as part of the head coach's or assistant coach's coaching certification requirements is required to comply with this chapter.**

SECTION 3. IC 20-34-7-3, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Each year, before beginning practice for an interscholastic **sport** or an intramural sport **in which a head coach or assistant coach elects to or is required to comply with this chapter**, a ~~high school~~ student athlete and the student athlete's parent:

- (1) must be given the information sheet and form described in section 2 of this chapter; and
- (2) shall sign and return the form acknowledging the receipt of the information to the student athlete's coach.

The coach shall maintain a file of the completed forms.

SECTION 4. IC 20-34-7-4, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A ~~high school~~ student athlete who is suspected of sustaining a concussion or head injury in a practice or game:

- (1) shall be removed from play at the time of the injury; and
- (2) may not return to play until the student athlete has received a written clearance under section 5(a) of this chapter.

SECTION 5. IC 20-34-7-5, AS AMENDED BY P.L.34-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A ~~high school~~ student athlete who has been removed from play under section 4 of this chapter may not return to play until:

- (1) the student athlete:
 - (A) is evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries; and
 - (B) receives a written clearance to return to play from the health care provider who evaluated the student athlete; and

(2) not less than twenty-four (24) hours have passed since the student athlete was removed from play.

(b) A licensed health care provider who evaluates a student athlete under subsection (a) may conduct the evaluation as a volunteer. A volunteer health care provider who in good faith and gratuitously authorizes a student athlete to return to play is not liable for civil damages resulting from an act or omission in the rendering of an evaluation, except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

SECTION 6. IC 20-34-7-6, AS AMENDED BY P.L.222-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) As used in this section, "football" does not include flag football.

(b) Prior to coaching football to individuals who are less than twenty (20) years of age and are in grades 1 through 12, each head football coach and assistant football coach shall complete a certified coaching education course that:

- (1) is sport specific;
- (2) contains player safety content, including content on:
 - (A) concussion awareness;
 - (B) equipment fitting;
 - (C) heat emergency preparedness; and
 - (D) proper technique;
- (3) requires a coach to complete a test demonstrating comprehension of the content of the course; and
- (4) awards a certificate of completion to a coach who successfully completes the course.

(c) For a coach's completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach shall complete a course not less than once during a two (2) year period. However, if the coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach must:

- (1) complete instruction; and
- (2) successfully complete a test;

concerning the new information to satisfy the requirement imposed by subsection (b).

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach who complies with this ~~section~~ **chapter** and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 7. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) This section applies after June 30, 2017.**

(b) This section applies to a head coach or assistant coach who:

(1) coaches any:

(A) interscholastic sport; or

(B) intramural sport and elects to comply or as part of the head coach's or assistant coach's coaching certification requirements is required to comply with this chapter; and

(2) is not subject to section 6 of this chapter.

(c) Before coaching a student athlete in any sport, a head coach and every assistant coach described in subsection (b) must complete a certified coaching education course that:

(1) contains player safety content on concussion awareness;

(2) requires a head coach or an assistant coach to complete a test demonstrating comprehension of the content of the course; and

(3) awards a certificate of completion to a head coach or an assistant coach who successfully completes the course.

(d) A course described in subsection (c) must be approved by the department, in consultation with a physician licensed under IC 25-22.5 who has expertise in the area of concussions and brain injuries. The department may, in addition to consulting with a physician licensed under IC 25-22.5, consult with other persons who have expertise in the area of concussions and brain injuries.

(e) A head coach and every assistant coach described in subsection (b) must complete a course described in subsection (c) at least once each two (2) year period. If a head coach or an assistant coach receives notice from the school that new

information has been added to the course before the end of the two (2) year period, the head coach or the assistant coach shall:

- (1) complete instruction; and
- (2) successfully complete a test;

concerning the new information to satisfy subsection (c).

(f) Each school shall maintain all certificates of completion awarded under subsection (c)(3) to each of the school's head coaches and assistant coaches.

(g) A head coach or an assistant coach described in subsection (b) who complies with this chapter and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by a student athlete participating in an athletic activity for which the head coach or the assistant coach provided coaching services, except for an act or omission by the head coach or the assistant coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 8. IC 34-30-2-85.9, AS ADDED BY P.L.34-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 85.9. IC 20-34-7-6 and **IC 20-34-7-7** (Concerning coaches and assistant coaches).

P.L.136-2016

[S.251. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-20-42 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 42. Indiana Out of School Time Learning Advisory Board

Sec. 1. As used in this chapter, "board" refers to the out of school time learning advisory board established by section 6 of this chapter.

Sec. 2. As used in this chapter, "out of school time" refers to any time school is not in session, including before school, after school, breaks, and vacations.

Sec. 3. As used in this chapter, "out of school time program" means a structured program that offers enrichment and academic activities primarily for students in kindergarten through grade 12 in a school or community based setting.

Sec. 4. (a) The out of school time learning advisory board is established to recommend to the department and the general assembly procedures, policies, funding levels, and eligibility criteria for out of school time programs.

(b) The board is composed of at least the following members:

(1) The state superintendent or the state superintendent's designee, who serves as chairperson of the board.

(2) The secretary of the family and social services administration or the secretary's designee.

(3) The commissioner of the department of workforce development or the commissioner's designee.

(4) The commissioner of the commission for higher education or the commissioner's designee.

(5) A direct services provider appointed by the secretary of the family and social services administration.

(6) The following individuals appointed by the state superintendent:

(A) A direct services provider.

(B) A superintendent who is nominated by a statewide association of public school superintendents.

(C) A principal who is nominated by a statewide association of school principals.

(D) A governing body member who is nominated by a statewide association of school boards.

(E) A teacher who is nominated by the largest statewide teachers' association.

(F) A teacher who is nominated by the second largest statewide teachers' association.

(G) A member of a statewide afterschool program network who is nominated by the network.

(H) A member of a statewide parents' organization who is nominated by the organization.

Additional members may be appointed by the state superintendent or the secretary of the family and social services administration. In addition, the board may consult with other individuals who are not members of the board.

(c) The board shall meet at least two (2) times each year. The chairperson may call additional meetings.

(d) The department shall provide staff for the board.

(e) In making recommendations to the department and the general assembly, the board shall consider at least the following:

(1) Existing data and research concerning best practices for out of school programs.

(2) Current and proposed future access to, quality of, and affordability of out of school programs.

(3) Collaboration between agencies and coordination of existing resources.

(4) The need for out of school programs to address college and career readiness and academic standards.

(5) Existing statutory and regulatory provisions and the possibility of recommending amendments to statutes and rules.

(f) The board shall make an initial report to the general assembly and the legislative council not later than November 1, 2016. The report must be in an electronic format under IC 5-14-6.

(g) This section expires June 30, 2019.

Sec. 5. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) The state superintendent and the secretary of the family and social services administration shall make the appointments required under IC 20-20-42-4(b), as added by this act, not later than July 1, 2016. The chairperson shall call the initial meeting of the out of school time learning advisory board not later than

August 1, 2016.

(c) This SECTION expires December 31, 2016.

SECTION 3. An emergency is declared for this act.

P.L.137-2016
[S.253. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 29-1-8-1, AS AMENDED BY P.L.51-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

- (1) indebted to the decedent; or
- (2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a distributee claiming to be entitled to payment or delivery of property of the decedent as alleged in the affidavit.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the distributee and must state the following:

- (1) That the value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed fifty thousand dollars (\$50,000).
- (2) That forty-five (45) days have elapsed since the death of the decedent.

(3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

(4) The name and address of each distributee that is entitled to a share of the property and the part of the property to which each distributee is entitled.

(5) That the affiant has notified each distributee identified in the affidavit of the affiant's intention to present an affidavit under this section.

(6) That the affiant is entitled to payment or delivery of the property on behalf of each distributee identified in the affidavit.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a distributee upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

(g) For purposes of subsection (a), a distributee has the same rights as a personal representative under IC 32-39 to access a digital asset (as defined in IC 32-39-1-10) of the decedent.

SECTION 2. IC 29-1-13-1.1, AS ADDED BY P.L.12-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 1.1. (a) As used in this section, "custodian" means any person who electronically stores the documents or information of another person:

(b) A custodian shall provide **IC 32-39-2-4 and IC 32-39-2-5** apply to the **right of a personal representative who is acting on behalf** of the estate of a deceased person who was domiciled in Indiana at the time of the person's death, to access: to or copies of any documents or information of the deceased person stored electronically by the custodian upon receipt by the custodian of:

- (1) a written request for access or copies made by the personal representative, accompanied by a copy of the death certificate and a certified copy of the personal representative's letters testamentary; or the content of an electronic communication (as defined in IC 32-39-1-6);
- (2) an order of a court having probate jurisdiction of the deceased person's estate: a catalogue of electronic communications (as defined in IC 32-39-1-5); or
- (3) any other digital asset (as defined in IC 32-39-1-10);

of the deceased person.

(c) A custodian may not destroy or dispose of the electronically stored documents or information of the deceased person for two (2) years after the custodian receives a request or order under subsection (b):

(d) Nothing in this section shall be construed to require a custodian to disclose any information:

- (1) in violation of any applicable federal law; or
- (2) to which the deceased person would not have been permitted access in the ordinary course of business by the custodian.

SECTION 3. IC 29-3-1-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 1.6. "Catalogue of electronic communications" has the meaning set forth in IC 32-39-1-5.**

SECTION 4. IC 29-3-1-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 2.7. "Content of an electronic communication" has the meaning set forth in IC 32-39-1-6.**

SECTION 5. IC 29-3-1-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY

1, 2016]: **Sec. 4.1. "Digital asset" has the meaning set forth in IC 32-39-1-10.**

SECTION 6. IC 29-3-8-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 10. (a) IC 32-39-2-11 applies to the right of a guardian to access:**

- (1) the content of an electronic communication;**
- (2) a catalogue of electronic communications; or**
- (3) any other digital asset;**

of a protected person.

(b) This article:

(1) does not confer upon a guardian the power to access:

- (A) the content of an electronic communication;**
- (B) a catalogue of electronic communications; or**
- (C) any other digital asset;**

of a protected person unless a court expressly confers the power upon the guardian under IC 29-3-9-4.1; and

(2) confers upon a guardian the power to access:

- (A) the content of an electronic communication;**
- (B) a catalogue of electronic communications; or**
- (C) any other digital asset;**

of a protected person only to the extent that the court expressly confers the power upon the guardian under IC 29-3-9-4.1.

(c) For purposes of section 8 of this chapter, a power expressly conferred by a court upon a guardian under IC 29-3-9-4.1 is considered an additional responsibility and power within the meaning of section 8(a)(1) of this chapter.

SECTION 7. IC 29-3-9-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) After notice to interested persons and upon authorization of a court, a guardian may access:**

- (1) the content of an electronic communication;**
- (2) a catalogue of electronic communications; or**
- (3) any other digital asset;**

of a protected person as provided in the order of the court. The court's authorization may apply generally or be restricted in scope.

(b) Before approving a guardian's exercise of the power to access an item described in subsection (a)(1) through (a)(3), the court shall consider primarily the decision that the protected person would have made, to the extent that the decision the protected person would have made can be ascertained.

SECTION 8. IC 30-4-3-3, AS AMENDED BY P.L.51-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in the terms of the trust and subject to subsection (c), a trustee has the power to perform without court authorization, except as provided in sections 4(b) and 5(a) of this chapter, every act necessary or appropriate for the purposes of the trust including, by way of illustration and not of limitation, the following powers:

- (1) The power to:
 - (A) deal with the trust estate;
 - (B) buy, sell, or exchange and convey or transfer all property (real, personal, or mixed) for cash or on credit and at public or private sale with or without notice; and
 - (C) invest and reinvest the trust estate.
- (2) The power to receive additions to the assets of the trust.
- (3) The power to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest.
- (4) The power to manage real property in every way, including:
 - (A) the adjusting of boundaries;
 - (B) erecting, altering, or demolishing buildings;
 - (C) dedicating of streets, alleys, or other public uses;
 - (D) subdividing;
 - (E) developing;
 - (F) obtaining vacation of plats;
 - (G) granting of easements and rights-of-way;
 - (H) partitioning;
 - (I) entering into party wall agreements; and
 - (J) obtaining title insurance for trust property.
- (5) The power to:
 - (A) grant options concerning disposition of trust property, including the sale of covered security options; and

- (B) take options for acquisition of trust property, including the purchase back of previously sold covered security options.
- (6) The power to enter into a lease as lessor or lessee, with or without option to renew.
- (7) The power to enter into arrangements for exploration and removal of minerals or other natural resources and enter into a pooling or unitization agreement.
- (8) The power to continue the operation or management of any business or other enterprise placed in trust.
- (9) The power to:
 - (A) borrow money, to be repaid from trust property or otherwise; and
 - (B) encumber, mortgage, pledge, or grant a security interest in trust property in connection with the exercise of any power.
- (10) The power to:
 - (A) advance money for the benefit of the trust estate and for all expenses or losses sustained in the administration of the trust; and
 - (B) collect any money advanced, without interest or with interest, at no more than the lowest rate prevailing when advanced.
- (11) The power to prosecute or defend actions, claims, or proceedings for the protection of:
 - (A) trust property; and
 - (B) the trustee in the performance of the trustee's duties.
- (12) The power to:
 - (A) pay or contest any claim;
 - (B) settle a claim by or against the trust by compromise or arbitration; and
 - (C) abandon or release, totally or partially, any claim belonging to the trust.
- (13) The power to insure the:
 - (A) trust estate against damage or loss; and
 - (B) trustee against liability with respect to third persons.
- (14) The power to pay taxes, assessments, and other expenses incurred in the:
 - (A) acquisition, retention, and maintenance of the trust property; and

(B) administration of the trust.

(15) The power to:

- (A) vote securities, in person or by a general or special proxy;
- (B) hold the securities in the name of a nominee if the trustee is a corporate trustee; and
- (C) effect or approve, and deposit securities in connection with, any change in the form of the corporation, including:
 - (i) dissolution;
 - (ii) liquidation;
 - (iii) reorganization;
 - (iv) acquisition; and
 - (v) merger.

(16) The power to employ persons, including:

- (A) attorneys;
- (B) accountants;
- (C) investment advisors; and
- (D) agents;

to advise and assist the trustee in the performance of the trustee's duties.

(17) The power to effect distribution of property in cash, in kind, or partly in cash and partly in kind, in divided or undivided interests.

(18) The power to execute and deliver all instruments necessary or appropriate to accomplishing or facilitating the exercise of the trustee's powers.

(19) With respect to an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or another form of business or enterprise, the power to:

- (A) continue the business or enterprise; and
- (B) take any action that may be taken by shareholders, members, or property owners, including:
 - (i) merging;
 - (ii) dissolving; or
 - (iii) changing the form of business organization or contributing additional capital.

(20) With respect to possible liability for violation of environmental law, the power to:

- (A) inspect or investigate property:

- (i) the trustee holds or has been asked to hold; or
- (ii) owned or operated by an organization in which the trustee holds an interest or has been asked to hold an interest;

to determine the application of environmental law with respect to the property;

(B) take action to prevent, abate, or remedy an actual or potential violation of an environmental law affecting property held directly or indirectly by the trustee before or after the assertion of a claim or the initiation of governmental enforcement;

(C) decline to accept property into the trust or disclaim any power with respect to property that is or may be burdened with liability for violation of environmental law;

(D) compromise claims against the trust that may be asserted for an alleged violation of environmental law; and

(E) pay the expense of any inspection, review, abatement, or remedial action to comply with environmental law.

(21) The power to exercise elections with respect to federal, state, and local taxes.

(22) The power to select a mode of payment under any employee benefit plan or retirement plan, annuity, or life insurance payable to the trustee and exercise rights under the plan, annuity, or insurance, including the right to:

(A) indemnification:

- (i) for expenses; and
- (ii) against liabilities; and

(B) take appropriate action to collect the proceeds.

(23) The power to make loans out of trust property, including loans to a beneficiary on terms and conditions the trustee determines fair and reasonable under the circumstances. The trustee has a lien on future distributions for repayment of the loans.

(24) The power to pledge trust property to guarantee loans made by others to the beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances. The trustee has a lien on future distributions for repayment of the loans.

(25) The power to:

- (A) appoint a trustee to act in another jurisdiction with respect to trust property located in the other jurisdiction;
- (B) confer on the appointed trustee all the appointing trustee's powers and duties;
- (C) require the appointed trustee to furnish security; and
- (D) remove the appointed trustee.

(26) With regard to a beneficiary who is under a legal disability or whom the trustee reasonably believes is incapacitated, the power to pay an amount distributable to the beneficiary by:

- (A) paying the amount directly to the beneficiary;
- (B) applying the amount for the beneficiary's benefit;
- (C) paying the amount to the beneficiary's guardian;
- (D) paying the amount to the beneficiary's custodian under IC 30-2-8.5 to create a custodianship or custodial trust;
- (E) paying the amount to an adult relative or another person having legal or physical care or custody of the beneficiary to be expended on the beneficiary's behalf, if the trustee does not know of a guardian, custodian, or custodial trustee; or
- (F) managing the amount as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution.

(27) The power to:

- (A) combine at least two (2) trusts into one (1) trust; or
- (B) divide one (1) trust into at least two (2) trusts;

after notice to the qualified beneficiaries, if the result does not impair the rights of any beneficiary or adversely affect achievement of the purposes of the trust.

(b) Any act under subsection (a)(4), an option under subsection (a)(5), a lease under subsection (a)(6), an arrangement under subsection (a)(7), and an encumbrance, mortgage, pledge, or security interest under subsection (a)(9) may be for a term either within or extending beyond the term of the trust.

(c) In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for any trust, the trustee thereof shall exercise the judgment and care required by IC 30-4-3.5. Within the limitations of the foregoing standard, the trustee is authorized to acquire and retain every kind of property, real, personal, or mixed, and

every kind of investment, including specifically, but without in any way limiting the generality of the foregoing, bonds, debentures, and other corporate obligations, stocks, preferred or common, and real estate mortgages, which persons of prudence, discretion, and intelligence acquire or retain for their own account, and within the limitations of the foregoing standard, the trustee is authorized to retain property properly acquired, without limitation as to time and without regard to its suitability for original purchase. Within the limitations of the foregoing standard, the trustee is authorized to sell covered security options and to purchase back previously sold covered security options.

(d) If a distribution of particular trust assets is to be made to two (2) or more beneficiaries entitled to receive fractional shares in those assets, the trustee may distribute the particular assets without distributing to each beneficiary a pro rata share of each asset. However, the trustee shall:

(1) distribute to each beneficiary a pro rata share of the total fair market value of all of the particular assets as of the date of distribution; and

(2) cause the distribution to result in a fair and equitable division among the beneficiaries of capital gain or loss on the assets.

(e) If the trust is terminated or partially terminated, the trustee may send to the beneficiaries a proposal for distribution. If the proposal for distribution informs the beneficiary that the beneficiary:

(1) has a right to object to the proposed distribution; and

(2) must object not later than thirty (30) days after the proposal for distribution was sent;

the right of the beneficiary to object to the proposed distribution terminates if the beneficiary fails to notify the trustee of an objection within the time limit set forth in subdivision (2).

(f) When any real or personal property subject to a lien (as defined by IC 29-1-17-9(a)) is specifically distributable, the distributee shall take the property subject to the lien unless the terms of the trust provide expressly or by necessary implication that the lien be otherwise paid. If:

(1) an event occurs that makes the property distributable; and

(2) the holder of a lien on the property receives payment on a claim based upon the obligation secured by the lien;

the property subject to the lien shall be charged with the reimbursement to the trust of the amount of the payment for the benefit of the beneficiaries entitled to the distribution, unless the terms of the trust provide expressly or by necessary implication that the payment be charged against the residue of the trust estate.

(g) For purposes of subsection (f), a general directive or authority in the trust for payment of debts does not imply an intent that the distribution of property subject to a lien be made free from the lien.

(h) IC 32-39-2-8, IC 32-39-2-9, and IC 32-39-2-10 apply to the right of a trustee acting under a trust to access:

(1) the content of an electronic communication (as defined in IC 32-39-1-6);

(2) a catalogue of electronic communications (as defined in IC 32-39-1-5); or

(3) any other digital asset (as defined in IC 32-39-1-10).

SECTION 9. IC 30-5-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.3. "Catalogue of electronic communications" has the meaning set forth in IC 32-39-1-5.**

SECTION 10. IC 30-5-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.7. "Content of an electronic communication" has the meaning set forth in IC 32-39-1-6.**

SECTION 11. IC 30-5-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. "Digital asset" has the meaning set forth in IC 32-39-1-10.**

SECTION 12. IC 30-5-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8. (a) IC 32-39-2-6 applies to the right of an attorney in fact to access the content of an electronic communication of the principal.**

(b) IC 32-39-2-7 applies to the right of an attorney in fact to access:

(1) a catalogue of electronic communications sent or received by the principal; and

(2) a digital asset in which the principal has a right or interest other than:

- (A) the information described in subsection (a); or**
- (B) a digital asset described in subdivision (1).**

SECTION 13. IC 30-5-5-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.5. (a) Language conferring general authority with respect to electronic records, reports, and statements authorizes the attorney in fact to do the following:**

- (1) Gain access to any computer, storage device, network, communications device, or other computing machinery that the principal owns, leases, or otherwise has license to access.**
- (2) Gain access to any user account the principal maintains with an online service provider.**
- (3) Access, retrieve, copy, or store:**
 - (A) the content of an electronic communication of the principal;**
 - (B) a catalogue of electronic communications sent or received by the principal; or**
 - (C) any other digital asset in which the principal has a right or interest.**
- (4) Perform any act in connection with the preparation, execution, filing, storage, or other use of electronic records, reports, and statements of or concerning the principal's affairs that the attorney in fact may perform in connection with the preparation, execution, filing, storage, or other use of written records, reports, and statements of or concerning the principal's affairs.**

(b) The powers described in this section are exercisable equally with respect to electronic records, reports, or statements of or concerning the affairs of the principal at the time of the giving of the power of attorney or are created after that time, whether arising in Indiana or in another jurisdiction.

SECTION 14. IC 32-39 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 39. REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

Chapter 1. Application and Definitions

Sec. 1. (a) This article applies to the following:

(1) A fiduciary acting under a will or power of attorney, regardless of when the will or power of attorney was executed.

(2) A personal representative acting for a decedent, regardless of the date of death of the decedent.

(3) A guardianship proceeding, regardless of when the guardianship proceeding commenced or whether the guardianship proceeding is pending.

(4) A trustee acting under a trust, regardless of when the trust was created.

(b) This article applies to a custodian that carries, maintains, processes, receives, or stores a digital asset of a user if the user:

(1) resides in Indiana; or

(2) resided in Indiana at the time of the user's death.

(c) This article does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

Sec. 2. As used in this article, "account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

Sec. 3. As used in this article, "attorney in fact" includes an attorney in fact granted authority under a durable power of attorney or a nondurable power of attorney.

Sec. 4. As used in this article, "carries" means engages in the transmission of an electronic communication.

Sec. 5. As used in this article, "catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

Sec. 6. As used in this article, "content of an electronic communication" means information concerning the substance or meaning of the communication that:

(1) has been sent or received by a user;

(2) is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(3) is not readily accessible to the public.

Sec. 7. As used in this article, "court" means:

- (1) a circuit court;**
- (2) a superior court;**
- (3) a probate court; or**
- (4) a juvenile court.**

Sec. 8. As used in this article, "custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

Sec. 9. As used in this article, "designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

Sec. 10. As used in this article, "digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

Sec. 11. As used in this article, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Sec. 12. As used in this article, "electronic communication" has the meaning set forth in 18 U.S.C. 2510(12).

Sec. 13. As used in this article, "electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

Sec. 14. As used in this article, "fiduciary" means:

- (1) an attorney in fact;**
- (2) a guardian;**
- (3) a personal representative; or**
- (4) a trustee.**

The term includes an additional or successor attorney in fact, guardian, personal representative, or trustee as well as an original attorney in fact, guardian, personal representative, or trustee.

Sec. 15. As used in this article, "guardian" means a person appointed by a court to manage the estate of a living individual. The term includes a limited guardian.

Sec. 16. As used in this article, "information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

Sec. 17. As used in this article, "online tool" means an electronic service provided by a custodian that allows the user, in an

agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

Sec. 18. As used in this article, "person" means:

- (1) an individual;
- (2) an estate;
- (3) a business or nonprofit entity;
- (4) a public corporation;
- (5) a government or subdivision, agency, or instrumentality of a government; or
- (6) another legal entity.

Sec. 19. As used in this article, "personal representative" means an executor, an administrator, a special administrator, or a person that performs substantially the same function as an executor, administrator, or special administrator under the law of Indiana other than this article.

Sec. 20. As used in this article, "power of attorney" means a record that grants an attorney in fact authority to act in the place of a principal.

Sec. 21. As used in this article, "principal" means an individual who grants authority to an attorney in fact in a power of attorney.

Sec. 22. As used in this article, "protected person" means an individual for whom a guardian has been appointed. The term includes an individual for whom an application for the appointment of a guardian is pending.

Sec. 23. As used in this article, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 24. As used in this article, "remote computing service" means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. 2510(14).

Sec. 25. As used in this article, "terms-of-service agreement" means an agreement that controls the relationship between a user and a custodian.

Sec. 26. As used in this article, "trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

Sec. 27. As used in this article, "user" means a person that has an account with a custodian.

Sec. 28. As used in this article, "will" includes a codicil, a testamentary instrument that only appoints an executor, and an instrument that revokes or revises a testamentary instrument.

Chapter 2. Fiduciary's Access to Digital Assets

Sec. 1. (a) A user may use an online tool to direct the custodian that carries, maintains, processes, receives, or stores the user's digital assets:

- (1) to disclose; or
- (2) not to disclose;

some or all of the user's digital assets, including the content of electronic communications to a designated recipient. If the online tool allows the user to modify or delete a direction at all times, a direction by a user to the custodian regarding disclosure through use of an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

(b) If a user has not used an online tool to give a direction under subsection (a) or if the custodian has not provided an online tool, the user, in a will, trust, power of attorney, or other record, may:

- (1) allow; or
- (2) prohibit;

disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

(c) A user's:

- (1) direction through the use of an online tool under subsection (a); or
- (2) provision in a will, trust, power of attorney, or other record under subsection (b);

overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

Sec. 2. (a) This article does not change or impair a right of:

- (1) a custodian; or
- (2) a user;

under a terms-of-service agreement to access and use digital assets of the user.

(b) This article does not give a fiduciary or designated recipient any new or expanded rights other than the rights held by the user:

- (1) for whom the fiduciary or designated recipient acts;**
- (2) who is represented by the fiduciary or designated recipient; or**
- (3) whose estate the fiduciary represents or acts for.**

(c) A fiduciary's access to a user's digital assets may be modified or eliminated:

- (1) by the user;**
- (2) by federal law; or**
- (3) by a terms-of-service agreement;**

if the user has not given a direction under section 1(a) of this chapter or allowed or prohibited disclosure through a will, trust, power of attorney, or other record under section 1(b) of this chapter.

Sec. 3. (a) When disclosing digital assets of a user under this chapter, the custodian, at the custodian's sole discretion, may:

- (1) grant a fiduciary or designated recipient full access to the user's account;**
- (2) grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or**
- (3) provide a fiduciary or designated recipient a copy of a record of any digital asset that, on the date on which the custodian received the request for disclosure, the user could have accessed if the user:**
 - (A) were alive;**
 - (B) had full capacity; and**
 - (C) had access to the account.**

(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

(c) A custodian need not disclose under this chapter a digital asset that has been deleted by a user.

(d) Subject to subsection (e), if:

- (1) a user directs a custodian to disclose to a fiduciary or designated recipient; or**
- (2) a fiduciary or designated recipient requests disclosure by a custodian of;**

some, but not all, of the user's digital assets under this chapter, the custodian need not disclose the digital assets if segregation of the digital assets would impose an undue burden on the custodian.

(e) If a custodian believes that a direction or request for the disclosure of some but not all of a user's digital assets as described in subsection (d) would impose an undue burden on the custodian, the custodian or fiduciary may seek an order from a court for the custodian:

(1) to disclose:

(A) a subset of the user's digital assets limited by date of the user's digital assets;

(B) all of the user's digital assets; or

(C) none of the user's digital assets;

to the fiduciary or designated recipient; or

(2) to disclose all of the user's digital assets to the court for review in camera.

Sec. 4. If a deceased user consented to, or a court directs, disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the personal representative gives the custodian the following:

(1) A written request for disclosure in physical or electronic form.

(2) A certified or authenticated copy of the death certificate of the user.

(3) A copy of the letters (as defined in IC 29-1-1-3(a)(17)) of the personal representative or of the order of no supervision or order of unsupervised administration issued to the personal representative under IC 29-1-7.5.

(4) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications.

(5) If requested by the custodian:

(A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the user's account;

(B) evidence linking the account to the user; or

(C) a finding by the court that:

- (i) the user had a specific account with the custodian, identifiable by the information specified in clause (A);**
- (ii) disclosure of the content of electronic communications of the user would not violate 18 U.S.C. 2701 et seq., 47 U.S.C. 222, or other applicable law;**
- (iii) unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or**
- (iv) disclosure of the content of electronic communications of the user is reasonably necessary for administration of the user's estate.**

Sec. 5. Unless the user prohibited disclosure of the user's digital assets or a court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the personal representative gives the custodian:

- (1) a written request for disclosure in physical or electronic form;**
- (2) a certified or authenticated copy of the death certificate of the user;**
- (3) a copy of the letters (as defined in IC 29-1-1-3(a)(17)) of the personal representative or of the order of no supervision or order of unsupervised administration issued to the personal representative under IC 29-1-7.5; or**
- (4) if requested by the custodian:**
 - (A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the user's account;**
 - (B) evidence linking the account to the user;**
 - (C) an affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the user's estate; or**
 - (D) a finding by the court that:**
 - (i) the user had a specific account with the custodian, identifiable by the information specified in clause (A); or**
 - (ii) disclosure of the user's digital assets is reasonably necessary for administration of the user's estate.**

Sec. 6. To the extent that a power of attorney expressly grants an attorney in fact authority over the content of electronic communications sent or received by the principal, and unless directed otherwise by the principal or a court, a custodian shall disclose to the principal's attorney in fact the content of the electronic communications of the principal if the attorney in fact gives the custodian:

- (1) a written request for disclosure of the electronic communications in physical or electronic form;**
- (2) an original or copy of the power of attorney expressly granting the attorney in fact authority over the content of electronic communications of the principal;**
- (3) a certification by the attorney in fact, under penalty of perjury, that the power of attorney is in effect; and**
- (4) if requested by the custodian:**
 - (A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the principal's account; or**
 - (B) evidence linking the account to the principal.**

Sec. 7. Unless otherwise ordered by a court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an attorney in fact having specific authority over the principal's digital assets or general authority to act on behalf of the principal a catalogue of electronic communications sent or received by the principal and the digital assets, other than the content of electronic communications, of the principal if the attorney in fact gives the custodian:

- (1) a written request for disclosure of the catalogue of electronic communications and the digital assets in physical or electronic form;**
- (2) an original or a copy of the power of attorney giving the attorney in fact specific authority over the principal's digital assets or general authority to act on behalf of the principal;**
- (3) a certification by the attorney in fact, under penalty of perjury, that the power of attorney is in effect; and**
- (4) if requested by the custodian:**
 - (A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the principal's account; or**

(B) evidence linking the account to the principal.

Sec. 8. Unless otherwise ordered by a court or provided in the trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account that is held in trust, including:

- (1) a catalogue of electronic communications of the trustee; and**
- (2) the content of the electronic communications of the trustee.**

Sec. 9. Unless otherwise ordered by a court, directed by the user, or provided in the trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original user or a successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

- (1) a written request for disclosure of the content of the electronic communication in physical or electronic form;**
- (2) a certified copy of the trust instrument or a certification of the trust under IC 30-4-4-5 that includes consent to disclosure to the trustee of the content of electronic communications carried, maintained, processed, received, or stored in the account of the trust;**
- (3) a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and**
- (4) if requested by the custodian:**
 - (A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the trust's account; or**
 - (B) evidence linking the account to the trust.**

Sec. 10. Unless otherwise ordered by the court, directed by the user, or provided in the trust, a custodian shall disclose, to a trustee that is not an original user of the account, a catalogue of electronic communications sent or received by an original user or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

- (1) a written request for disclosure of the catalogue of electronic communications and digital assets in physical or electronic form;**
- (2) a certified copy of the trust instrument or a certification of the trust under IC 30-4-4-5;**
- (3) a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and**
- (4) if requested by the custodian:**
 - (A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the trust's account; or**
 - (B) evidence linking the account to the trust.**

Sec. 11. (a) After an opportunity for a hearing under IC 29-3, a court may grant a guardian access to the digital assets of the protected person.

(b) Unless otherwise ordered by a court or directed by the user, a custodian shall disclose to a guardian the catalogue of electronic communications sent or received by the protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the guardian gives the custodian:

- (1) a written request for disclosure of the catalogue of electronic communications and the digital assets in physical or electronic form;**
- (2) a certified copy of the court order giving the guardian authority over the digital assets of the protected person; and**
- (3) if requested by the custodian:**
 - (A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the account of the protected person;**
 - or**
 - (B) evidence linking the account to the protected person.**

(c) A guardian with general authority to manage the assets of a protected person may, for good cause, request that the custodian of the digital assets of the protected person suspend or terminate an account of the protected person. A request made under this subsection must be accompanied by a certified copy of the court

order giving the guardian authority over the protected person's property.

Sec. 12. (a) The legal duties imposed on a fiduciary charged with managing tangible property, including:

- (1) the duty of care;**
- (2) the duty of loyalty; and**
- (3) the duty of confidentiality;**

also apply to a fiduciary charged with managing digital assets.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) except as otherwise provided in section 1 of this chapter, is subject to the applicable terms of service;**
- (2) is subject to other applicable law, including copyright law;**
- (3) is limited by the scope of the fiduciary's duties; and**
- (4) may not be used to impersonate the user.**

(c) A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset:

- (1) in which the decedent, protected person, principal, or settlor had a right or interest; and**
- (2) that is not held by a custodian or subject to a terms-of-service agreement.**

(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including IC 24-4.8-2, IC 24-5-22, IC 35-43-1-7, IC 35-43-1-8, IC 35-43-2-3, and IC 35-45-13.

(e) A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:

- (1) has the right to access the property and any digital asset stored in the property; and**
- (2) is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including IC 24-4.8-2, IC 24-5-22, IC 35-43-2-3, and IC 35-45-13.**

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) A fiduciary of a user may request that a custodian terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and must be accompanied by:

(1) if the user is deceased, a certified or authenticated copy of the death certificate of the user;

(2) a copy of:

(A) the letters (as defined in IC 29-1-1-3(a)(17)) of the personal representative or of the order of no supervision or order of unsupervised administration issued to the personal representative under IC 29-1-7.5;

(B) the court order;

(C) the power of attorney; or

(D) the trust;

giving the fiduciary authority over the account; and

(3) if requested by the custodian:

(A) a number, username, address, or other unique subscriber identifier or account identifier assigned by the custodian to identify the user's account;

(B) evidence linking the account to the user; or

(C) a finding by the court that the user had a specific account with the custodian, identifiable by the information specified in clause (A).

Sec. 13. (a) Not more than sixty (60) days after receipt of the information required under sections 4 through 11 of this chapter, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient for:

(1) the disclosure of digital assets; or

(2) the termination of an account.

If the custodian fails to comply with the request, the fiduciary or designated recipient may apply to a court for an order directing compliance.

(b) An order directing compliance for which a fiduciary or designated recipient applies under subsection (a) must contain a finding that compliance is not in violation of 18 U.S.C. 2702.

(c) A custodian may notify a user that a request for disclosure of the user's digital assets or to terminate an account of the user has been made under this chapter.

(d) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or

to terminate an account if the custodian is aware of any lawful access to the account that occurs after the custodian's receipt of the request.

(e) This chapter does not limit a custodian's ability to obtain, or to require a fiduciary or designated recipient requesting the disclosure of digital assets or the termination of an account under this chapter to obtain, a court order that:

- (1) specifies that the account belongs to the protected person or principal;
- (2) specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and
- (3) contains a finding required by law other than this chapter.

(f) A custodian and its officers, employees, and agents are immune from liability for an act done or omission made in good faith in compliance with this chapter.

Sec. 14. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Revised Uniform Fiduciary Access to Digital Assets Act.

Sec. 15. This chapter:

- (1) modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq.; but
- (2) does not:
 - (A) modify, limit, or supersede Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001(c); or
 - (B) authorize electronic delivery of any of the notices described in Section 103(b) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7003(b).

SECTION 15. IC 34-30-2-140.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 140.4. IC 32-39-2-13(f) (Concerning an act done or omission made in good faith in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act).**

P.L.138-2016

[S.279. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-20-3.1, AS AMENDED BY P.L.203-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) This section applies only to the following:

(1) A controlled project (as defined in section 1.1 of this chapter as in effect June 30, 2008) for which the proper officers of a political subdivision make a preliminary determination in the manner described in subsection (b) before July 1, 2008.

(2) An elementary school building, middle school building, high school building, or other school building for academic instruction that:

(A) is a controlled project;

(B) will be used for any combination of kindergarten through grade 12; and

(C) will not cost more than ten million dollars (\$10,000,000).

(3) Any other controlled project that:

(A) is not a controlled project described in subdivision (1) or (2); and

(B) will not cost the political subdivision more than the lesser of the following:

(i) Twelve million dollars (\$12,000,000).

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that amount is at least one million dollars (\$1,000,000).

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

- (1) The proper officers of a political subdivision shall:
 - (A) publish notice in accordance with IC 5-3-1; and
 - (B) send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices; of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.
- (2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by:
 - (A) publication in accordance with IC 5-3-1; and
 - (B) first class mail to the circuit court clerk and to the organizations described in subdivision (1)(B).
- (3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:
 - (A) The maximum term of the bonds or lease.
 - (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.
 - (C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
 - (D) The purpose of the bonds or lease.
 - (E) A statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.
 - (F) With respect to bonds issued or a lease entered into to open:
 - (i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 (repealed) before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).

(H) The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) ~~one~~ **five** hundred ~~(100)~~ **(500)** persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall, not more than fifteen (15) business days after receiving a petition, forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office shall, not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8), make the final determination of the number of petitioners that are registered voters in the political

subdivision and, based on the statement provided by the county auditor, the number of petitioners that own property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property, or a combination of those types of property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

- (A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or
- (B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) This subsection applies only to a political subdivision that, after April 30, 2011, adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease subject to this section and section 3.2 of this chapter. A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.2 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.2 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the capital projects were artificially divided.

SECTION 2. IC 6-1.1-20-3.5, AS AMENDED BY P.L.218-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, high school building, or other school building for academic instruction that:

(i) will be used for any combination of kindergarten through grade 12; and

(ii) will cost more than ten million dollars (\$10,000,000).

(B) Any other controlled project that:

(i) is not a controlled project described in clause (A); and

(ii) will cost the political subdivision more than the lesser of twelve million dollars (\$12,000,000) or an amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date (if that amount is at least one million dollars (\$1,000,000)).

(2) The proper officers of the political subdivision make a preliminary determination after June 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the controlled project.

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on the preliminary determination before adoption of the ordinance or resolution. The political subdivision must make the following information available to the public at the public hearing on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

(i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing

units that include any of the territory of the political subdivision; divided by

(ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(G).

(2) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(H) The information specified in subdivision (1)(A) through (1)(B).

(4) After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:

- (A) ~~one~~ **five** hundred ~~(100)~~ **(500)** persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

- (A) the carrier and signers must be owners of property or registered voters;
- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and
- (D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least ~~one hundred twenty-five (125)~~ **five hundred twenty-five (525)** persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least ~~one hundred twenty-five (125)~~ **five hundred twenty-five (525)** persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office, not more than ten (10) business days after determining that at least ~~one hundred twenty-five (125)~~ **five hundred twenty-five (525)** persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8) (as applicable), shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a

registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting the referendum process. The certificate must state the number of petitioners who are owners of property within the

political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

(11) If a sufficient petition requesting the local public question process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

- (1) a copy of the notice required by subsection (b)(2); and
- (2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter.

SECTION 3. IC 20-46-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 5.5. As used in this chapter, "resolution to extend a referendum levy" refers to a resolution adopted under sections 8 and 8.5 of this chapter to place a referendum on the ballot requesting authority to continue imposing a tax rate, which is the same as or lower than the tax rate previously approved by the voters of the school corporation.**

SECTION 4. IC 20-46-1-8, AS AMENDED BY P.L.166-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a)** Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for either of the following purposes:

- (1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.
- (2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(b) The governing body of the school corporation shall certify a copy of the resolution to the following:

- (1) The department of local government finance, including ~~(in the case of a resolution certified to the department of local government finance after April 30, 2011)~~ the language for the question required by section 10 of this chapter, ~~in the case of a resolution certified to the department of local government finance after April 30, 2011,~~ **or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter.** The department shall review the language for compliance with section 10 **or 10.1** of this chapter, **whichever is applicable**, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.
- (2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).
- (3) The circuit court clerk of each county in which the school corporation is located.

SECTION 5. IC 20-46-1-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. A resolution to extend a referendum levy must be:**

- (1) adopted by the governing body of a school corporation;**
- and**
- (2) approved in a referendum under this chapter;**

before December 31 of the final calendar year in which the school corporation's previously approved referendum levy is imposed under this chapter.

SECTION 6. IC 20-46-1-10, AS AMENDED BY P.L.155-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) This section does not apply to a referendum on a resolution certified to the department of local government finance after March 15, 2016, to extend a referendum levy.**

(b) The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property taxes imposed by the school corporation for the purpose of funding _____ (insert short description of purposes)?".

SECTION 7. IC 20-46-1-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.1. (a) This section applies only to a referendum to allow a school corporation to extend a referendum levy.**

(b) The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation continue to impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and for the purpose of funding _____ (insert short description of purposes)?

The tax rate requested in this referendum was originally approved by the voters in the _____ (insert name of the school corporation) in _____ (insert the year in which the referendum tax levy was approved)."

(c) The number of years for which a referendum tax levy may be extended if the public question under this section is approved may not exceed the number of years for which the expiring referendum tax levy was imposed.

SECTION 8. An emergency is declared for this act.

P.L.139-2016

[S.291. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-15-13-9, AS ADDED BY P.L.165-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) An agricultural hemp seed production license issued under this chapter authorizes a grower or handler to produce and handle agricultural hemp seed for sale to licensed industrial hemp growers and handlers. A seller of agricultural hemp seed shall ensure that the seed complies with any standards set by the state seed commissioner. The state seed commissioner shall make available to growers information that identifies sellers of agricultural hemp seed.

(b) Subject to rules adopted by the state seed commissioner, a grower may retain seed from each industrial hemp crop to ensure a sufficient supply of seed for that grower for the following year. A grower does not need an agricultural hemp seed production license in order to retain seed for future planting. Seed retained by a grower may not be sold or transferred and is not required to meet the state seed commissioner's agricultural hemp seed standards.

(c) (b) All growers and handlers must keep records in accordance with rules adopted by the state seed commissioner. Upon at least three (3) days notice, the state seed commissioner may audit the required records during normal business hours. The state seed commissioner may conduct an audit for the purpose of ensuring compliance with:

- (1) this chapter;
- (2) rules adopted by the state seed commissioner; or
- (3) industrial hemp license or agricultural hemp seed production license requirements, terms, and conditions.

~~(c)~~ (c) In addition to an audit conducted in accordance with subsection ~~(c)~~; (b), the state seed commissioner may inspect independently, or in cooperation with the state police department, a federal law enforcement agency, or a local law enforcement agency, any industrial hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

- (1) three-tenths of one percent (0.3%) on a dry weight basis; or
 - (2) the percent based on a dry weight basis determined by the federal Controlled Substance Act (21 U.S.C. 801 et seq.);
- the state seed commissioner may detain, seize, or embargo the crop.

P.L.140-2016

[S.294. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-3-9-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 13. (a) This section applies to the holder of a three-way permit that is issued for a premises described in IC 7.1-3-1-14(c)(2).**

(b) Notwithstanding any other provision of this title or rule adopted by the commission and subject to subsections (c) and (d), the holder of a three-way permit may sell sealed bottles of liquor or wine for consumption off the licensed premises:

- (1) from one (1) or more locations on a premises described in IC 7.1-3-1-14(c)(2); and**

(2) on the date of the Indianapolis 500 Race in the 2016 calendar year from 7 a.m., prevailing local time, to 7 p.m., prevailing local time.

(c) The holder of a three-way permit described under subsection (b) must disclose to the commission, at least fourteen (14) days before the date of the Indianapolis 500 Race, that the holder intends to sell bottles of liquor or wine under this section.

(d) The bottles of liquor or wine described in subsection (b) must be decorative bottles commemorating the one hundredth anniversary of the Indianapolis 500 Race.

(e) This section expires January 1, 2017.

SECTION 2. An emergency is declared for this act.

P.L.141-2016

[S.301. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-6-7, AS ADDED BY P.L.53-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a) This section applies after December 31, 2013.~~

~~(b)~~ **(a)** A council may develop an alternative career, technical, or vocational educational curriculum for high school students in its region in order to **do either of the following:**

(1) Offer those students opportunities to:

~~(1)~~ **(A)** pursue internships and apprenticeships;

~~(2)~~ **(B)** learn from qualified instructors; and

~~(3)~~ **(C)** have a goal of:

~~(A)~~ **(i)** earning an industry certification;

~~(B)~~ (ii) earning credits toward an associate degree; or
~~(C)~~ (iii) establishing a career pathway toward a high wage, high demand job that is available in the region.

(2) Provide a career, technical, or vocational educational curriculum that is aligned with the workforce needs and training and education requirements of the region identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10.

~~(c)~~ (b) Before an alternative curriculum developed under subsection ~~(b)~~ (a) may be offered, the state board shall approve the alternative curriculum.

SECTION 2. IC 20-20-38-4, AS AMENDED BY P.L.107-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state board shall develop and implement a long range state plan for a comprehensive secondary level career and technical education program in Indiana.

(b) The plan developed under this section must be updated as changes occur. The state board shall make the plan and any revisions made to the plan available to:

- (1) the governor;
- (2) the general assembly;
- (3) the department of workforce development;
- (4) the commission for higher education;
- (5) the council;
- (6) the state workforce innovation council;
- (7) the board for proprietary education; and
- (8) any other appropriate state or federal agency.

A plan or revised plan submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

(c) The plan developed under this section must set forth specific goals for secondary level public career and technical education and must include the following:

- (1) The preparation of each graduate for both employment and further education.
- (2) Accessibility of career and technical education to individuals of all ages who desire to explore and learn for economic and personal growth.

- (3) Projected employment opportunities in various career and technical education fields.
- (4) A study of the supply of and the demand for a labor force skilled in particular career and technical education areas.
- (5) A study of technological and economic change affecting Indiana.
- (6) An analysis of the private career and education sector in Indiana.
- (7) Recommendations for improvement in the state career and technical education program.
- (8) The educational levels expected of career and technical education programs proposed to meet the projected employment needs.

(d) When making any revisions to the plan, the state board shall consider the workforce needs and training and education needs identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10.

SECTION 3. IC 20-24-8-5, AS AMENDED BY P.L.221-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7) IC 20-28-10-14 (teacher freedom of association).
- (8) IC 20-28-10-17 (school counselor immunity).
- (9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).

- (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (18) IC 20-33-7 (parental access to education records).
- (19) IC 20-31 (accountability for school performance and improvement).
- (20) IC 20-30-5-19 (personal financial responsibility instruction).
- (21) IC 20-26-5-37.3, before its expiration (career and technical education reporting).**

SECTION 4. IC 20-26-5-37.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 37.3. (a) Before November 1 of each year, the department and the department of workforce development shall prepare a report containing the following information for each high school and each school corporation for the immediately preceding school year:**

- (1) Career and technical education courses available to the students attending the high school.**
- (2) The number of students enrolled in each course, by grade level.**
- (3) The number of students successfully completing each course.**
- (4) The number of students who:**
 - (A) successfully completed a career and technical education course sequence; and**
 - (B) obtained employment in the career or technical field for which the student successfully completed a course sequence.**

(b) The report under subsection (a) must be submitted in the format agreed to by the department and the department of workforce development.

(c) This section expires July 1, 2020.

SECTION 5. IC 21-18-9-2, AS ADDED BY P.L.2-2007, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** The commission may:

- (1) review all programs of any state educational institution, regardless of the source of funding; and
- (2) make recommendations to the board of trustees of the state educational institution, the governor, and the general assembly concerning the funding and the disposition of the programs.

(b) The commission, in consultation with the department of workforce development, shall develop and recommend funding amounts and performance metrics that reward workforce training programs under IC 21-41-5-3(b) and that are not included in the postsecondary performance funding formula. Ivy Tech Community College shall assist the commission, and the department of workforce development shall provide the data necessary for the commission to develop these funding amounts and performance metrics. Funding amounts and performance metrics recommended under this subsection must be aligned with the workforce needs and training and education needs identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10. This subsection expires July 1, 2020.

SECTION 6. IC 21-38-3-6, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** The board of trustees of Ivy Tech Community College shall select and employ a president of the state educational institution, with qualifications set out, and other staff and professional employees as are required.

(b) This subsection expires July 1, 2020. The president shall select and employ two (2) vice presidents, one (1) for each of the following, subject to confirmation by the board of trustees:

- (1) One (1) whose focus is on programs and pathways designed to meet workforce and employer demand.**
- (2) One (1) whose focus is on academics and transferability of program and pathway credits.**

The president shall ensure alignment between the activities managed by each vice president.

SECTION 7. IC 21-41-5-3, AS ADDED BY P.L.2-2007, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** It is the primary purpose of Ivy Tech Community College to provide educational opportunities and appropriate workforce development, assessment, and training services to:

- (1) employees of employers whose productivity and competitiveness will be enhanced by targeted employee education and training courses and programs delivered in the employer's workplace;
- (2) students who require additional education before enrolling in college level courses at either a two (2) year or a four (4) year institution;
- (3) individuals who have graduated from high school and are more interested in continuing their education in a general, liberal arts, occupational, or technical program at a two (2) year, nonresidential college;
- (4) individuals who have graduated from high school and want to earn credits that will transfer to a four (4) year college;
- (5) students who do not complete work at a four (4) year college or who are referred by a four (4) year college to Ivy Tech Community College;
- (6) students who complete their work at a four (4) year college but would like to supplement that education to improve existing skills or acquire new skills; and
- (7) adult workers who need and desire retraining or additional training of an occupational or technical nature for the workplace.

(b) The board of trustees of Ivy Tech Community College shall establish an administrative structure for Ivy Tech Community College that provides the support necessary for:

- (1) workforce training programs, including programs designed for the direct entry of individuals into the workforce; and**
- (2) programs to enhance the skills of workers.**

SECTION 8. IC 21-41-5-8, AS ADDED BY P.L.169-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** Subject to IC 21-22-6-10, the board of trustees of Ivy Tech Community College may develop and adopt the

appropriate education programs to be offered and workforce services to be provided.

(b) The board of trustees of Ivy Tech Community College shall do the following in its development and adoption of programs leading to a certificate and for workforce training programs:

- (1) Consider findings and recommendations concerning workforce needs and training and education needs that are submitted by advisory committees under section 14 of this chapter.**
- (2) Obtain and consider comments and input from Indiana employers and employer organizations.**
- (3) Ensure that the programs are aligned with the primary purposes of Ivy Tech Community College that are specified in section 3 of this chapter.**

SECTION 9. IC 21-41-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) Not later than ninety (90) days after receiving the data provided under IC 22-4.1-4-13, Ivy Tech Community College shall report to the department of workforce development the following information for the statewide system and each region established under IC 21-22-6-1 for the immediately preceding academic year:**

- (1) Certificate programs available that are linked to industry recognized third party certifications.**
- (2) The number of students enrolled in each certificate program.**
- (3) The number of students successfully completing each certificate program.**
- (4) To the extent a campus has access to the information, the number of students who:**
 - (A) successfully completed a certificate program sequence;**
 - and**
 - (B) obtained employment in the field for which the student successfully completed a certificate program sequence.**

The report under this subsection must be submitted in the format required by the department of workforce development.

(b) Not later than ninety (90) days after receiving the data provided under IC 22-4.1-4-13, Ivy Tech Community College shall report the following information to the commission for higher

education, the department of workforce development, and the legislative council (in an electronic format under IC 5-14-6):

(1) A list of programs that have been identified as having either:

- (A) insufficient student demand;
- (B) insufficient employer demand; or
- (C) insufficient graduation or transfer rates;

as determined by the commission for higher education in the review under IC 21-18-9-10.5.

(2) For each of the programs described in subdivision (1), information concerning whether the program will be eliminated, restructured, or placed on an improvement plan or whether no action will be taken regarding the program.

(3) The status of system-wide restructuring of student support services recommended by the commission under IC 21-18-9-10.5(b)(1).

(4) A target date for the development of courses and programs identified under IC 22-4.1-4-12 as being required to meet the workforce needs in one (1) or more regions designated under IC 20-19-6-3.

(5) Information concerning whether the resources available to Ivy Tech Community College are sufficient to comply with IC 21-18-9-10.5 and section 8 of this chapter.

(c) This section expires July 1, 2020.

SECTION 10. IC 21-41-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 13. (a) The president of Ivy Tech Community College shall, before October 1 of each year, report to the governor, the budget committee, and the legislative council (in an electronic format under IC 5-14-6) concerning progress in the efforts to align career and technical education courses and programs and certification courses and programs with the workforce needs and educational requirements within each region designated under IC 20-19-6-3.**

(b) This section expires July 1, 2020.

SECTION 11. IC 21-41-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14. (a) The commissioner of the department of workforce development or the commissioner's**

designee shall be a member of each program advisory committee established by Ivy Tech Community College.

(b) Each program advisory committee established by Ivy Tech Community College shall do the following:

(1) Consider the workforce needs and training and education needs identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10.

(2) Submit to the board of trustees of Ivy Tech Community College at a public meeting any findings or recommendations of the advisory committee concerning those workforce needs and training and education needs.

(c) This section expires July 1, 2020.

SECTION 12. IC 21-41-5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. Before November 1, 2016, and each November 1 thereafter, Ivy Tech Community College shall provide the budget committee the following information for each of Ivy Tech Community College's owned or operated campus locations or sites that offer ongoing academic programs and services:**

(1) The number of students enrolled.

(2) The amount of square feet of each building.

(3) The operating or overhead costs associated with the campus location or site.

SECTION 13. IC 22-4.1-4-9, AS ADDED BY P.L.69-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) Before December 1 of each year, the department shall provide the department of education (established by IC 20-19-3-1) with a report, to be used to determine career and technical education grant amounts in the state fiscal year beginning after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department shall categorize each of the career and technical education programs using the following four (4) categories:**

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department shall provide the department of education with a report, to be used to determine grant amounts that will be distributed under IC 20-43-8 in the state fiscal year beginning after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department shall **do the following:**

(1) If possible, list the labor market demand and the average wage level for specific regions, counties, and municipalities.

(2) Consider the information included in the occupational demand report prepared by the department under section 10 of this chapter.

(d) If a new career and technical education program is created by rule of the state board of education, the department shall determine the category in which the program should be included.

SECTION 14. IC 22-4.1-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) The department shall prepare an occupational demand report regarding:**

(1) the expected workforce needs of Indiana employers for a ten (10) year projection; and

(2) the training and education that will be required to meet those expected workforce needs.

The department shall categorize these workforce needs and training and education requirements by job classification or generally recognized labor categories on a statewide basis and also for each region designated under the WIOA.

(b) In preparing the report under subsection (a), the department shall consult with the following:

- (1) The commission for higher education.
- (2) Ivy Tech Community College.
- (3) Each Indiana works council established under IC 20-19-6-4.
- (4) Employers and employer organizations.
- (5) Labor organizations.

(c) The department shall submit the report under subsection (a) to the governor, the budget committee, the legislative council (in an electronic format under IC 5-14-6), the commission for higher education, the board of trustees of Ivy Tech Community College, the department of education, the state board of education before July 1, 2016, and each regional or campus advisory committee established by Ivy Tech Community College.

(d) This section expires July 1, 2020.

SECTION 15. IC 22-4.1-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The department, with the assistance of the commission for higher education, Ivy Tech Community College, and local workforce development boards, shall do the following for each region designated under the WIOA:

(1) Use the information provided by school corporations under IC 20-26-5-37.3 and by Ivy Tech Community College under IC 21-41-5-12 to prepare an inventory of:

- (A) the career and technical education courses available to the students attending high school in the region; and
- (B) the certification courses provided by Ivy Tech Community College campuses in the region.

(2) Use:

- (A) the information included in the occupational demand report prepared by the department under section 10 of this chapter concerning workforce needs and training and education requirements; and

(B) any other information considered appropriate by the department;

to identify any gaps or imbalances between the career and technical education courses and certification courses offered in the region and the workforce needs and training and education needs in the region.

(b) This section expires July 1, 2020.

SECTION 16. IC 22-4.1-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) The department, with the assistance of the commission for higher education, the department of education, Ivy Tech Community College, and local workforce development boards, shall annually do the following:**

(1) Use:

(A) the information concerning workforce needs and training and education requirements of the region identified in the occupational demand report under section 10 of this chapter; and

(B) the information under section 11 of this chapter concerning gaps or imbalances between the courses offered in the region and the workforce needs and training and education needs in the region;

to develop recommendations concerning the career and technical education courses, including dual credit courses, and courses leading to a certification that should be offered at high schools within each region designated under the WIOA.

(2) Report to the budget committee before January 1 of each year concerning the recommendations.

(3) Report the recommendations to the board of trustees, administration, and faculty of Ivy Tech Community College at a meeting scheduled by the board of trustees of Ivy Tech Community College.

(b) This section expires July 1, 2020.

SECTION 17. IC 22-4.1-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) Not later than July 1, 2016, the department, in consultation with the commission for higher education, the department of state revenue, and the Ivy Tech Community College board of trustees, shall develop a**

procedure for measuring the following for credential or degree completers and separately for current or previously enrolled students of Ivy Tech Community College:

(1) The percentage of credential or degree completers or students employed within one (1) year of graduation or separation.

(2) The median, minimum, and maximum starting salary of graduates or students within one (1) year of completion or separation.

(3) The median, minimum, and maximum starting salary of graduates or students within five (5) years of completion or separation.

(b) The information described in subsection (a) shall be measured separately for each academic program offered within an Ivy Tech Community College region, including associate degrees, certificates, and other established programs granting workforce credentials.

(c) The information described in subsection (a) shall separately consider transfer students and nontransfer students.

(d) Not later than October 1 of 2016 and every year thereafter, the department shall provide to Ivy Tech Community College any data necessary for the calculation of the measurements described in subsection (a).

(e) Not later than October 1 of 2016 and every year thereafter, the department shall provide to the commission for higher education any data necessary for the commission to establish and calculate a labor market outcomes metric for inclusion in the postsecondary performance funding formula.

(f) The providing of data under this section is not a violation of the confidentiality provisions of IC 22-4-19-6(b).

SECTION 18. IC 22-4.5-9-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market. **In carrying out its duties under this subdivision, the council must consider the workforce needs and training and education requirements identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10.**

(3) In addition to the department's annual report provided under ~~IC 22-4.5-9-4~~, **IC 22-4.1-4-8**, submit, not later than August 1, 2013, and not later than ~~November~~ **December** 1 each year thereafter, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's education, job skills development, and career training system.

The inventory must provide at least the information listed in ~~IC 22-4.1-9-4(a)(1)~~ **IC 22-4.1-4-8(a)(1)** through ~~IC 22-4.1-9-4(a)(5)~~ **IC 22-4.1-4-8(a)(5)** for each activity in the inventory.

(4) Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

(A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.

(B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).

- (C) Proposed changes to address both:
 - (i) the shortage of qualified workers for current employment opportunities; and
 - (ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.
- (5) Complete, not later than August 1, 2014, a return on investment and utilization study of career and technical education programs in Indiana. The study conducted under this subdivision must include at least the following:
 - (A) An examination of Indiana's career and technical education programs to determine:
 - (i) the use of the programs; and
 - (ii) the impact of the programs on college and career readiness, employment, and economic opportunity.
 - (B) A survey of the use of secondary, college, and university facilities, equipment, and faculty by career and technical education programs.
 - (C) Recommendations concerning how career and technical education programs:
 - (i) give a preference for courses leading to employment in high wage, high demand jobs; and
 - (ii) add performance based funding to ensure greater competitiveness among program providers and to increase completion of industry recognized credentials and dual credit courses that lead directly to employment or postsecondary study.
- (6) Coordinate the performance of its duties under this chapter with the Indiana works councils established by IC 20-19-6-4.
- (b) In performing its duties, the council shall obtain input from the following:
 - (1) Indiana employers and employer organizations.
 - (2) Public and private institutions of higher education.
 - (3) Regional and local economic development organizations.
 - (4) Indiana labor organizations.
 - (5) Individuals with expertise in career and technical education.
 - (6) Military and veterans organizations.

(7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.

(8) Individuals and organizations with expertise in the logistics industry.

(9) Any other person or organization that a majority of the voting members of the council determines has information that is important for the council to consider.

SECTION 19. An emergency is declared for this act.

P.L.142-2016

[S.327. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-14-3.8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) As used in this section, "contract" includes all pages of a contract and any attachments to the contract.**

(b) A political subdivision shall scan and upload the digital image of a contract to the Indiana transparency Internet web site during each year that the contract amount to be paid by the political subdivision for that year exceeds the lesser of:

(1) ten percent (10%) of the political subdivision's property tax levy for that year; or

(2) fifty thousand dollars (\$50,000).

A political subdivision shall scan and upload the contract not later than sixty (60) days after the date the contract is executed.

(c) Nothing in this section prohibits the political subdivision from withholding any information in the contract that the political subdivision shall or may withhold from disclosure under IC 5-14-3.

P.L.143-2016

[S.335. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-17-5, AS AMENDED BY P.L.233-2015, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a)** The following apply with respect to a school corporation's employee health coverage program:

(1) If the school corporation pays a commission, a bonus, an override, a contingency fee, or any other compensation to an insurance producer or other adviser in connection with the health coverage, the school corporation shall:

(A) specify the commission, bonus, override, contingency fee, or other compensation in the school corporation's annual budget fixed under IC 6-1.1-17; and

(B) make the information specified under clause (A) available to the public upon request.

(2) The school corporation may allow:

(A) members of the school corporation's governing body; or

(B) an attorney of the school corporation's governing body;

to be covered under the school corporation's employee health coverage program.

(3) **Except as provided in subsection (b)**, all individuals insured under the school corporation's employee health coverage program:

(A) are eligible for the same coverage as all other individuals insured under the program; and

(B) to the extent allowed by federal law, may pay different amounts for the coverage.

(b) Except as provided in IC 5-10-8-6.7(b), a school corporation:

(1) may:

(A) make an assignment of wages upon the request of a school corporation employee in accordance with IC 22-2-6-2 to pay the school corporation employee's share of premiums for health insurance that is available to the school corporation employee as a result of a collective bargaining agreement:

(i) negotiated with the school corporation by a labor organization; and

(ii) under which the school corporation employee is covered; and

(B) pay the school corporation's share of premiums for the bargained health insurance; and

(2) is not required to make the bargained health insurance available to all school corporation employees.

P.L.144-2016

[S.375. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-13.6-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) The definitions in IC 5-16-13 apply to this section.**

(b) For purposes of IC 5-16-13-10(c) and this section, the following apply:

(1) A contractor must be qualified under this chapter before doing any work on a public works project that is a public work:

(A) as defined by IC 4-13.6-1-13; or

(B) as defined by IC 36-1-12-2, excluding the construction, alteration, or repair of a highway, street, or alley.

(2) A supplier (as defined by IC 4-13.6-1-20) is not required to be qualified under this chapter before doing any work on a public works project.

(c) Notwithstanding the applicability date specified in IC 5-16-13-10(c) and subject to subsection (d), the requirement that a contractor must be qualified under this chapter before doing any work on a public works project applies to a public works contract awarded after December 31, 2016.

(d) This subsection applies to a public works project awarded after December 31, 2016, by a local unit. A contractor in any contractor tier is not required to be qualified under this chapter before doing any work on a public works project awarded by a local unit whenever:

(1) the total amount of the contract awarded to the contractor for work on the public works project is less than three hundred thousand dollars (\$300,000); and

(2) the local unit complies with IC 36-1-12 in awarding the contract for the public works project.

SECTION 2. IC 4-13.6-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. The board shall make available for public inspection during regular office hours and on the Internet a list of the contractors holding a valid certificate of qualification issued by the board under this chapter.

SECTION 3. IC 8-23-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) The definitions in IC 5-16-13 apply to this section.

(b) For purposes of IC 5-16-13-10(c) and this section, a contractor must be qualified under this chapter before doing any work on a public works project that is the construction,

improvement, alteration, repair, or maintenance of a road (as defined by IC 8-23-1-23), highway, street, or alley.

(c) Notwithstanding the applicability date specified in IC 5-16-13-10(c) and subject to subsection (d), the requirement that a contractor must be qualified under this chapter before doing any work on a public works project applies to a public works contract awarded after December 31, 2016.

(d) This subsection applies to a public works project awarded after December 31, 2016, by a local unit. A contractor in any contractor tier is not required to be qualified under this chapter before doing any work on a public works project awarded by a local unit whenever:

- (1) the total amount of the contract awarded to the contractor for work on the public works project is less than three hundred thousand dollars (\$300,000); and
- (2) the local unit complies with IC 36-1-12 in awarding the contract for the public works project.

SECTION 4. IC 8-23-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. It is unlawful to award a contract to any person other than a bidder previously qualified in compliance with this chapter, **except for the award of a contract for a public works project by a local unit whenever section 0.5(d) of this chapter applies.**

SECTION 5. IC 8-23-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. The department shall make available for public inspection during regular office hours and on the Internet a list of the contractors holding a valid certificate of qualification issued by the department under this chapter.**

SECTION 6. IC 22-2-2-10.5, AS ADDED BY P.L.211-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.5. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

- (b) Unless federal or state law provides otherwise, a unit may not:
- (1) establish;
 - (2) mandate; or
 - (3) otherwise require;

a minimum wage that exceeds the minimum wage required by section 4 of this chapter or by the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1).

(c) **Except as provided in IC 5-16-7.2**, this section does not limit the authority of a unit to establish wage rates in a contract to which the unit is a party.

SECTION 7. An emergency is declared for this act.

P.L.145-2016

[S.378. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-4-35-5, AS ADDED BY P.L.187-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The office shall do the following:

- (1) Operate the Indiana small business development center.
- (2) Maintain, through the small business development centers, a statewide network of public, private, and educational resources to, among other things, inform small businesses of the state and federal programs under which small businesses may obtain financial assistance or realize reduced costs through programs such as the small employer health insurance pooling program under IC 27-8-5-16(8).
- (3) Employ a small business ombudsman.
- (4) Support the development of small business in Indiana through the Indiana small business development center.
- (5) Administer the young entrepreneurs program under IC 4-4-36.

(6) Develop and administer programs to support the growth of small businesses.

(b) The office may maintain:

(1) a toll free telephone number; and

(2) an Internet web page;

to provide free access to the office's services related to the Indiana small business development center.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.103-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
 - (C) The implementation of security systems.
 - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.
 - (E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:

- (A)** the Indiana economic development corporation;
- (B)** the office of tourism development;
- (C)** the Indiana finance authority;
- (D)** the ports of Indiana;

- (E) an economic development commission;
 - (F) the Indiana state department of agriculture;
 - (G) a local economic development organization ~~(as defined in IC 5-28-11-2(3))~~; **that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana;** or
 - (H) a governing body of a political subdivision.
- (5) To receive information about and interview prospective employees.
- (6) With respect to any individual over whom the governing body has jurisdiction:
- (A) to receive information concerning the individual's alleged misconduct; and
 - (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - (i) a physician; or
 - (ii) a school bus driver.
- (7) For discussion of records classified as confidential by state or federal statute.
- (8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.
- (9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
- (10) When considering the appointment of a public official, to do the following:
- (A) Develop a list of prospective appointees.
 - (B) Consider applications.
 - (C) Make one (1) initial exclusion of prospective appointees from further consideration.
- Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further

consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(14) To train members of a board of aviation commissioners appointed under IC 8-22-2 or members of an airport authority board appointed under IC 8-22-3 with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.181-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The following public records are excepted

from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by ~~the board of~~ the Indiana economic development corporation under IC 5-28-16.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.
- (13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:
 - (A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).
 - (B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. Law enforcement agencies may share investigatory records with a person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim, without the law enforcement agency losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

- (iii) the Indiana state department of agriculture;
- (iv) the Indiana finance authority;
- (v) an economic development commission;
- (vi) a local economic development organization (as defined in IC 5-28-11-2(3)), **that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana;** or
- (vii) a governing body of a political subdivision with industrial, research, or commercial prospects;

if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

- (G) domestic preparedness strategies;
- (H) the location of community drinking water wells and surface water intakes;
- (I) the emergency contact information of emergency responders and volunteers;
- (J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems;
- (K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:
 - (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
 - (ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)"; and
- (L) the home address, home telephone number, and emergency contact information for any:
 - (i) emergency management worker (as defined in IC 10-14-3-3);
 - (ii) public safety officer (as defined in IC 35-47-4.5-3);
 - (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
 - (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under

IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

- (A) contain personal information relating to:
 - (i) a correctional officer (as defined in IC 5-10-10-1.5);
 - (ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
 - (iii) a judge (as defined in IC 33-38-12-3);
 - (iv) the victim of a crime; or
 - (v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or
- (B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational

institution, including the following information regarding the individual or the individual's parent or guardian:

- (A) Name.
 - (B) Address.
 - (C) Telephone number.
 - (D) Electronic mail account address.
- (25) Criminal intelligence information.
- (26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:
- (A) date of birth;
 - (B) driver's license number;
 - (C) taxpayer identification number;
 - (D) employer identification number; or
 - (E) account number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

- (h) Notwithstanding subsection (d) and section 7 of this chapter:
- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
 - (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 4. IC 5-28-3-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: The following bodies corporate and politic are transferred to the corporation to be operated as separate corporate entities under the supervision of the corporation on July 1, 2005:

(1) Indiana small business development corporation established under IC 4-3-12-1 (before its repeal):

(2) Indiana economic development council established under IC 4-3-14 (before its repeal):

SECTION 5. IC 5-28-5-6.5, AS AMENDED BY P.L.187-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. The board ~~shall~~ **may** maintain a small business division to carry out the corporation's duties under IC 5-28-17. The board shall staff the division with employees of the corporation.

SECTION 6. IC 5-28-8-4, AS ADDED BY P.L.235-2005, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. As used in this chapter, "qualified entity" means:

(1) the state;

(2) a political subdivision of the state;

(3) an agency of the state or a political subdivision of the state;

(4) a nonprofit corporation; ~~or~~

(5) the Indiana finance authority established under IC 4-4-10.9 and IC 4-4-11; **or**

(6) **any of the following local economic development organizations:**

(A) **An urban enterprise association established under IC 5-28-15 (or IC 4-4-6.1 before its repeal).**

(B) **An economic development commission established under IC 36-7-12.**

(C) **A nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana.**

(D) **A regional planning commission established under IC 36-7-7.**

(E) A nonprofit educational organization whose primary purpose is educating and developing local leadership for economic development initiatives.

(F) Other similar organizations whose purposes include economic development and that are approved by the corporation.

SECTION 7. IC 5-28-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Local Economic Development Organization Grants).

SECTION 8. IC 5-28-11.5-5, AS ADDED BY P.L.35-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The purpose of the program is to assist the local economic development organizations that serve economically disadvantaged areas in the recruitment of new businesses.

(b) The corporation must find that an applicant for a grant under this chapter serves an economically disadvantaged area before approving the grant application.

(c) The corporation may provide a grant under the program to an organization to assist the organization in recruiting new business enterprises to the county or counties served by the organization. The grant may not be used by the organization to pay expenses for which the organization has received a grant under IC 5-28-11 **(before its repeal)**.

(d) A grant under this chapter may not be used by the organization to provide direct financial assistance to a business or specific development project.

SECTION 9. IC 5-28-14-9, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. To qualify for financial assistance under this chapter, a small business concern must:

(1) apply to the corporation for approval to participate in a trade show or trade mission in the form and by the time specified by the ~~board;~~ **corporation;**

(2) establish to the satisfaction of the corporation that participation in the trade show or trade mission will enhance the export opportunities of products produced in Indiana by the small business concern;

- (3) maintain adequate records of the expenses incurred by the small business concern to participate in a trade show or trade mission;
- (4) certify to the corporation the amount of financial assistance, if any, received by the small business concern from a trade show promotion program or trade mission program other than the program established by this chapter; and
- (5) provide to the corporation, on request:
 - (A) the records of the expenses related to the small business concern's participation in a trade show or trade mission; and
 - (B) information regarding the effectiveness of the program established by this chapter in enhancing the export opportunities of the small business concern.

SECTION 10. IC 5-28-15-5, AS AMENDED BY P.L.288-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The board has the following powers, in addition to other powers that are contained in this chapter:

- (1) To review and approve or reject all applicants for enterprise zone designation, according to the criteria for designation that this chapter provides.
- (2) To waive or modify rules as provided in this chapter.
- ~~(3) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.~~
- ~~(4)~~ **(3)** To adopt rules for the disqualification of a zone business from eligibility for any or all incentives available to zone businesses, if that zone business does not do one (1) of the following:
 - (A) If all its incentives, as contained in the summary required under section 7 of this chapter, exceed one thousand dollars (\$1,000) in any year, pay a registration fee to the ~~board~~ **corporation** in an amount equal to one percent (1%) of all its incentives.
 - (B) Use all its incentives, except for the amount of the registration fee, for its property or employees in the zone.
 - (C) Remain open and operating as a zone business for twelve (12) months of the assessment year for which the incentive is claimed.

~~(5) To disqualify a zone business from eligibility for any or all incentives available to zone businesses in accordance with the procedures set forth in the board's rules.~~

~~(6) (4) After a recommendation from a U.E.A., to modify an enterprise zone boundary if the board determines that the modification:~~

~~(A) is in the best interests of the zone; and~~

~~(B) meets the threshold criteria and factors set forth in section 9 of this chapter.~~

~~(7) (5) To employ staff and contract for services.~~

~~(8) To receive funds from any source and expend the funds for the administration and promotion of the enterprise zone program.~~

~~(9) To make determinations under IC 6-3.1-11 concerning the designation of locations as industrial recovery sites.~~

~~(10) To make determinations under IC 6-3.1-11 concerning the disqualification of persons from claiming credits provided by that chapter in appropriate cases.~~

(b) In addition to a registration fee paid under subsection ~~(a)(4)(A)~~; **(a)(3)(A)**, each zone business that receives an incentive described in section 3 of this chapter shall assist the zone U.E.A. in an amount determined by the legislative body of the municipality in which the zone is located. If a zone business does not assist a U.E.A., the legislative body of the municipality in which the zone is located may pass an ordinance disqualifying a zone business from eligibility for all credits or incentives available to zone businesses. If a legislative body disqualifies a zone business under this subsection, the legislative body shall notify the ~~board~~; **corporation**, the department of local government finance, and the department of state revenue in writing not more than thirty (30) days after the passage of the ordinance disqualifying the zone business. Disqualification of a zone business under this section is effective beginning with the taxable year in which the ordinance disqualifying the zone business is adopted.

SECTION 11. IC 5-28-15-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.5. The corporation has the following powers, in addition to the other powers that are contained in this chapter:**

- (1) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.**
- (2) To disqualify a zone business from eligibility for any or all of the incentives available to zone businesses.**
- (3) To receive funds from any source and expend the funds for the administration and promotion of the enterprise zone program.**
- (4) To make determinations under IC 6-3.1-11 concerning the designation of locations as industrial recovery sites.**
- (5) To make determinations under IC 6-3.1-11 concerning the disqualification of persons from claiming credits provided by that chapter in appropriate cases.**

SECTION 12. IC 5-28-15-7, AS AMENDED BY P.L.171-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Subject to subsections (c) and (d), a zone business that claims any of the incentives available to zone businesses shall, before June 1 of each year:

- (1) submit to the ~~board~~ **corporation** and to the zone U.E.A., on a form prescribed by the ~~board~~, **corporation**, a verified summary concerning the amount of tax credits and exemptions claimed by the business in the preceding year; and
- (2) pay the amount specified in section ~~5(a)(4)~~ **5(a)(3)** of this chapter to the ~~board~~, **corporation**.

(b) In order to determine the accuracy of the summary submitted under subsection (a), the ~~board~~ **corporation** is entitled to obtain copies of a zone business's tax records directly from the department of state revenue, the department of local government finance, or a county official, notwithstanding any other law. A summary submitted to a ~~board~~ **the corporation** or a zone U.E.A., or a record obtained by the ~~board~~ **corporation** under this section is confidential. A ~~board member~~, a U.E.A. member, or an agent of a ~~board member~~ or U.E.A. member, **or an employee of the corporation** who knowingly or intentionally discloses information that is confidential under this section commits a Class A misdemeanor.

(c) The ~~board~~ **corporation** may grant one (1) extension of the time allowed to comply with subsection (a) under the provisions of this subsection. To qualify for an extension, a zone business must apply to the ~~board~~ **corporation** before June 1. The application must be in the

form specified by the ~~board~~ **corporation**. The extension may not exceed forty-five (45) days under rules adopted by the board under IC 4-22-2.

(d) If a zone business that did not comply with subsection (a) before June 1 and did not file for an extension under subsection (c) before June 1 complies with subsection (a) before July 16, the amount of the tax credit and exemption incentives for the preceding year that were otherwise available to the zone business because the business was a zone business are waived, unless the zone business pays to the ~~board~~ **corporation** a penalty of:

(1) an amount not to exceed seven percent (7%), for the first instance of noncompliance; or

(2) fifteen percent (15%), for the second instance of noncompliance and each subsequent instance;

of the amount of the tax credit and exemption incentives for the preceding year that were otherwise available to the zone business because the business was a zone business. A zone business that pays a penalty under this subsection for a year must pay the penalty to the ~~board~~ **corporation** before July 16 of that year. The ~~board~~ **corporation** shall deposit any penalty payments received under this subsection in the enterprise zone fund.

(e) This subsection is in addition to any other sanction imposed by subsection (d) or any other law. If a zone business fails to comply with subsection (a) before July 16 and does not pay any penalty required under subsection (d) before July 16 of that year, the zone business is:

(1) denied all the tax credit and exemption incentives available to a zone business because the business was a zone business for that year; and

(2) disqualified from further participation in the enterprise zone program under this chapter until the zone business:

(A) petitions the board for readmission to the enterprise zone program under this chapter; and

(B) pays a civil penalty of one hundred dollars (\$100).

SECTION 13. IC 5-28-15-9, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The board may designate up to ten (10) enterprise zones, in addition to any enterprise zones the federal government may designate in Indiana. The board may by seven (7)

affirmative votes increase the number of enterprise zones above ten (10), but it may not add more than two (2) new zones each year (excluding any zone that may be added by the board in a municipality in which a previously designated zone has expired) and may not add any new zones after December 31, 2015. There may not be more than one (1) enterprise zone in any municipality.

(b) After approval by resolution of the legislative body, the executive of any municipality that is not an included town under IC 36-3-1-7 may submit one (1) application to the **board corporation** to have one (1) part of the municipality designated as an enterprise zone. If an application is denied, the executive may submit a new application. The **board corporation** shall provide application procedures.

(c) The **board corporation** shall evaluate an enterprise zone application if it finds that the following threshold criteria exist in a proposed zone:

(1) A poverty level in which twenty-five percent (25%) of the households in the zone are below the poverty level as established by the most recent United States census or an average rate of unemployment for the most recent eighteen (18) month period for which data is available that is at least one and one-half (1 1/2) times the average statewide rate of unemployment for the same eighteen (18) month period.

(2) A population of more than two thousand (2,000) but less than ten thousand five hundred (10,500).

(3) An area of more than three-fourths (3/4) of a square mile but less than four (4) square miles, with a continuous boundary (using natural, street, or highway barriers when possible) entirely within the applicant municipality. However, if the zone includes a parcel of property that:

(A) is owned by the municipality; and

(B) has an area of at least twenty-five (25) acres;

the area of the zone may be increased above the four (4) square mile limitation by an amount not to exceed the area of the municipally owned parcel.

(4) Property suitable for the development of a mix of commercial, industrial, and residential activities.

- (5) The appointment of a U.E.A. that meets the requirements of section 13 of this chapter.
- (6) A statement by the applicant indicating its willingness to provide certain specified economic development incentives.
- (d) If an applicant has met the threshold criteria of subsection (c), the board shall evaluate the application, arrive at a decision based on the following factors, and either designate a zone or reject the application:
 - (1) Level of poverty, unemployment, and general distress of the area in comparison with other applicant and nonapplicant municipalities and the expression of need for an enterprise zone over and above the threshold criteria of subsection (c).
 - (2) Evidence of support for designation by residents, businesses, and private organizations in the proposed zone, and the demonstration of a willingness among those zone constituents to participate in zone area revitalization.
 - (3) Efforts by the applicant municipality to reduce the impediments to development in the zone area where necessary, including but not limited to the following:
 - (A) A procedure for streamlining local government regulations and permit procedures.
 - (B) Crime prevention activities involving zone residents.
 - (C) A plan for infrastructure improvements capable of supporting increased development activity.
 - (4) Significant efforts to encourage the reuse of existing zone structures in new development activities to preserve the existing character of the neighborhood, where appropriate.
 - (5) The proposed managerial structure of the zone and the capacity of the U.E.A. to carry out the goals and purposes of this chapter.

SECTION 14. IC 5-28-15-10, AS AMENDED BY HEA 1215-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Subject to subsection (b), an enterprise zone expires ten (10) years after the day on which it is designated by the board.

(b) In the period beginning December 1, 2008, and ending December 31, 2014, an enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise

zone is located adopts a resolution renewing the enterprise zone for an additional five (5) years. An enterprise zone may be renewed under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (d) and (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the ~~board~~ **corporation**:

- (1) before August 1, 2009, in the case of an enterprise zone that expired after November 30, 2008, or is scheduled to expire before September 1, 2009; or
- (2) at least thirty (30) days before the expiration date of the enterprise zone, in the case of an enterprise zone scheduled to expire after August 31, 2009.

If an enterprise zone is renewed under this subsection after having been renewed under subsection (e), the enterprise zone may not be renewed after the expiration of this final five (5) year period, except under subsection (c).

(c) An enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located:

- (1) has adopted a resolution renewing the enterprise zone under subsection (b); and
- (2) adopts a resolution renewing the enterprise zone for an additional one (1) year period beginning on the date on which the enterprise zone would otherwise expire under the resolution adopted under subdivision (1).

An enterprise zone may be renewed for an additional one (1) year period under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (d) and (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the corporation at least thirty (30) days before the expiration date of the enterprise zone. If an enterprise zone is renewed for an additional one (1) year period under this subsection after having been renewed under subsection (e), the enterprise zone may not be renewed after the expiration of this final one (1) year period.

(d) The two (2) year period immediately before the day on which the enterprise zone expires is the phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the following criteria and may, with the consent of the budget

committee, renew the enterprise zone, including all provisions of this chapter, for five (5) years:

- (1) Increases in capital investment in the zone.
- (2) Retention of jobs and creation of jobs in the zone.
- (3) Increases in employment opportunities for residents of the zone.

(e) If an enterprise zone is renewed under subsection (d), the two (2) year period immediately before the day on which the enterprise zone expires is another phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the criteria set forth in subsection (d) and, with the consent of the budget committee, may again renew the enterprise zone, including all provisions of this chapter, for a final period of five (5) years. The zone may not be renewed after the expiration of this final five (5) year period.

SECTION 15. IC 5-28-15-11, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Notwithstanding any other provision of this chapter, one (1) or more units (as defined in IC 36-1-2-23) may declare all or any part of a military base or another military installation that is inactive, closed, or scheduled for closure as an enterprise zone. The declaration shall be made by a resolution of the legislative body of the unit that contains the geographic area being declared an enterprise zone. The legislative body must include in the resolution that a U.E.A. is created or designate another entity to function as the U.E.A. under this chapter. The resolution must also be approved by the executive of the unit.

(b) If the resolution is approved, the executive shall file the resolution and the executive's approval with the ~~board~~ **corporation**. If an entity other than a U.E.A. is designated to function as a U.E.A., the entity's acceptance must be filed with the ~~board~~ **corporation** along with the resolution. The enterprise zone designation is effective on the first day of the month following the day the resolution is filed with the ~~board~~ **corporation**.

(c) Establishment of an enterprise zone under this section is not subject to the limit of two (2) new enterprise zones each year under section 9(a) of this chapter.

SECTION 16. IC 5-28-16-3, AS AMENDED BY P.L.137-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An application requesting a grant or loan from the fund must be targeted to one (1) or more of the areas listed in section 2 of this chapter.

(b) A successful applicant for a grant or loan from the fund must meet the requirements of this section and be approved by the board. An application for a grant or loan from the fund must be made on an application form prescribed by the ~~board~~ **corporation**. An applicant shall provide all information that the board finds necessary to make the determinations required by this chapter.

(c) All applications for a grant or loan from the fund must include the following:

(1) A fully elaborated technical research or business plan, whichever applies, that is appropriate for review by outside experts as provided in this chapter.

(2) A detailed financial analysis that includes the commitment of resources by other entities that will be involved in the project.

(3) A statement of the economic development potential of the project, such as:

(A) a statement of the way in which support from the fund will lead to significantly increased funding from federal or private sources and from private sector research partners; or

(B) a projection of the jobs to be created.

(4) The identity, qualifications, and obligations of the applicant.

(5) Any other information that the board considers appropriate.

An applicant for a grant or loan from the fund may request that certain information that is submitted by the applicant be kept confidential. However, an applicant's projection of the jobs to be created by a project may not be kept confidential. The ~~board~~ **corporation** shall make a determination of confidentiality as soon as is practicable. If the ~~board~~ **corporation** determines that the information should not be kept confidential, the applicant may withdraw the application, and the ~~board~~ **corporation** must return the information before making it part of any public record.

(d) An application for a grant or loan from the fund submitted by an academic researcher must be made through the office of the president of the researcher's academic institution with the express endorsement

of the institution's president. An application for a grant or loan from the fund submitted by a private researcher must be made through the office of the highest ranking officer of the researcher's institution with the express endorsement of the institution. Any other application must be made through the office of the highest ranking officer of the entity submitting the application. In the case of an application for a grant or loan from the fund that is submitted jointly by one (1) or more researchers or entities, the application must be endorsed by each institution or entity as required by this subsection.

SECTION 17. IC 5-28-16-4, AS AMENDED BY P.L.213-2015, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The board has the following powers:

- (1) To accept, analyze, and approve applications under this chapter.
- (2) To contract with experts for advice and counsel.
- (3) To employ staff to assist in carrying out this chapter, including providing assistance to applicants who wish to apply for a grant or loan from the fund, analyzing proposals, working with experts engaged by the board, and preparing reports and recommendations for the board.
- (4) To approve applications for grants or loans from the fund, subject to budget agency review under section 2(e) of this chapter.
- (5) To establish programs and initiatives with corresponding investment policies.

(b) The board shall give priority to applications for grants or loans from the fund that:

- (1) have the greatest economic development potential; and
- (2) require the lowest ratio of money from the fund compared with the combined financial commitments of the applicant and those cooperating on the project.

(c) The board shall make final funding determinations for applications for grants or loans from the fund, subject to budget agency review under section 2(e) of this chapter. In making a determination on a proposal intended to obtain federal or private research funding, the board shall be advised by a peer review panel and shall consider the following factors in evaluating the proposal:

- (1) The scientific merit of the proposal.

- (2) The predicted future success of federal or private funding for the proposal.
- (3) The ability of the researcher to attract merit based scientific funding of research.
- (4) The extent to which the proposal evidences interdisciplinary or interinstitutional collaboration among two (2) or more Indiana postsecondary educational institutions or private sector partners, as well as cost sharing and partnership support from the business community.

The purposes for which grants and loans may be made include erecting, constructing, reconstructing, extending, remodeling, improving, completing, equipping, and furnishing research and technology transfer facilities.

(d) The peer review panel shall be chosen by and report to the board. In determining the composition and duties of a peer review panel, the board shall consider the National Institutes of Health and the National Science Foundation peer review processes as models. The members of the panel must have extensive experience in federal research funding. A panel member may not have a relationship with any private entity or postsecondary educational institution in Indiana that would constitute a conflict of interest for the panel member.

(e) In making a determination on any other application for a grant or loan from the fund involving a proposal to transfer research results and technologies into marketable products or commercial ventures, the board shall consult with experts as necessary to analyze the likelihood of success of the proposal and the relative merit of the proposal.

(f) A grant or loan from the fund may not be submitted for review by the budget agency under section 2(e) of this chapter unless the grant or loan has received a positive recommendation from a peer review panel described in this section.

(g) The **board corporation** shall report quarterly to the budget committee concerning grants and loans made under this chapter.

SECTION 18. IC 5-28-16-5, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The **board corporation** may use money in the fund to cover administrative expenses incurred in carrying out the requirements of this chapter.

SECTION 19. IC 5-28-16-6, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The **board corporation** shall submit an annual report to the legislative council before September 1. The report must be in an electronic format under IC 5-14-6 and must contain the following information concerning fund activity in the preceding state fiscal year:

- (1) The name of each entity receiving a grant from the fund.
- (2) The location of each entity sorted by:
 - (A) county, in the case of an entity located in Indiana; or
 - (B) state, in the case of an entity located outside Indiana.
- (3) The amount of each grant awarded to each entity.

SECTION 20. IC 5-28-17-3, AS ADDED BY P.L.56-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **If the corporation's corporation maintains a small business division described in IC 5-28-5-6.5, the corporation shall provide free access to the office's services through:**

- (1) a toll free telephone number; and
- (2) an Internet web page maintained on the corporation's web site.

SECTION 21. IC 5-28-28-5, AS AMENDED BY P.L.175-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) ~~Beginning February 1, 2008,~~ The corporation shall:

- (1) submit an economic incentives and compliance report to:
 - (A) the governor; and
 - (B) the legislative council in an electronic format under IC 5-14-6; and
- (2) publish the report on the corporation's Internet web site;

on the schedule specified in subsection (b).
(b) ~~Before August 1, 2013, the corporation shall submit and publish an incentives and compliance report that provides updated information for active incentive agreements approved and awarded after January 1, 2005, through June 30, 2013. After December 31, 2013,~~ The corporation shall submit and publish before February 1 of each year an incentives and compliance report that provides updated information for active incentive agreements approved and awarded after January 1, 2005, through the immediately preceding calendar year.

SECTION 22. IC 5-28-28-9, AS ADDED BY P.L.110-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 9. (a) ~~Beginning in 2010~~; The economic incentives and compliance report required under section 5 of this chapter must include an annual report containing summary statistics on the effectiveness of and compliance with all incentives granted by the corporation. The report required by this section must describe:

- (1) the overall compliance with the terms and conditions of incentives provided; and
- (2) penalties imposed for failure to comply with the terms and conditions of incentives provided.

The report must also be submitted to the general assembly in an electronic format under IC 5-14-6.

(b) Upon request, the corporation shall make available:

- (1) information specifying each person's compliance with its incentive agreement and any incentive that had to be reduced or paid back as a result of noncompliance with an incentive agreement;
- (2) information stating, for each incentive recipient, the total incentive provided for each job created, computed from the date the incentive is granted through June 30 of the year of the report;
- (3) information concerning all waivers or modifications under section 8 of this chapter; and
- (4) information describing all hearings and determinations under IC 5-28-6-6.

SECTION 23. IC 6-3.1-13-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: As used in this chapter, "director" means the president of the corporation.~~

SECTION 24. IC 6-3.1-13-14, AS AMENDED BY P.L.167-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) A person that proposes a project to create new jobs in Indiana may apply, as provided in section 15 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

(b) A person that proposes to retain existing jobs in Indiana may apply, as provided in section 15.5 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

(c) This subsection applies to taxable years beginning after December 31, 2014, and before January 1, 2019. A person that proposes to employ in Indiana students who have participated in a

course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification may apply, as provided in section 15.7 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

(d) The ~~director~~ **corporation** shall prescribe the form of the application.

SECTION 25. IC 6-3.1-13-19, AS AMENDED BY P.L.197-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. In the case of a credit awarded for a project to create new jobs in Indiana, the corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all of the following:

- (1) A detailed description of the project that is the subject of the agreement.
- (2) The duration of the tax credit and the first taxable year for which the credit may be claimed.
- (3) The credit amount that will be allowed for each taxable year.
- (4) A requirement that the taxpayer shall maintain operations at the project location for at least two (2) years following the last taxable year in which the applicant claims the tax credit or carries over an unused part of the tax credit under section 18 of this chapter. A taxpayer is subject to an assessment under section 22 of this chapter for noncompliance with the requirement described in this subdivision.
- (5) A specific method for determining the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee.
- (6) A requirement that the taxpayer shall annually report to the corporation the number of new employees who are performing jobs not previously performed by an employee, the new income tax revenue withheld in connection with the new employees, and any other information the ~~director~~ **corporation** needs to perform the ~~director's~~ **corporation's** duties under this chapter.
- (7) A requirement that the ~~director~~ **corporation** is authorized to verify with the appropriate state agencies the amounts reported under subdivision (6), and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified.

(8) A requirement that the taxpayer shall provide written notification to the ~~director and the~~ corporation not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(9) Any other performance conditions that the corporation determines are appropriate.

SECTION 26. IC 6-3.1-13-19.5, AS AMENDED BY P.L.197-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19.5. (a) In the case of a credit awarded for a project to retain existing jobs in Indiana, the corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all of the following:

(1) A detailed description of the business that is the subject of the agreement.

(2) The duration of the tax credit and the first taxable year for which the credit may be claimed.

(3) The credit amount that will be allowed for each taxable year.

(4) A requirement that the applicant shall maintain operations at the project location for at least two (2) years following the last taxable year in which the applicant claims the tax credit or carries over an unused part of the tax credit under section 18 of this chapter. An applicant is subject to an assessment under section 22 of this chapter for noncompliance with the requirement described in this subdivision.

(5) A requirement that the applicant shall annually report the following to the corporation:

(A) The number of employees who are employed in Indiana by the applicant.

(B) The compensation (including benefits) paid to the applicant's employees in Indiana.

(C) The amount of the:

(i) facility improvements;

(ii) equipment and machinery upgrades, repairs, or retrofits;

or

(iii) other direct business related investments, including training.

(6) A requirement that the applicant shall provide written notification to the ~~director and the~~ corporation not more than thirty (30) days after the applicant makes or receives a proposal that would transfer the applicant's state tax liability obligations to a successor taxpayer.

(7) Any other performance conditions that the corporation determines are appropriate.

(b) An agreement between an applicant and the corporation must be submitted to the budget committee for review and must be approved by the budget agency before an applicant is awarded a credit under this chapter for a project to retain existing jobs in Indiana.

SECTION 27. IC 6-3.1-13-19.7, AS ADDED BY P.L.167-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19.7. (a) In the case of a credit awarded for employment in Indiana of students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification, the corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

(1) A detailed description of the applicant's own cooperative arrangements between the applicant and educational institutions for the training of students in high wage, high demand jobs that require an industry certification.

(2) The duration of the tax credit and the first taxable year for which the credit may be claimed.

(3) The credit amount that will be allowed for each taxable year.

(4) A requirement that the taxpayer shall maintain the applicant's cooperative arrangements between the applicant and educational institutions for the training of students in high wage, high demand jobs that require an industry certification for at least two (2) years following the last taxable year in which the applicant claims the tax credit or carries over an unused part of the tax credit under section 18 of this chapter. A taxpayer is subject to an assessment under section 22 of this chapter for noncompliance with the requirement described in this subdivision.

(5) A specific method for determining the number of employees who:

(A) were students who participated in a course of study that included a cooperative arrangement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification; and

(B) are employed during a taxable year.

(6) A requirement that the taxpayer annually shall report to the corporation:

(A) the number of employees who participated in a course of study that includes a cooperative arrangement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification;

(B) the income tax revenue withheld in connection with the employees described in clause (A); and

(C) any other information the ~~director~~ **corporation** needs to perform the ~~director's~~ **corporation's** duties under this chapter.

(7) A requirement that the ~~director~~ **corporation** is authorized to verify with the appropriate state agencies the information reported under subdivision (6), and after doing so shall issue a certificate to the taxpayer stating that the information has been verified.

(8) A requirement that the taxpayer shall provide written notification to the ~~director~~ **and the** corporation not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(9) Any other performance conditions that the corporation determines are appropriate.

(b) A taxpayer who is awarded a credit under this chapter for employees who participated in a course of study that included a cooperative agreement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification may claim the credit only for employees whose course of study included a cooperative arrangement between the taxpayer and an educational institution for the training of

students in high wage, high demand jobs that require an industry certification.

SECTION 28. IC 6-3.1-13-22, AS AMENDED BY P.L.4-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. If the ~~department of state revenue or the~~ corporation determines that a taxpayer who has claimed a credit under this chapter is not entitled to the credit because of the taxpayer's noncompliance with the requirements of the tax credit agreement or all of the provisions of this chapter, the ~~department or the~~ corporation shall, after giving the taxpayer an opportunity to explain the noncompliance:

- (1) **notify the department of state revenue of the noncompliance; and**
- (2) **request the department of state revenue to** impose an assessment on the taxpayer in an amount that may not exceed the sum of any previously allowed credits under this chapter together with interest and penalties required or permitted by law.

SECTION 29. IC 6-3.1-13-24, AS AMENDED BY P.L.4-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. On a biennial basis, the corporation shall provide for an evaluation of the tax credit program. The evaluation shall include an assessment of the effectiveness of the program in creating new jobs and retaining existing jobs in Indiana and of the revenue impact of the program, and may include a review of the practices and experiences of other states with similar programs. The ~~director~~ **corporation** shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives after June 30 and before November 1 in each odd-numbered year.

SECTION 30. IC 6-3.1-26-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: As used in this chapter, "director" has the meaning set forth in IC 6-3.1-13-3.~~

SECTION 31. IC 6-3.1-26-17, AS AMENDED BY P.L.288-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. A person that proposes a project to:

- (1) create new jobs or increase wage levels in Indiana; or
- (2) substantially enhance the logistics industry by creating new jobs, preserving existing jobs that otherwise would be lost,

increasing wages in Indiana, or improving the overall Indiana economy, in the case of a logistics investment being claimed by the applicant;

may apply to the corporation before the taxpayer makes the qualified investment to enter into an agreement for a tax credit under this chapter. The **director corporation** shall prescribe the form of the application.

SECTION 32. IC 6-3.1-26-21, AS AMENDED BY P.L.288-2013, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

- (1) A detailed description of the project that is the subject of the agreement.
- (2) The first taxable year for which the credit may be claimed.
- (3) The amount of the taxpayer's state tax liability for each tax in the taxable year of the taxpayer that immediately preceded the first taxable year in which the credit may be claimed.
- (4) The maximum tax credit amount that will be allowed for each taxable year.
- (5) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.
- (6) A specific method for determining the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee.
- (7) A requirement that the taxpayer shall annually report to the corporation the number of new employees who are performing jobs not previously performed by an employee, the average wage of the new employees, the average wage of all employees at the location where the qualified investment is made, if the qualified investment is not being claimed as a logistics investment by the applicant, and any other information the **director corporation** needs to perform the **director's corporation's** duties under this chapter.
- (8) A requirement that the **director corporation** is authorized to verify with the appropriate state agencies the amounts reported under subdivision (7), and that after doing so shall issue a

certificate to the taxpayer stating that the amounts have been verified.

(9) This subdivision applies only to a qualified investment that is not being claimed as a logistics investment by the applicant. A requirement that the taxpayer shall pay an average wage to all its employees other than highly compensated employees in each taxable year that a tax credit is available that equals at least one hundred fifty percent (150%) of the hourly minimum wage under IC 22-2-2-4 or its equivalent.

(10) A requirement that the taxpayer will keep the qualified investment property that is the basis for the tax credit in Indiana for at least the lesser of its useful life for federal income tax purposes or ten (10) years.

(11) This subdivision applies only to a qualified investment that is not being claimed as a logistics investment by the applicant. A requirement that the taxpayer will maintain at the location where the qualified investment is made during the term of the tax credit a total payroll that is at least equal to the payroll level that existed before the qualified investment was made.

(12) A requirement that the taxpayer shall provide written notification to the ~~director and the~~ corporation not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(13) Any other performance conditions that the corporation determines are appropriate.

SECTION 33. IC 6-3.1-26-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. A taxpayer claiming a credit under this chapter shall submit to the department of state revenue a copy of the ~~director's~~ **corporation's** certificate of verification under this chapter for the taxable year. However, failure to submit a copy of the certificate does not invalidate a claim for a credit.

SECTION 34. IC 6-3.1-26-23, AS AMENDED BY P.L.4-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. ~~If the director determines that a taxpayer who has received a credit under this chapter is not complying with the requirements of the tax credit agreement or all the provisions of this chapter, the director shall, after giving the taxpayer~~

an opportunity to explain the noncompliance, notify the Indiana economic development corporation and the department of state revenue of the noncompliance and request an assessment. The department of state revenue, with the assistance of the director, shall state the amount of the assessment, which may not exceed the sum of any previously allowed credits under this chapter. After receiving the notice, the department of state revenue shall make an assessment against the taxpayer under IC 6-8.1. **If the corporation determines that a taxpayer who has claimed a credit under this chapter is not entitled to the credit because of the taxpayer's noncompliance with the requirements of the tax credit agreement or all the provisions of this chapter, the corporation shall, after giving the taxpayer an opportunity to explain the noncompliance:**

- (1) notify the department of state revenue of the noncompliance; and**
- (2) request the department of state revenue to impose an assessment on the taxpayer in an amount that may not exceed the sum of any previously allowed credits under this chapter together with interest and penalties required or permitted by law.**

SECTION 35. IC 6-3.1-26-25, AS AMENDED BY P.L.288-2013, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) On a biennial basis, the corporation shall provide for an evaluation of the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating new jobs and increasing wages in Indiana and of the revenue impact of the program and may include a review of the practices and experiences of other states with similar programs. ~~The director~~ **corporation** shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives after June 30 and before November 1 in each odd-numbered year. The report provided to the president pro tempore of the senate and the speaker of the house of representatives must be in an electronic format under IC 5-14-6.

(b) The department shall report, not later than December 15 each year, to the budget committee concerning the use of the credit for logistics investments under this chapter. The report must include the

following with regard to the previous state fiscal year for logistics investments:

- (1) Summary information regarding the taxpayers and the use of the credit, including the amount of credits approved, the number of taxpayers applying for the credit and claiming the credit, the number of employees who are employed in Indiana by the taxpayers claiming the credit, the amount and type of new qualified expenditures for which the credit was granted, the total dollar amount of new credits claimed and the average amount of the credit claimed per taxpayer, the amount of credits to be carried forward to a subsequent taxable year, and the percentage of the total credits claimed as compared to the total adjusted gross income of all the taxpayers claiming the credit.
- (2) The name and address of each taxpayer claiming the credit and the amount of the credit applied for by and granted to each taxpayer.

SECTION 36. IC 6-3.1-31.9-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: As used in this chapter, "director" has the meaning set forth in IC 6-3.1-13-3.

SECTION 37. IC 6-3.1-31.9-18, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

- (1) A detailed description of the project that is the subject of the agreement.
- (2) The first taxable year for which the credit may be claimed.
- (3) The amount of the taxpayer's state tax liability for each tax in the taxable year of the taxpayer that immediately preceded the first taxable year in which the credit may be claimed.
- (4) The maximum tax credit amount that will be allowed for each taxable year.
- (5) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.
- (6) A specific method for determining the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee.

(7) A requirement that the taxpayer shall annually report to the corporation the number of new employees who are performing jobs not previously performed by an employee, the average wage of the new employees, the average wage of all employees at the location where the qualified investment is made, and any other information the ~~director~~ **corporation** needs to perform the ~~director's~~ **corporation's** duties under this chapter.

(8) A requirement that the ~~director~~ **corporation** is authorized to verify with the appropriate state agencies the amounts reported under subdivision (7), and that after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified.

(9) A requirement that the taxpayer shall pay an average wage to all its employees other than highly compensated employees in each taxable year that a tax credit is available that equals at least one hundred fifty percent (150%) of the hourly minimum wage under IC 22-2-2-4 or its equivalent.

(10) A requirement that the taxpayer will keep the qualified investment property that is the basis for the tax credit in Indiana for at least the lesser of its useful life for federal income tax purposes or ten (10) years.

(11) A requirement that the taxpayer will maintain at the location where the qualified investment is made during the term of the tax credit a total payroll that is at least equal to the payroll level that existed before the qualified investment was made.

(12) A requirement that the taxpayer shall provide written notification to the ~~director~~ **and the** corporation not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(13) Any other performance conditions that the corporation determines are appropriate.

SECTION 38. IC 6-3.1-31.9-19, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. A taxpayer claiming a credit under this chapter shall submit to the department of state revenue a copy of the ~~director's~~ **corporation's** certificate of verification under this chapter for

the taxable year. However, failure to submit a copy of the certificate does not invalidate a claim for a credit.

SECTION 39. IC 6-3.1-31.9-20, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. ~~If the director determines that a taxpayer who has received a credit under this chapter is not complying with the requirements of the tax credit agreement or all the provisions of this chapter, the director shall, after giving the taxpayer an opportunity to explain the noncompliance, notify the Indiana economic development corporation and the department of state revenue of the noncompliance and request an assessment. The department of state revenue, with the assistance of the director, shall state the amount of the assessment, which may not exceed the sum of any previously allowed credits under this chapter. After receiving the notice, the department of state revenue shall make an assessment against the taxpayer under IC 6-8-1.~~ **If the corporation determines that a taxpayer who has claimed a credit under this chapter is not entitled to the credit because of the taxpayer's noncompliance with the requirements of the tax credit agreement or all the provisions of this chapter, the corporation shall, after giving the taxpayer an opportunity to explain the noncompliance:**

- (1) notify the department of state revenue of the noncompliance; and**
- (2) request the department of state revenue to impose an assessment on the taxpayer in an amount that may not exceed the sum of any previously allowed credits under this chapter together with interest and penalties required or permitted by law.**

SECTION 40. IC 6-3.1-31.9-21, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. On or before March 31 each year, the ~~director corporation~~ shall submit a report to the ~~corporation on the tax credit program under this chapter.~~ **legislative council on the tax credit program under this chapter.** The report must include information on the number of agreements that were entered into under this chapter during the preceding calendar year, a description of the project that is the subject of each agreement, an update on the status of projects under agreements entered into before the preceding calendar year, and the

sum of the credits awarded under this chapter. ~~A copy of~~ The report shall be transmitted in an electronic format under IC 5-14-6. ~~to the executive director of the legislative services agency for distribution to the members of the general assembly.~~

SECTION 41. IC 6-3.1-31.9-22, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. On a biennial basis, the corporation shall provide for an evaluation of the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating new jobs and increasing wages in Indiana and of the revenue impact of the program and may include a review of the practices and experiences of other states with similar programs. The ~~director~~ **corporation** shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives after June 30 and before November 1 in each odd-numbered year. The report provided to the president pro tempore of the senate and the speaker of the house of representatives must be in an electronic format under IC 5-14-6.

P.L.146-2016

[H.1001. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local funding and to make an appropriation.

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

SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.213-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the end of **the state fiscal year beginning July 1, 2015, and ending June 30, 2016, and after the end of** each odd-numbered state fiscal year **thereafter**, the office of

management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later **than July 31, 2016, and not later** than July 31 of each odd-numbered year **thereafter**.

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) **in 2017 and in an odd-numbered year thereafter**.

(c) **The office of management and budget shall consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2016.**

SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds:

(A) eleven and five-tenths percent (11.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in calendar year 2016; or

(B) twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in 2017 and in an odd-numbered year thereafter; and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later **than September 30, 2016, not later than September 30, 2017, and not later than** September 30 of each odd-numbered year **thereafter**.

SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.91-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This subsection does not apply in calendar year 2016.** If, after completing the presentation to the state budget committee described in section 2 of this chapter, the amount of

the excess reserves is fifty million dollars (\$50,000,000) or more, the governor shall do the following:

(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year** thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year** thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

(b) This subsection applies in calendar year 2016. If excess reserves exist, and after completing the calculation required in section 1 of this chapter and the presentation to the state budget committee described in section 2 of this chapter, the governor shall transfer one hundred percent (100%) of the excess reserves as follows:

(1) Fifty-five percent (55%) of the excess reserves transferred shall be transferred to the state highway fund.

(2) Forty-five percent (45%) of the excess reserves transferred shall be transferred to the local road and bridge matching grant fund established by IC 8-23-30.

This transfer shall be made from the state general fund. Money transferred to the state highway fund under this subsection is appropriated from the state highway fund to the Indiana department of transportation for the Indiana department of transportation's use for preserving and reconstructing existing state highways and bridges for which the Indiana department of transportation is responsible. Money transferred to the state highway fund under this subsection does not revert to the state general fund at the end of a state fiscal year.

SECTION 4. IC 6-2.5-10-1, AS AMENDED BY P.L.205-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) Of all the state gross retail and use taxes that the department collects, the department shall determine separately the parts that:

- (1) the department collects under IC 6-2.5-3.5; and**
- (2) the department collects under this article, less the amount described in subdivision (1).**

(c) The department shall deposit the collections described in subsection (b)(1) in the following manner:

- (1) For state fiscal year 2017, the following:**
 - (A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.**
 - (B) Eighty-five and seven hundred fourteen thousandths percent (85.714%) to the state general fund.**
- (2) For state fiscal year 2018, the following:**
 - (A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.**
 - (B) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.**
 - (C) Seventy-one and four hundred twenty-eight thousandths percent (71.428%) to the state general fund.**
- (3) For state fiscal year 2019 and thereafter, the following:**
 - (A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.**
 - (B) Twenty-one and four hundred twenty-nine thousandths percent (21.429%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.**
 - (C) Sixty-four and two hundred eighty-five thousandths percent (64.285%) to the state general fund.**

(~~b~~) (d) The department shall deposit those collections described in subsection (b)(2) in the following manner:

(1) ~~Ninety-eight~~ **Ninety-nine** and eight hundred ~~forty-eight~~ **thirty-eight** thousandths percent (~~98.848%~~) (**99.838%**) of the collections shall be paid into the state general fund.

(2) ~~One percent (1%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.~~

(3) ~~(2) Twenty-nine thousandths of one percent (0.029%)~~ **Thirty-one thousandths of one percent (0.031%)** of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(4) ~~(3) One hundred twenty-three~~ **thirty-one** thousandths of one percent (~~0.123%~~) (**0.131%**) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 5. IC 6-3.5-4-1, AS AMENDED BY P.L.205-2013, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a surtax first.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "County council" includes the city-county council of a county that contains a consolidated city of the first class.

(4) "Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

(5) "Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

(6) "Surtax" means the annual license excise surtax imposed by an adopting entity under this chapter.

(7) **"Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.**

SECTION 6. IC 6-3.5-4-2, AS AMENDED BY P.L.249-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection (~~d~~); **(f)**, adopt an

ordinance to impose an annual license excise surtax on each motor vehicle listed in subsection ~~(c)~~ **(e)** that is registered in the county.

(b) If a county does not use a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

- (1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or
- (2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than twenty-five dollars (\$25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(c) If a county uses a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

- (1) at a rate of at least two percent (2%) and not more than twenty percent (20%); or**
- (2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than fifty dollars (\$50).**

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance that imposes the tax.

~~(b)~~ **(d)** Subject to the limits and requirements of this section, the adopting entity may do any of the following:

- (1) Impose the annual license excise surtax at the same rate or amount on each motor vehicle that is subject to the tax.
- (2) Impose the annual license excise surtax on vehicles subject to the tax at one (1) or more different rates based on the class of vehicle listed in subsection ~~(c)~~ **(e)**.

~~(c)~~ **(e)** The license excise surtax applies to the following vehicles:

- (1) Passenger vehicles.
- (2) Motorcycles.
- (3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.
- (4) Motor driven cycles.

~~(d)~~ **(f)** The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

(e) (g) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

SECTION 7. IC 6-3.5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) In the case of a county that does not contain a consolidated city of the first class, the county treasurer shall deposit the surtax revenues in a fund to be known as the "_____ County Surtax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county surtax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county surtax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the surtax revenues it receives under this section:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or

(2) for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.

SECTION 8. IC 6-3.5-5-1, AS AMENDED BY P.L.205-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **As used in The following definitions apply throughout** this chapter:

(1) "Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a wheel tax first.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "Bus" has the meaning set forth in IC 9-13-2-17(a).

- (4) "Commercial ~~motor~~ vehicle" has the meaning set forth in IC 6-6-5.5-1(c).
- (5) "County council" includes the city-county council of a county that contains a consolidated city of the first class.
- (6) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).
- (7) "Political subdivision" has the meaning set forth in IC 34-6-2-110.
- (8) "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.
- (9) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).
- (10) "State agency" has the meaning set forth in IC 34-6-2-141.
- (11) "Tractor" has the meaning set forth in IC 9-13-2-180.
- (12) "Trailer" has the meaning set forth in IC 9-13-2-184(a).
- (13) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.**
- (14) "Truck" has the meaning set forth in IC 9-13-2-188(a).
- (15) "Wheel tax" means the tax imposed under this chapter.

SECTION 9. IC 6-3.5-5-2, AS AMENDED BY P.L.205-2013, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The adopting entity of any county may, subject to the limitation imposed by subsection (b), adopt an ordinance to impose an annual wheel tax on each vehicle that:

- (1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;
- (2) is not exempt from the wheel tax under section 4 of this chapter; and
- (3) is registered in the county.

(b) The adopting entity of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the annual license excise surtax.

(c) The adopting entity may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the adopting entity may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles:

(1) may not be less than five dollars (\$5) and may not exceed forty dollars (\$40), if the county does not use a transportation asset management plan approved by the Indiana department of transportation; or

(2) may not be less than five dollars (\$5) and may not exceed eighty dollars (\$80), if the county uses a transportation asset management plan approved by the Indiana department of transportation.

The adopting entity shall state the initial wheel tax rates in the ordinance that imposes the tax.

SECTION 10. IC 6-3.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) In the case of a county that does not contain a consolidated city, the county treasurer shall deposit the wheel tax revenues in a fund to be known as the "County Wheel Tax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county wheel tax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county wheel tax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the wheel tax revenues it receives under this section:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; **or**

(2) as a contribution to an authority established under IC 36-7-23;
or

(3) for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.

SECTION 11. IC 6-3.5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Municipal Motor Vehicle License Excise Surtax

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Adopting municipality" means an eligible municipality that has adopted the surtax.**
- (2) "Eligible municipality" means a municipality having a population of at least ten thousand (10,000).**
- (3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.**
- (4) "Fiscal officer" has the meaning set forth in IC 36-1-2-7.**
- (5) "Motor vehicle" means a vehicle that is subject to the annual license excise tax imposed under IC 6-6-5.**
- (6) "Municipality" has the meaning set forth in IC 36-1-2-11.**
- (7) "Surtax" means the annual license excise surtax imposed by the fiscal body of an eligible municipality under this chapter.**
- (8) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.**

Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (d) and (e), adopt an ordinance to impose an annual license excise surtax on each motor vehicle listed in subsection (c) that is registered in the eligible municipality. The eligible municipality may impose the surtax at a specific amount of:

- (1) at least seven dollars and fifty cents (\$7.50); and**
- (2) not more than twenty-five dollars (\$25).**

The eligible municipality shall state the surtax rate or amount in the ordinance that imposes the tax.

(b) Subject to the limits and requirements of this section, the fiscal body of an eligible municipality may do any of the following:

- (1) Impose the annual license excise surtax at the same amount on each motor vehicle that is subject to the tax.**
- (2) Impose the annual license excise surtax on vehicles subject to the tax at one (1) or more different amounts based on the class of vehicle listed in subsection (c).**

(c) The license excise surtax applies to the following vehicles:

- (1) Passenger vehicles.**
- (2) Motorcycles.**
- (3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.**
- (4) Motor driven cycles.**

(d) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to impose the municipal wheel tax.

(e) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

Sec. 3. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after December 31 but before July 1 of the following year, a motor vehicle is subject to the tax if the motor vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after June 30 but before the following January 1, a motor vehicle is subject to the tax if the motor vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the surtax is effective, the surtax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the surtax is first effective.

Sec. 4. (a) After January 1 but before July 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If a fiscal body adopts an ordinance to rescind the surtax, the surtax does not apply to a motor vehicle registered after December 31 of the year in which the ordinance is adopted.

(b) A fiscal body may not adopt an ordinance to rescind the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to rescind the municipal wheel tax.

Sec. 5. The fiscal body of an adopting municipality may adopt an ordinance to increase or decrease the surtax amount. The new surtax amount must be within the range of amounts prescribed by section 2 of this chapter. A new amount that is established by an ordinance that is adopted after December 31 but before July 1 of the following year applies to motor vehicles registered after December 31 of the year in which the ordinance to change the amount is adopted. A new amount that is established by an

ordinance that is adopted after June 30 but before January 1 of the following year applies to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

Sec. 6. If the fiscal body of an eligible municipality adopts an ordinance to impose, rescind, or change the amount of the surtax, the fiscal body shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles.

Sec. 7. A person may not register a motor vehicle in an adopting municipality unless the person pays the surtax due, if any, to the bureau of motor vehicles. The amount of the surtax due equals the amount established under section 2 of this chapter. The bureau of motor vehicles shall collect the surtax due, if any, at the time a motor vehicle is registered.

Sec. 8. (a) If a vehicle has been acquired or brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required under the motor vehicle registration laws of Indiana to register vehicles, the amount of the surtax shall be reduced in the same manner as the excise tax is reduced under IC 6-6-5-7.2.

(b) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2.

(c) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the surtax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2.

Sec. 9. On or before the tenth day of the month following the month in which the surtax is collected, the bureau of motor vehicles shall remit the surtax to the fiscal officer of the adopting municipality that imposed the surtax. Concurrently with the remittance, the bureau of motor vehicles shall file a surtax collections report prepared on forms prescribed by the state board of accounts with the fiscal officer of the adopting municipality.

Sec. 10. (a) The fiscal officer of an adopting municipality shall deposit the surtax revenues in a fund to be known as the "municipal surtax fund".

(b) An adopting municipality may use the surtax revenues that the adopting municipality receives under this section:

- (1) to construct, reconstruct, repair, or maintain streets and roads under the adopting municipality's jurisdiction; or**
- (2) for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.**

Sec. 11. On or before August 1 of each year, the fiscal officer of an adopting municipality shall provide the fiscal body of the adopting municipality with an estimate of the surtax revenues to be received by the adopting municipality during the next calendar year. The adopting municipality shall include the estimated surtax revenues in the adopting municipality's budget estimate for the calendar year.

Sec. 12. The department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each surtax collected under this chapter.

Sec. 13. (a) The owner of a motor vehicle who knowingly registers the vehicle without paying the surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles who recklessly issues a registration on any motor vehicle without collecting the surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 12. IC 6-3.5-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11. Municipal Wheel Tax

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Adopting municipality" means an eligible municipality that has adopted the wheel tax.**
- (2) "Branch office" means a branch office of the bureau of motor vehicles.**
- (3) "Bus" has the meaning set forth in IC 9-13-2-17(a).**
- (4) "Commercial vehicle" has the meaning set forth in IC 6-6-5.5-1(c).**
- (5) "Department" refers to the department of state revenue.**

- (6) "Eligible municipality" means a municipality having a population of at least ten thousand (10,000).
- (7) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).
- (8) "Political subdivision" has the meaning set forth in IC 34-6-2-110.
- (9) "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.
- (10) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).
- (11) "State agency" has the meaning set forth in IC 34-6-2-141.
- (12) "Tractor" has the meaning set forth in IC 9-13-2-180.
- (13) "Trailer" has the meaning set forth in IC 9-13-2-184(a).
- (14) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.
- (15) "Truck" has the meaning set forth in IC 9-13-2-188(a).
- (16) "Wheel tax" means the tax imposed under this chapter.

Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (b) and (c), adopt an ordinance to impose an annual wheel tax on each vehicle that:

- (1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;
- (2) is not exempt from the wheel tax under section 4 of this chapter; and
- (3) is registered in the eligible municipality.

(b) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to impose the annual license excise surtax.

(c) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

(d) The fiscal body of an eligible municipality may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the fiscal body may establish different rates within the classes of buses, recreational

vehicles, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars (\$5) and may not exceed forty dollars (\$40). The fiscal body shall state the initial wheel tax rates in the ordinance that imposes the tax.

Sec. 3. The wheel tax applies to the following classes of vehicles:

- (1) Buses.**
- (2) Recreational vehicles.**
- (3) Semitrailers.**
- (4) Tractors.**
- (5) Trailers.**
- (6) Trucks.**

Sec. 4. A vehicle is exempt from the wheel tax imposed under this chapter if the vehicle is:

- (1) owned by the state;**
- (2) owned by a state agency of the state;**
- (3) owned by a political subdivision of the state;**
- (4) subject to the annual license excise surtax imposed under IC 6-3.5-10; or**
- (5) a bus owned and operated by a religious or nonprofit youth organization and used to transport persons to religious services or for the benefit of its members.**

Sec. 5. If the fiscal body of an eligible municipality adopts an ordinance imposing the wheel tax after December 31 but before July 1 of the following year, a vehicle described in section 2(a) of this chapter is subject to the tax if the vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If a fiscal body adopts an ordinance imposing the wheel tax after June 30 but before the following January 1, a vehicle described in section 2(a) of this chapter is subject to the tax if the vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the tax is effective, the tax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the tax is first effective.

Sec. 6. (a) After January 1 but before July 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the wheel tax. If a fiscal body adopts an ordinance to rescind the wheel tax, the wheel tax does not apply to a vehicle registered after December 31 of the year the ordinance is adopted.

(b) The fiscal body of an adopting municipality may not adopt an ordinance to rescind the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to rescind the annual license excise surtax.

Sec. 7. The fiscal body of an adopting municipality may adopt an ordinance to increase or decrease the wheel tax rates. The new wheel tax rates must be within the range of rates prescribed by section 2 of this chapter. New rates that are established by an ordinance that is adopted after December 31 but before July 1 of the following year apply to vehicles registered after December 31 of the year in which the ordinance to change the rates is adopted. New rates that are established by an ordinance that is adopted after June 30 but before July 1 of the following year apply to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

Sec. 8. If the fiscal body of an eligible municipality adopts an ordinance to impose, rescind, or change the rates of the wheel tax, the fiscal body shall send a copy of the ordinance to:

- (1)** the commissioner of the bureau of motor vehicles; and
- (2)** the department of state revenue.

Sec. 9. (a) Every owner of a vehicle for which the wheel tax has been paid for the owner's registration year is entitled to a credit if during that registration year the owner sells the vehicle. The amount of the credit equals the wheel tax paid by the owner for the vehicle that was sold. The credit may be applied by the owner only against the wheel tax owed for a vehicle that is purchased during the same registration year.

(b) An owner of a vehicle is not entitled to a refund of any part of a credit that is not used under this section.

Sec. 10. A person may not register a vehicle in an adopting municipality unless the person pays the wheel tax due, if any, to the bureau of motor vehicles. The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time

of registration. The bureau of motor vehicles shall collect the wheel tax due, if any, at the time a motor vehicle is registered. The department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each wheel tax collection made under this chapter.

Sec. 11. (a) An owner of one (1) or more commercial vehicles paying an apportioned registration to the state under the International Registration Plan that is required to pay a wheel tax shall pay an apportioned wheel tax calculated by dividing in-state actual miles by total fleet miles generated during the preceding year. If in-state miles are estimated for purposes of proportional registration, these miles are divided by total actual and estimated fleet miles. The apportioned wheel tax under this section shall be paid at the same time and in the same manner as the commercial vehicle excise tax under IC 6-6-5.5.

(b) A voucher from the department showing payment of the wheel tax may be accepted by the bureau of motor vehicles instead of the payment required under section 10 of this chapter.

Sec. 12. On or before the tenth day of the month following the month in which the wheel tax is collected, the bureau of motor vehicles shall remit the wheel tax to the fiscal officer of the adopting municipality that imposed the wheel tax. Concurrently with the remittance, the bureau shall file a wheel tax collections report prepared on forms prescribed by the state board of accounts with the fiscal officer of the adopting municipality.

Sec. 13. (a) If the wheel tax is collected directly by the bureau of motor vehicles instead of at a branch office, the commissioner of the bureau shall:

(1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and

(2) file a wheel tax collections report with the fiscal officer of the appropriate municipality;

in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

(b) If the wheel tax for a commercial vehicle is collected directly by the department, the commissioner of the department shall:

(1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and

(2) file a wheel tax collections report with the fiscal officer of the appropriate municipality;

in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

Sec. 14. (a) The fiscal officer of an adopting municipality shall deposit the wheel tax revenues in a fund to be known as the "municipal wheel tax fund".

(b) An adopting municipality may use the wheel tax revenues that the municipality receives under this section only:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction;

(2) as a contribution to an authority established under IC 36-7-23; or

(3) for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.

Sec. 15. On or before August 1 of each year, the fiscal officer of an adopting municipality shall provide the fiscal body of the adopting municipality with an estimate of the wheel tax revenues to be received by the adopting municipality during the next calendar year. The adopting municipality shall include the estimated wheel tax revenues in the adopting municipality's budget estimate for the calendar year.

Sec. 16. (a) The owner of a vehicle who knowingly registers the vehicle without paying the wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles who recklessly issues a registration on any vehicle without collecting the wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 13. IC 6-8.1-3-25, AS ADDED BY P.L.213-2015, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty

program carried out under section 17 of this chapter after June 30, 2015, as follows:

(1) County income tax collected under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 (repealed January 1, 2017) shall be distributed to counties in the same manner as otherwise provided by the appropriate chapter of the Indiana Code.

(2) Eight percent (8%) of inheritance tax collected for resident decedents shall be distributed to counties in the manner provided under IC 6-4.1-9-6.

(3) County innkeeper's tax collected shall be deposited as required by IC 6-9.

(4) County and municipal food and beverage tax collected shall be deposited as required by IC 6-9.

(5) County admissions taxes collected shall be deposited as required by IC 6-9-13 and IC 6-9-28.

(6) Aircraft license excise tax collected shall be deposited as required by IC 6-6-6.5-21.

(7) Auto rental excise tax collected shall be deposited as required by IC 6-6-9-11.

(8) Supplemental auto rental excise tax shall be deposited as otherwise required by the appropriate chapter of the Indiana Code.

(9) Financial institutions tax collected shall be deposited as required by IC 6-5.5-8-2.

(+) (10) After making the deposits required under subdivisions (1) through (9), the first eighty-four million dollars (\$84,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.

(-) (11) After making the deposits required under ~~subdivision~~ subdivisions (1) through (10), the next six million dollars (\$6,000,000) collected shall be transferred to the Indiana department of transportation to reimburse the Indiana department of transportation for money expended by the Indiana department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line. However, the total amount transferred under this subdivision to the Indiana department of transportation may not exceed the lesser of:

(A) six million dollars (\$6,000,000); or

(B) the total amount expended by the Indiana department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line after June 30, 2015, and before July 1, 2017.

(12) After making the deposits required under subdivisions (1) through (11), the next forty-two million dollars (\$42,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2. The amount deposited under this subdivision is appropriated to the Indiana economic development corporation for the purposes of the Indiana regional cities development fund.

(13) After making the deposits required under subdivisions (1) through (12), the next twenty-nine million eight hundred seventy thousand dollars (\$29,870,000) shall be transferred as follows:

(A) Eight million seven hundred thousand dollars (\$8,700,000) to the Indiana public retirement system for credit to the Indiana public employees retirement fund established by IC 5-10.3-2-1.

(B) Twenty million seven hundred thousand dollars (\$20,700,000) to the Indiana public retirement system for credit to the pre-1996 account of the Indiana state teacher's retirement fund established by IC 5-10.4-2-1.

(C) Seventy thousand dollars (\$70,000) to the Indiana public retirement system for credit to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by IC 5-10.5-3-1.

(D) Two hundred thousand dollars (\$200,000) to the treasurer of state for credit to the trust fund under IC 10-12-1-11 for the state police pre-1987 benefit system.

(E) Two hundred thousand dollars (\$200,000) to the treasurer of state for credit to the trust fund under IC 10-12-1-11 for the state police 1987 benefit system.

The amounts transferred under this subdivision shall be used to pay costs that must be paid for any thirteenth check payments or similar supplemental check payments that are enacted by the general assembly and made to the members and beneficiaries of a public pension plan under HEA

1161-2016. The amounts transferred under this subdivision are appropriated for the purposes of this subdivision.

(14) After making the deposits required under subdivisions (1) through (13), the next ten million dollars (\$10,000,000) shall be deposited into the next generation Hoosier educators scholarship fund established by IC 21-12-16-3.

~~(15)~~ (15) Any remaining amounts collected must be deposited into the state general fund.

SECTION 14. IC 8-14-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A qualified county which:

(1) has adopted the county motor vehicle excise surtax under IC 6-3.5-4 and the county wheel tax under IC 6-3.5-5;

(2) is imposing the county motor vehicle excise surtax at:

(A) the maximum allowable rate, if the qualified county sets a county motor vehicle excise surtax rate under ~~IC 6-3.5-4-2(a)(1)~~; **IC 6-3.5-4-2(b)(1) or IC 6-3.5-4-2(c)(1)**;

or

(B) **an the maximum allowable amount, of not less than twenty dollars (\$20)**; if the qualified county sets the county motor vehicle excise surtax at a specific amount under ~~IC 6-3.5-4-2(a)(2)~~; **IC 6-3.5-4-2(b)(2) or IC 6-3.5-4-2(c)(2)**;

and

(3) has not issued bonds under IC 8-14-9;

may apply to the Indiana department of transportation for a loan from the distressed road fund. At the time of the application, the county shall notify the department of local government finance that it has made the application.

(b) The application must include, at a minimum:

(1) a map depicting all roads and streets in the system of the applicant; and

(2) a copy of that county's proposed program of work covering the current and the immediately following calendar year.

SECTION 15. IC 8-14-14.1-5, AS ADDED BY P.L.213-2015, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) After review by the budget committee, the budget agency may, after June 30, 2015, and before July 1, 2016, direct the auditor of state to transfer not more than

one hundred million dollars (\$100,000,000) to the fund from the state general fund. If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency. There is appropriated from the state general fund an amount sufficient to make the transfer under this subsection.

(b) ~~After review by the budget committee, the budget agency may, After June 30, 2016, and before July 1, 2017, direct the auditor of state to~~ **shall** transfer ~~not more than~~ one hundred million dollars (\$100,000,000) to the **state highway fund created by IC 8-23-9-54** from the state general fund. ~~If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency.~~ There is appropriated from the state general fund an amount sufficient to make the transfer under this subsection.

(c) Notwithstanding section 3(e) of this chapter, if one (1) or more transfers under subsection (a) ~~or (b)~~ are made to the fund, the budget agency may after review by the budget committee transfer from the fund to the major moves construction fund established by IC 8-14-14-5 an amount equal to the lesser of:

- (1) ~~two~~ **one** hundred million dollars (~~\$200,000,000~~); **(\$100,000,000)**; or
- (2) the total amount of any transfers under subsection (a) ~~or (b)~~ that are made to the fund.

(d) Money that is transferred as described in subsection (c) may be used for any purpose of the major moves construction fund.

(e) Notwithstanding section 3(e) of this chapter, the transfer under subsection (b) to the state highway fund must be used only for preserving or reconstructing existing state highways and bridges for which the department is responsible.

SECTION 16. IC 8-23-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 30. Local Road and Bridge Matching Grant Fund

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Eligible project" means a project:
 - (A) that is undertaken by a local unit;

(B) that repairs or increases the capacity of local roads and bridges; and

(C) that is part of the local unit's transportation asset management plan.

(2) "Fund" refers to the local road and bridge matching grant fund established by section 2 of this chapter.

(3) "Local unit" means a county or municipality.

(4) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.

Sec. 2. (a) The local road and bridge matching grant fund is established to provide matching grants to local units for eligible projects.

(b) The department shall administer the fund.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Interest deposited in the fund under subsection (d).

(3) Money deposited in or transferred to the fund from any other source.

(d) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continuously appropriated for the purpose of the fund.

Sec. 3. A local unit may apply to the department for a grant from the fund for an eligible project if the local unit:

(1) uses a transportation asset management plan approved by the department; and

(2) commits to a local match by using one (1) or more of the following:

(A) Revenue attributable to an increase, after June 30, 2016, in the local unit's motor vehicle excise surtax or wheel tax rate under IC 6-3.5.

(B) Money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17.

(C) Money in the local unit's rainy day fund under IC 36-1-8-5.1.

The application must be in the form and manner prescribed by the department.

Sec. 4. A local unit's application for a grant from the fund must specify the amount of money that the local unit is committing to contribute to the eligible project.

Sec. 5. In the evaluation of an application for a grant from the fund, the department shall give preference to projects that are anticipated by the department to have the greatest regional economic significance for the region in which the local unit is located.

Sec. 6. If the department approves a grant to a local unit under this chapter, the amount of the grant from the fund is equal to the amount that the local unit commits to contribute to the proposed eligible project.

Sec. 7. The department shall allocate at least fifty percent (50%) of the grants to be made in a state fiscal year to local units located in counties having a population of less than fifty thousand (50,000).

Sec. 8. The department may adopt guidelines to implement this chapter, including guidelines that establish a maximum amount that any one (1) local unit may receive as a grant.

SECTION 17. IC 34-28-5-4, AS AMENDED BY P.L.106-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars (\$25) may be entered for a violation constituting a Class D infraction.

(e) Subject to section 1(i) of this chapter, a judgment:

(1) up to the amount requested in the complaint; and

(2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court in the county to have committed a moving violation;

(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents (\$250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed one (1) moving violation; and

(C) court costs and a judgment that does not exceed five hundred dollars (\$500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed two (2) or more moving violations.

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and

complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

(h) This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter.

(i) This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance with section 5(f) of this chapter.

SECTION 18. IC 34-28-5-5, AS AMENDED BY P.L.106-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

- (1) Class D infractions; or
 - (2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.
- (b) If a judgment is entered:
- (1) for a violation constituting:
 - (A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in ~~subsection~~ **subsections (e) and (f)** and IC 9-21-5-11(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

(1) To pay compensation of commissioners appointed under IC 33-33-49.

(2) To pay costs of the county's guardian ad litem program.

(f) The funds collected for an infraction judgment described in section 4(i) of this chapter shall be transferred to a dedicated toll revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). The money in the fund does not revert to the county general fund or state general fund and may be used only to pay the cost of operating, maintaining, and repairing the tolling system for a project under IC 8-15.5-1-2(b)(4), including major repairs, replacements, and improvements.

SECTION 19. IC 35-52-6-24.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.7. IC 6-3.5-10-13 defines**

crimes concerning the municipal motor vehicle license excise surtax.

SECTION 20. IC 35-52-6-24.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.8. IC 6-3.5-11-16 defines crimes concerning the municipal wheel tax.**

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "task force" refers to the funding Indiana's roads for a stronger, safer tomorrow task force established by subsection (b).**

(b) The funding Indiana's roads for a stronger, safer tomorrow task force is established.

(c) The task force consists of the following members:

- (1) The chairperson of the house of representatives ways and means committee.**
- (2) The chairperson of the senate appropriations committee.**
- (3) The chairperson of the senate tax and fiscal policy committee.**
- (4) The chairperson of the house of representatives roads and transportation committee.**
- (5) The chairperson of the senate homeland security and transportation committee.**
- (6) The director of the office of management and budget.**
- (7) The public finance director of the Indiana finance authority.**
- (8) One (1) member who represents counties and is appointed by the governor after considering the recommendation of the Association of Indiana Counties.**
- (9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns.**
- (10) One (1) member appointed by the governor after considering the recommendation of the Build Indiana Council.**
- (11) One (1) member appointed by the governor who is an employee of the Indiana department of transportation.**
- (12) One (1) member appointed by the governor who is a member of the Indiana Motor Truck Association.**

- (13) One (1) member appointed by the governor who represents taxpayers.
- (14) One (1) member of the general assembly who is a member of the majority party of the house of representatives and is appointed by the speaker of the house of representatives.
- (15) One (1) member of the general assembly who is a member of the minority party of the house of representatives and is appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives.
- (16) One (1) member of the general assembly who is a member of the minority party of the senate and is appointed by the president pro tempore of the senate in consultation with the minority leader of the senate.
- (d) The budget committee shall select a member of the task force to serve as the chairperson of the task force.
- (e) The task force shall do the following:
- (1) Review state highway and major bridge needs.
 - (2) Verify road and bridge needs at the local level.
 - (3) Develop a long term plan for state highway and major bridge needs that addresses the ten (10) points described in subsection (g) and:
 - (A) will achieve the recommended pavement and bridge conditions;
 - (B) will complete the current statewide priority projects by finishing projects that have been started;
 - (C) includes Tier 1, 2, and 3 projects; and
 - (D) using the model developed by the Indiana department of transportation, includes sustainable funding mechanisms for the various components of the plan.
 - (4) Develop a long term plan for local road and bridge needs.
- (f) The long term plan for state highway and major bridge needs must provide a basis for consideration for the state biennial budget enacted for the biennium beginning July 1, 2017.
- (g) The long term plan for state highway and major bridge needs must include the following ten (10) points:

- (1) Estimates of the costs of major projects, including a study of which projects can be done within current revenue streams and which projects may require additional funding.**
- (2) The identification of projects for which a public-private partnership, a public-private agreement, or tolling might be viable, with planning to verify and confirm these public-private partnership, public-private agreement, or tolling opportunities.**
- (3) The identification of resources for annual maintenance need, concentrating first on available user fees and attempting to secure stable and predictable funding sources. This must include a determination of whether additional resources must be pursued and what form of resource is most appropriate for each project.**
- (4) A review of the state's debt situation and the development of a plan to maintain a strong financial position for the state. This must include consideration of whether a fee or tax could be associated with the life of a bond for an individual project, with the fee or tax then expiring by law upon payment of the bond.**
- (5) The evaluation of the state system of taxes, fees, and registration fees, and the equity of payments by different groups of users of transportation assets. This must include an evaluation of the overall reliability over time of the receipt of revenue from these sources.**
- (6) A review of the fuel tax system, including such concepts as indexing tax rates, changing tax rates, and the appropriate collection points for these taxes.**
- (7) The ensuring that the projects listed in the plan are priority items that should be carried out, and confirming that these projects bring value to citizens either through access and safety needs or for economic development of Indiana as a whole.**
- (8) A review of the impact and advisability of dedicating some part of state sales tax to roads and road maintenance.**
- (9) An analysis of how collective purchasing agreements could be developed to share and reduce costs across the system of state and local governments.**

(10) A presentation of the plan and recommendations to the budget committee before January 1, 2017.

(h) The legislative services agency shall provide staff support to the task force.

(i) The meetings of the task force must be held in public as provided under IC 5-14-1.5. However, the task force is permitted to meet in executive session as determined necessary by the chairperson of the task force.

(j) This SECTION expires June 30, 2017.

SECTION 22. [EFFECTIVE JULY 1, 2016] (a) There is appropriated for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, five hundred thousand dollars (\$500,000) from the motor vehicle highway account to the Indiana department of transportation. The funds appropriated under this SECTION shall be used by the local technical assistance program established under IC 8-23-2-5(a)(6) to do the following:

(1) Study issues related to the development and operation by local governments of transportation asset management plans and pavement management plans.

(2) Assist local governments in Indiana in developing and operating transportation asset management plans and pavement management plans.

(b) The calculation of the other distributions to be made from the motor vehicle highway account under IC 8-14-1-3 in the state fiscal year beginning July 1, 2016, and ending June 30, 2017, shall be made after deducting the amount appropriated under this SECTION.

(c) This SECTION expires June 30, 2017.

SECTION 23. An emergency is declared for this act.

P.L.147-2016

[H.1017. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-3-1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.2. As used in this section, "locality newspaper" means a publication that meets all the following requirements:**

- (1) Is regularly issued at least one (1) time per week.**
- (2) Contains in each issue news of general or community interest, community notices, or editorial commentary by different authors.**
- (3) Has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content.**
- (4) Has been published continuously for at least three (3) years.**
- (5) Has the capability to add subscribers to its distribution list and must add any person:**
 - (A) who requests to be added as a new subscriber; and**
 - (B) whose mailing address is within the political subdivision in which the locality newspaper generally circulates.**
- (6) Is a publication of general circulation in the political subdivision that is responsible for the publication of notice.**
- (7) Is circulated by United States mail, free of charge, to addresses that are located within the political subdivision responsible for the publication of notice.**
- (8) Has its circulation verified by an annual independent audit of the publication.**

(9) Contains advertisements from numerous unrelated advertisers in each issue.

(10) Is not owned by, or under the control of, the owners or lessees of a shopping center, a merchant's association, or a business that sells property or services (other than advertising) whose advertisements for their sales of property or services constitute the predominant advertising in the publication.

(11) Has continuity as to title and general nature of content from issue to issue.

(12) Does not constitute a book, either singly or when successive issues are combined.

(13) Has a known office location in the county in which the locality newspaper is published.

SECTION 2. IC 5-3-1-1, AS AMENDED BY P.L.141-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The cost of all public notice advertising which any elected or appointed public official or governmental agency is required by law to have published, or orders published, for which the compensation to the newspapers, **locality newspapers**, or qualified publications publishing such advertising is drawn from and is the ultimate obligation of the public treasury of the governmental unit concerned with the advertising shall be charged to and collected from the proper fund of the public treasury and paid over to the newspapers, **locality newspapers**, or qualified publications publishing such advertising, after proof of publication and claim for payment has been filed.

(b) The basic charges for publishing public notice advertising shall be by the line and shall be computed based on a square of two hundred and fifty (250) ems at the following rates:

(1) Before January 1, 1996, three dollars and thirty cents (\$3.30) per square for the first insertion in newspapers or qualified publications plus one dollar and sixty-five cents (\$1.65) per square for each additional insertion in newspapers, or qualified publications.

(2) After December 31, 1995, and before December 31, 2005, a newspaper or qualified publication may, effective January 1 of any year, increase the basic charges by five percent (5%) more

than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper, or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper, or qualified publication for comparable use of the same amount of space for other purposes.

(3) After December 31, 2009, **and before January 1, 2017**, a newspaper or qualified publication may, effective January 1 of any year, increase the basic charges by not more than two and three-quarters percent (2.75%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper or qualified publication for comparable use of the same amount of space for other purposes and must include all multiple insertion discounts extended to the newspaper's other advertisers.

(4) After December 31, 2016, a newspaper, locality newspaper, or qualified publication may, effective January 1 of any year, increase the basic charges by not more than two and three-quarters percent (2.75%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper, locality newspaper, or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper, locality newspaper, or qualified publication for comparable use of the same amount of space for other purposes and must include all multiple insertion discounts extended to the newspaper's, locality newspaper's, or qualified publication's other advertisers.

An additional charge of fifty percent (50%) shall be allowed for the publication of all public notice advertising containing rule or tabular work.

(c) All public notice advertisements shall be set in solid type that is at least 7 point type, without any leads or other devices for increasing space. All public notice advertisements shall be headed by not more than two (2) lines, neither of which shall total more than four (4) solid

lines of the type in which the body of the advertisement is set. Public notice advertisements may be submitted by an appointed or elected official or a governmental agency to a newspaper, **locality newspaper**, or qualified publication in electronic form, if the newspaper, **locality newspaper**, or qualified publication is equipped to accept information in compatible electronic form.

(d) Each newspaper, **locality newspaper**, or qualified publication publishing public notice advertising shall submit proof of publication and claim for payment in duplicate on each public notice advertisement published. For each additional proof of publication required by a public official, a charge of one dollar (\$1) per copy shall be allowed each newspaper, **locality newspaper**, or qualified publication furnishing proof of publication.

(e) The circulation of a newspaper, **locality newspaper**, or qualified publication is determined as follows:

(1) For a newspaper, by the circulation stated on line 10.C. (Total Paid and/or Requested Circulation of Single Issue Published Nearest to Filing Date) of the Statement of Ownership, Management and Circulation required by 39 U.S.C. 3685 that was filed during the previous year.

(2) For a locality newspaper, by a verified affidavit filed with each agency, department, or office of the political subdivision that has public notices the locality newspaper wants to publish. The affidavit must:

(A) be filed with the agency, department, or office of the political subdivision before January 1 of each year; and

(B) attest to the circulation of the locality newspaper for the issue published nearest to October 1 of the previous year, as determined by an independent audit of the locality newspaper performed for the previous year.

~~(2)~~ **(3) For a qualified publication, by a verified affidavit filed with each governmental agency that has public notices the qualified publication wants to publish. The affidavit must:**

(A) be filed with the governmental agency before January 1 of each year; and

(B) attest to the circulation of the qualified publication for the issue published nearest to October 1 of the previous year.

SECTION 3. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This section applies ~~after June 30, 2009~~, to a notice that must be published in accordance with this chapter.

(b) If a newspaper **or locality newspaper** maintains an Internet web site, a notice that is published in the newspaper **or locality newspaper** must also be posted on the ~~newspaper's web site~~ **of the newspaper or locality newspaper**. The notice must appear on the web site on the same day the notice appears in the newspaper **or locality newspaper**.

(c) The state board of accounts shall develop a standard form for notices posted on a newspaper's **or locality newspaper's** Internet web site.

(d) A newspaper **or locality newspaper** may not charge a fee for posting a notice on the newspaper's **or locality newspaper's** Internet web site under this section.

SECTION 4. IC 5-3-1-2, AS AMENDED BY P.L.122-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at

least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If any officer charged with the duty of publishing any notice required by law is unable to procure ~~advertisement~~: **publication of notice**:

(1) at the price fixed by law;

(2) because ~~the newspaper refuses~~ **all newspapers or locality newspapers that are qualified to publish the notice refuse** to publish the ~~advertisement~~; **notice**; or

(3) because ~~the newspaper refuses~~ **newspapers or locality newspapers referred to in subdivision (2) refuse** to post the ~~advertisement notice~~ **notice** on the ~~newspaper's~~ **newspapers' or locality newspapers'** Internet web ~~site sites~~ (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers **or locality newspapers** and on an Internet web site (if required under section 1.5 of this chapter).

SECTION 5. IC 5-3-1-4, AS AMENDED BY P.L.141-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Whenever officers of a political subdivision are required to publish a notice affecting the political subdivision, they shall publish the notice in two (2) newspapers published in the political subdivision.

(b) This subsection applies to notices published by county officers. If there is only one (1) newspaper published in the county, then publication in that newspaper alone is sufficient.

(c) This subsection applies to notices published by city, town, or school corporation officers. If there is only one (1) newspaper published in the municipality or school corporation, then publication in that newspaper alone is sufficient. If no newspaper is published in the municipality or school corporation, then publication **of the notice** shall be made in **one (1) of the following**:

(1) A locality newspaper that circulates within the municipality or school corporation.

(2) A newspaper published in the county in which the municipality or school corporation is located and that circulates within the municipality or school corporation.

(d) This subsection applies to notices published by officers of political subdivisions not covered by subsection (a) or (b). If there is only one (1) newspaper published in the political subdivision, then the notice shall be published in that newspaper. If no newspaper is published in the political subdivision, then publication **of the notice** shall be made in **one (1) of the following**:

(1) A locality newspaper that circulates within the municipality or school corporation.

(2) A newspaper published in the county and that circulates within the political subdivision.

(e) This subsection applies to a political subdivision, including a city, town, or school corporation. Notwithstanding any other law, if a political subdivision has territory in more than one (1) county, public notices that are required by law or ordered to be published must be given as follows:

(1) By publication in two (2) newspapers published within the boundaries of the political subdivision.

(2) If only one (1) newspaper is published within the boundaries of the political subdivision, by publication **of the notice** in that newspaper and **in one (1) of the following**:

(A) A locality newspaper that circulates within the political subdivision.

(B) In ~~some other~~ **another** newspaper:

- ~~(A)~~ (i) published in any county in which the political subdivision extends; and
 - ~~(B)~~ (ii) that has a general circulation in the political subdivision.
- (3) If no newspaper is published within the boundaries of the political subdivision, by ~~publication~~ **publishing the notice** in two
- (2) **publications, consisting of either or both of the following:**
- (A) **A locality newspaper that circulates within the political subdivision.**
 - (B) **A newspapers newspaper** that:
 - ~~(A)~~ (i) ~~are is~~ published in any counties into which the political subdivision extends; and
 - ~~(B)~~ (ii) ~~have has~~ a general circulation in the political subdivision.
- (4) If only one (1) newspaper is published in any of the counties into which the political subdivision extends, by publication **of the notice in one (1) of the following:**
- (A) **A locality newspaper that circulates within the political subdivision.**
 - (B) ~~in that~~ **The newspaper published in the county if it the newspaper** circulates within the political subdivision.
- (f) A political subdivision may, in its discretion, publish public notices in a qualified publication or additional newspapers **or locality newspapers** to provide supplementary notification to the public. The cost of publishing supplementary notification is a proper expenditure of the political subdivision.

SECTION 6. IC 9-22-1-23, AS AMENDED BY P.L.125-2012, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

- (1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1,

except that only one (1) ~~newspaper~~ insertion **in an appropriate publication** one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 7. IC 16-18-2-301 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301. "Publish" or "published" or "cause to be published", for purposes of IC 16-22, means publication of notice in ~~a newspaper or newspapers~~ **an appropriate publication** in accordance with IC 5-3-1, unless otherwise specified.

SECTION 8. IC 20-48-4-2, AS ADDED BY P.L.2-2006, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

- (1) may run for a period not exceeding fifteen (15) years;
- (2) may bear interest at any rate; and
- (3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice **in accordance with IC 5-3-1-4** in at least one (1) ~~newspaper~~ **appropriate publication** announcing the sale of the bonds in at least one (1) issue a week for three (3) weeks. The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place,

and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

(b) The board shall annually levy sufficient taxes each year to pay at least one-fifteenth (1/15) of the warrants or bonds, including interest, and the trustee shall apply the annual tax to the payment of the warrants or bonds each year.

(c) A debt of the township may not be created except by the township board in the manner specified in this section. The board may bring an action in the name of the state against the bond of a trustee to recover for the use of the township funds expended in the unauthorized payment of a debt. The board may appropriate and the township trustee shall pay from township funds a reasonable sum for attorney's fees for this purpose.

(d) If a taxpayer serves the board with a written demand that the board bring an action as described in subsection (c), and after thirty (30) days the board has not brought an action, a taxpayer may bring an action to recover for the use of the township funds expended in the unauthorized payment of a debt. An action brought under this subsection shall be brought in the name of the state.

SECTION 9. IC 36-12-5-3, AS AMENDED BY P.L.13-2013, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The library board of a public library may file with the township trustee and legislative body a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the filing, the township trustee shall publish notice of the proposal of expansion in the manner provided in IC 5-3-1. **Publication of the notice must be in accordance with IC 5-3-1-4 in a newspaper an appropriate publication** of general circulation in the township. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of the affected township or part of the affected township subject to expansion may sign one (1) or both of the following:

- (1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township, or part of the township, as determined by the most recent general election.

(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county in which the township is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Certify the number of signatures on the petition and on any remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(d) The clerk of the circuit court shall complete the certification required under subsection (c) not more than fifteen (15) days after the petition or remonstrance is filed. The clerk shall:

(1) establish a record of certification in the clerk's office; and

(2) file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.



P.L.148-2016

[H.1034. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-13-1-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:
Sec. 5. "Fund":

- (1) for purposes of IC 21-13-2, refers to the **William A. Crawford** minority teacher scholarship fund established by IC 21-13-2-1;
- (2) for purposes of IC 21-13-4, refers to the National Guard tuition supplement program fund established by IC 21-13-4-1;
- (3) for purposes of IC 21-13-5, refers to the National Guard scholarship extension fund established by IC 21-13-5-1; ~~and~~
- (4) for purposes of IC 21-13-6, refers to the primary care physician loan forgiveness fund established by IC 21-13-6-3; **and**
- (5) for purposes of IC 21-13-6.5, refers to the medical residency education fund established by IC 21-13-6.5-1.**

SECTION 2. IC 21-13-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "scholarship" refers to the William A. Crawford minority teacher scholarship provided to individuals who qualify for the scholarship under section 4 of this chapter.**

SECTION 3. IC 21-13-2-1, AS AMENDED BY P.L.205-2013, SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The **William A. Crawford** minority teacher scholarship fund is established:

- (1) to encourage and promote qualified minority individuals to pursue a career in teaching in accredited schools in Indiana;
- (2) to enhance the number of individuals who may serve as role models for the minority students in Indiana; and
- (3) to rectify the shortage of minority teachers teaching in accredited schools in Indiana.

SECTION 4. IC 21-13-2-6, AS AMENDED BY P.L.2-2014, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~Subject to section 12 of this chapter,~~ A scholarship may be renewed under this chapter for a total scholarship award that does not exceed the number of academic terms that constitutes four (4) undergraduate academic years. However, an eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.

SECTION 5. IC 21-13-2-8, AS ADDED BY P.L.2-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: Sec. 8. **(a)** Except as provided in this chapter, a scholarship is equal to the lesser of the following amounts:

- (1) The balance of the student's total cost in attending the eligible institution of attendance for the academic year.
- (2) ~~One Four~~ thousand dollars (~~\$1,000~~): **(\$4,000)**.

(b) If the total of all scholarships awarded under this chapter exceeds the amount available for distribution in a state fiscal year, the amount to be distributed to each applicant shall be proportionately reduced so that the total reduction equals the amount of the excess based on the financial need of each eligible applicant.

SECTION 6. IC 21-13-2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: (a) This section applies if a minority student:

- (1) initially qualifies for a scholarship under section 4 of this chapter; and
- (2) demonstrates to the commission financial need in an amount greater than described in section 8 of this chapter:

(b) The annual scholarship that the minority student may receive is equal to the lesser of the following amounts:

- (1) The balance of the student's total cost in attending the eligible institution for the academic year:
- (2) Four thousand dollars (~~\$4,000~~).

SECTION 7. IC 21-13-2-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12: The commission shall determine the scholarship recipients under this chapter:

- (1) based upon:
 - (A) the criteria set forth in section 4 of this chapter; and
 - (B) the rules adopted by the commission; and
- (2) with a priority on granting scholarships in the following order:
 - (A) Minority students seeking a renewal scholarship.
 - (B) Newly enrolling minority students.

SECTION 8. IC 21-13-2-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14: (a) The amount of a scholarship awarded under this chapter may not be reduced because the student receives other scholarships or forms of financial aid:

(b) Except as otherwise permitted by law, the amount of any other state financial aid received by a student may not be reduced because the student receives a scholarship under this chapter.

SECTION 9. IC 21-13-2-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 16. Before January 1, 2015, the commission shall provide a report in an electronic format under IC 5-14-6 to the general assembly regarding the effectiveness of the program.~~

SECTION 10. IC 21-13-7-1, AS ADDED BY P.L.205-2013, SECTION 328, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. An individual may apply for a stipend under this chapter if the individual:

(1) is a student who is enrolled in a course of study **at an eligible institution** that would enable the student, upon graduation, to teach in an accredited school in Indiana in:

(A) special education; or

(B) a high-need field;

(2) will participate in student teaching as part of the student's degree requirements;

(3) has earned a cumulative grade point average upon entering student teaching ~~of at least 3.0 on a 4.0 scale, or its equivalent as determined by the eligible institution; and that:~~

(A) is required by an eligible institution for admission to the eligible institution's school of education; or

(B) is at least a 2.0 on a 4.0 grading scale or its equivalent as determined by the eligible institution, if the eligible institution's school of education does not require a certain minimum cumulative grade point average;

(4) agrees, in writing, to apply for a teaching position at an accredited school in Indiana following the student's certification as a teacher, and, if hired, to teach for at least three (3) years; and

~~(4)~~ **(5) meets any other minimum criteria established by the commission.**

SECTION 11. IC 21-13-7-2, AS ADDED BY P.L.205-2013, SECTION 328, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A student who has applied for the stipend under section 1 of this chapter and has been approved by the commission may request payment of the stipend after demonstrating that the student will engage in student teaching during the upcoming academic term.

(b) The stipend may not exceed

(1) for a student with a cumulative grade point average of at least 3.5 on a 4.0 scale; or its equivalent as determined by the eligible institution; based on the most recently concluded academic term; five thousand dollars (\$5,000); or

(2) for a student with a cumulative grade point average of at least 3.0 and less than 3.5 on a 4.0 scale; or its equivalent as determined by the eligible institution; based on the most recently concluded academic term; four thousand dollars (\$4,000).

(c) The commission shall pay the stipend directly to the student.

SECTION 12. IC 21-13-8-1, AS ADDED BY P.L.205-2013, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. An individual may apply for a stipend under this chapter if the individual:

(1) is a minority student **enrolled in an eligible institution;**

(2) will participate in student teaching as part of the student's degree requirements;

(3) has earned a cumulative grade point average upon entering student teaching of at least 3.0 on a 4.0 scale; or its equivalent as determined by the eligible institution; and that:

(A) is required by an eligible institution for admission to the eligible institution's school of education; or

(B) is at least a 2.0 on a 4.0 grading scale or its equivalent as determined by the eligible institution, if the eligible institution's school of education does not require a certain minimum cumulative grade point average;

(4) agrees, in writing, to apply for a teaching position at an accredited school in Indiana following the student's certification as a teacher, and, if hired, to teach for at least three (3) years; and

(5) meets any other minimum criteria established by the commission.

SECTION 13. IC 21-13-8-2, AS ADDED BY P.L.205-2013, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A student who has applied for the stipend under section 1 of this chapter and has been approved by the commission may request payment of the stipend after demonstrating that the student will engage in student teaching during the upcoming academic term.

- (b) The stipend may not exceed
- (1) for a student with a cumulative grade point average of at least 3.5 on a 4.0 scale; or its equivalent as determined by the eligible institution; based on the most recently concluded academic term; five thousand dollars (\$5,000); or
 - (2) for a student with a cumulative grade point average of at least 3.0 and less than 3.5 on a 4.0 scale; or its equivalent as determined by the eligible institution; based on the most recently concluded academic term; four thousand dollars (\$4,000).
- (c) The commission shall pay the stipend directly to the student.



P.L.149-2016

[H.1036. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 2-2.2-1-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3: (a) "Close relative" refers to the following relatives of an individual:

- (1) The individual's parent.
- (2) The individual's spouse.
- (3) The individual's children.

(b) A relative by adoption; half-blood; marriage; or remarriage is considered as a relative of whole kinship.

SECTION 2. IC 2-7-1-1.7, AS AMENDED BY P.L.123-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) "Close relative" has the meaning set forth in IC 2-2.2-1-3: refers to the following relatives of an individual:

- (1) The individual's parent.

(2) The individual's spouse.

(3) The individual's children.

(b) A relative by adoption, half-blood, marriage, or remarriage is considered as a relative of whole kinship.

SECTION 3. IC 2-7-1-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7.5. "~~Legislative liaison~~" has the meaning set forth in ~~IC 5-14-7-3~~.

SECTION 4. IC 2-7-4-5.5, AS AMENDED BY P.L.165-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. ~~(a)~~ The commission shall make copies of all the following available on the Internet:

(1) Reports, statements, other documents required to be filed under this article.

(2) Manuals, indices, summaries, and other documents the commission is required to compile, publish, or maintain under this article.

(b) The commission shall make copies of all reports required to be made by the employers of legislative liaisons under IC 5-14-7 available on the Internet.

SECTION 5. IC 2-7-5-7, AS ADDED BY P.L.58-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) An individual who is a member of the general assembly after December 31, 2011, may not be

~~(1)~~ registered as a lobbyist under this article ~~or~~

~~(2)~~ employed as a legislative liaison;

during the period described in subsection (b).

(b) The period referred to in subsection (a):

(1) begins on the day the individual ceases to be a member of the general assembly; and

(2) ends three hundred sixty-five (365) days after the date the individual ceases to be a member of the general assembly.

SECTION 6. IC 2-7-6-2, AS AMENDED BY P.L.123-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to failure to file a report or statement under ~~IC 2-7-2-2, IC 2-7-3-2, IC 2-7-2-1, IC 2-7-3-1, IC 2-7-3-3.3, or IC 2-7-3-7~~ if the person failing to file the report or statement files a late report or statement not more than ten (10) business days after the commission notifies the person by certified

mail, return receipt requested, that the person did not file a timely report or statement.

(b) Any person who knowingly or intentionally violates any provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5 commits unlawful lobbying, a Level 6 felony. In addition to any penalty imposed on the defendant under IC 35-50-2-7 for unlawful lobbying, the court may order the defendant not to engage in lobbying for a period of up to ten (10) years, IC 2-7-5-6 notwithstanding.

(c) Any person who lobbies in contravention of a court order under subsection ~~(a)~~ **(b)** commits a Level 6 felony.

SECTION 7. IC 3-10-1-4.6, AS AMENDED BY P.L.216-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2016 and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection ~~(a)~~ **(b)** continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 8. IC 3-11-8-10.3, AS AMENDED BY P.L.169-2015, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

(1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person

and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) the current local version of the electronic poll list; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already received a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.

- (7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:
- (A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or
 - (B) the server makes the information immediately available to every other polling place or satellite office in the county.
- (8) The electronic poll book must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).
- (10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:
- (A) the voter's registration application; or
 - (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll book must include a bar code capturing device that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

- (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.
- (14) The electronic poll book must be compatible with:
- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
 - (B) the statewide voter registration system; and
 - (C) any software system used to prepare voter information to be included on the electronic poll book.
- (15) The electronic poll book must have the ability to be used in conformity with this title for:
- (A) any type of election conducted in Indiana; or
 - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.
- (16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. After December 31, 2015, a vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).
- (17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:
- (A) has been set up correctly;
 - (B) is working correctly so as to verify the eligibility of the voter;
 - (C) is correctly recording that a voter received a ballot; and
 - (D) has been shut down correctly.

- (18) The electronic poll book must include the following documentation:
- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.
 - (B) Training materials that:
 - (i) may be in written or video form; and
 - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
 - (C) Failsafe data recovery procedures for information included in the electronic poll book.
 - (D) Usability tests:
 - (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
 - (ii) that include the setting up, using, and shutting down of the electronic poll book; and
 - (iii) that report their results using industry standard reporting formats.
 - (E) A clear model of the electronic poll book system architecture and the following documentation:
 - (i) End user documentation.
 - (ii) System-level and administrator level documentation.
 - (iii) Developer documentation.
 - (F) Detailed information concerning:
 - (i) electronic poll book consumables; and
 - (ii) the vendor's supply chain for those consumables.
 - (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.
 - (H) Repair and maintenance policies for the electronic poll book.
 - (I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:
 - (i) A list of customers who are using or have previously used the vendor's electronic poll book.

(ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.

(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

SECTION 9. IC 4-6-2-1.5, AS AMENDED BY P.L.239-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by

statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) A determination by the attorney general under subsection (a), (b), or ~~(d)~~ (e) shall not be admitted as evidence in the trial of any such civil action for damages.

(g) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.

SECTION 10. IC 4-22-2-21, AS AMENDED BY P.L.123-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency

may incorporate by reference into a rule part or all of any of the following matters:

- (1) A federal or state statute, rule, or regulation.
- (2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.
- (3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the **commission on public records Indiana archives and record administration** under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been previously filed with the:
 - (A) secretary of state before July 1, 2006; or
 - (B) publisher after June 30, 2006.
- (5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 11. IC 4-31-7-1, AS AMENDED BY P.L.255-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age

on the horse races conducted or simulcast by the person. The person may not permit or use:

- (1) another place other than that provided and designated by the person; or
- (2) another method or system of betting or wagering.

However, a permit holder licensed to conduct gambling games under IC 4-35 may permit wagering on gambling games at a racetrack as permitted by IC 4-35.

(b) Except as provided in ~~sections section 7 and 10~~ of this chapter ~~and IC 4-31-5.5, and IC 4-31-7.5~~; the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 12. IC 4-33-12-6, AS AMENDED BY P.L.192-2015, SECTION 1, AND AS AMENDED BY P.L.255-2015, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by ~~subsections subsection (c), and (d), and IC 6-3-1-20-7~~, the treasurer of state shall quarterly pay the following amounts:

- (1) Except as provided in subsection ~~(h)~~ (j), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:
 - (A) the city in which the riverboat is docked, if the city:
 - (i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or
 - (ii) is contiguous to the Ohio River and is the largest city in the county; and
 - (B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).
- (2) Except as provided in subsection ~~(h)~~ (j), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:
 - (A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection ~~(k)~~, (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection ~~(k)~~, (j), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in subsection ~~(k)~~, (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection ~~(k)~~, (j), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:

(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following amounts:

(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located;
and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic

development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

- (i) Job creation and retention.*
- (ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.*
- (iii) Housing.*
- (iv) Workforce training.*
- (v) Health care.*
- (vi) Local planning.*
- (vii) Land use.*
- (viii) Assistance to regional economic development groups.*
- (ix) Other regional development issues as determined by the Indiana economic development corporation.*

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

- (i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).*
- (ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).*
- (iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.*

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used the manner described in subdivision (1)(G).

(d) (c) With respect This subsection applies to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); Lake County. Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(†) (5) Except as provided in subsection ~~(k)~~, (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

*~~(A) embarking on a gambling excursion during the quarter; or~~
~~(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus~~*

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2), or (3), whichever is applicable, for ~~that~~ the calendar quarter; shall be paid to the city in which the riverboat is docked.

~~(2)~~ (6) Except as provided in subsection ~~(A)~~, (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

~~(A) embarking on a gambling excursion during the quarter; or~~
~~(B)~~ admitted to a riverboat during the preceding calendar quarter; ~~that has implemented flexible scheduling under IC 4-33-6-21;~~ minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for ~~that~~ the calendar quarter;

shall be paid to the county in which the riverboat is docked.

~~(3)~~ (7) Except as provided in subsection ~~(A)~~, (j), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person

~~(A) embarking on a gambling excursion during the quarter; or~~
~~(B)~~ admitted to a riverboat during the preceding calendar quarter ~~that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

~~(4)~~ (8) Except as provided in subsection ~~(A)~~, (j), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person

~~(A) embarking on a gambling excursion during the quarter; or~~
~~(B)~~ admitted to a riverboat during the preceding calendar quarter ~~that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the northwest Indiana law enforcement training center.

~~(5)~~ (9) Except as provided in subsection ~~(A)~~, (j), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person

~~(A) embarking on a gambling excursion during the quarter; or~~
~~(B)~~ admitted to a riverboat during ~~a~~ the preceding calendar quarter ~~that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3. ~~(6)~~ (10) Except as provided in subsection ~~(k)~~, (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person

~~(A) embarking on a gambling excursion during the quarter; or~~
~~(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

~~(7)~~ (11) Except as provided in subsection ~~(k)~~, Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person *embarking on a gambling excursion during the quarter* ~~or~~ admitted to a riverboat during the *preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21* shall be paid to the state general fund.

~~(e)~~ (d) Money paid to a unit of local government under subsection (b) or (c): ~~or (d)~~:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

~~(f)~~ (e) Money paid by the treasurer of state under subsection (b)(3) or ~~(d)(3)~~ ~~(d)(7)~~ (c)(7) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

~~(g)~~ (f) Money received by the division of mental health and addiction under subsections (b)(5) and ~~(d)(6); (d)(10); (c)(10)~~:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

~~(h)~~ (g) This subsection applies to the following:

(1) Each entity receiving money under subsection (b)(1) through (b)(5).

(2) Each entity receiving money under subsection ~~(d)(1); (d)(5); (c)(5) through (d)(2); (d)(6); (c)(6)~~.

(3) Each entity receiving money under subsection ~~(d)(5); (d)(9); (c)(9) through (d)(6); (d)(10); (c)(10)~~.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

~~(i)~~ (h) This subsection applies to an entity receiving money under subsection ~~(d)(3); (d)(7); (c)(7) or (d)(4); (d)(8); (c)(8)~~. The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection ~~(d)(3); (d)(7); (c)(7)~~ during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection ~~(d)(3); (d)(7); (c)(7)~~. The amount determined under this subsection multiplied by one-tenth (0.1) is the base year

revenue for the entity described in subsection ~~(d)(4)~~, ~~(d)(8)~~, (c)(8). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

~~(f)~~ (i) *This subsection does not apply to an entity receiving money under subsection (e).* The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection ~~(f)~~ (g) or ~~(f)~~ (h). *For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection ~~(d)~~ (c) to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate.* If the treasurer of state determines that the total amount of money:

- (1) distributed to an entity; and
- (2) constructively received by an entity;

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

~~(k)~~ (j) *This subsection does not apply to an entity receiving money under subsection (e).* The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and
- (2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 13. IC 4-35-8.3-4, AS ADDED BY P.L.255-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a)~~ Before December 1 of each year, the auditor of state shall distribute an amount equal to the fees deposited in that year under section 3 of this chapter to communities and schools located near a historic hotel district and the Indiana economic development corporation as follows:

- (1) Twenty-two and four-tenths percent (22.4%) to be paid as follows:
 - (A) Fifty percent (50%) to the fiscal officer of the town of French Lick.
 - (B) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.
- (2) Fourteen and eight-tenths percent (14.8%) to the county treasurer of Orange County for distribution among the school

corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this subdivision among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this subdivision must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this subdivision, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this subdivision were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(3) Thirteen and one-tenth percent (13.1%) to the county treasurer of Orange County.

(4) Five and three-tenths percent (5.3%) to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of the money received under this subdivision to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(5) Five and three-tenths percent (5.3%) to the county treasurer of Crawford County for appropriation by the county fiscal body. The county fiscal body shall provide for the distribution of the money received under this subdivision to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(6) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Paoli.

(7) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Orleans.

(8) Twenty-six and four-tenths percent (26.4%) to the Indiana economic development corporation for transfer to Radius Indiana

or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However if the amount distributed under IC 4-33-13-5(b)(2)(H) to the Orange County development commission is insufficient to meet the obligations described in IC 4-33-13-5(b)(2)(H), an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under IC 4-33-13-5 were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

SECTION 14. IC 4-35-8.3-5, AS ADDED BY P.L.255-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Money distributed to a political subdivision under section 4 of this chapter:

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in section ~~4(a)(2)~~ **4(2)** of this chapter, may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in section ~~4(a)(2)~~ **4(2)** of this chapter, may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

(b) Money distributed under section ~~4(a)(2)~~ **4(2)** of this chapter must be used for the purposes specified in section ~~4(a)(2)~~ **4(2)** of this chapter.

SECTION 15. IC 4-35-8.7-3, AS AMENDED BY P.L.213-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 3. (a) The gaming integrity fund is established.

(b) The fund shall be administered by the Indiana horse racing commission.

(c) The fund consists of gaming integrity fees deposited in the fund under this chapter and money distributed to the fund under IC 4-35-7-12.5 and IC 4-35-7-15. **Fifteen percent (15%) of the money deposited in the fund shall be transferred to the Indiana state board of animal health to be used by the state board to pay the costs associated with equine health and equine care programs under IC 15-17.**

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund may be used by the Indiana horse racing commission only for the following purposes:

(1) To pay the cost of taking and analyzing equine specimens under IC 4-31-12-6(b) or another law or rule and the cost of any supplies related to the taking or analysis of specimens.

(2) To pay dues to the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International.

(3) To provide grants for research for the advancement of equine drug testing. Grants under this subdivision must be approved by the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International or by the Racing Mediation and Testing Consortium.

(4) To pay the costs of post-mortem examinations under IC 4-31-12-10.

(5) To pay other costs incurred by the commission to maintain the integrity of pari-mutuel racing.

SECTION 16. IC 5-1-17.5-30, AS AMENDED BY P.L.213-2015, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) If a motorsports investment district is

established under this chapter, the commission, or the authority for and on behalf of the commission, shall establish a motorsports investment district fund for the motorsports investment district. The fund shall be administered by the commission. Except as provided in subsection ~~(f)~~; **(g)**, money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) The commission shall deposit amounts appropriated to the commission in the motorsports investment district fund as provided in this chapter.

(c) The commission shall request that the general assembly make an appropriation not to exceed five million dollars (\$5,000,000) to the commission for deposit in the motorsports investment district fund in each state fiscal year following the creation of the motor sports investment district fund, until the earlier of:

- (1) the date that is twenty-two (22) years after the date on which appropriations are first deposited in the motorsports investment district fund; or
- (2) the date on which all bonds issued by the authority under section 37 of this chapter are no longer deemed outstanding.

The commission may use money in the motorsports investment district fund for the purposes of this chapter.

(d) Amounts held in the motorsports investment district fund may be distributed to a trustee of any bonds that are issued or to be issued by the authority under section 37 of this chapter and that are secured by rent to be paid by the commission under a lease entered into with the authority under section 32 of this chapter.

(e) In addition, to the extent the rent due in a state fiscal year under leases of structures or other capital improvements that are within a motorsports investment district is anticipated to be insufficient to pay debt service on bonds issued under section 37 of this chapter, when due in that state fiscal year, the authority shall make the request under subsection (c) upon reaching the determination.

(f) Money in the motorsports investment district fund may be used by the commission, the authority, or a trustee for the following:

- (1) Payment of the rent due under leases of structures or other capital improvements that are located within a motorsports investment district.

(2) Payment of all expenses incurred by the commission or the authority in connection with the exercise of its duties and obligations set forth in this chapter, including those incurred in connection with the establishment of the motorsports investment district.

(3) Payment of debt service on bonds issued under section 37 of this chapter, but only to the extent of any deposit made to the motorsports investment district fund from appropriations requested under subsection (e) or section 30.5(d) of this chapter.

(g) On the date that all bonds issued by the authority under section 37 of this chapter are no longer deemed outstanding and all expenses incurred by the commission or the authority in connection with the exercise of its duties and obligations set forth in this chapter have been paid, all money then remaining on deposit in the motorsports investment district fund reverts to the state general fund.

SECTION 17. IC 5-3-1-2.3, AS AMENDED BY P.L.183-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

(1) a reasonable person would not be misled by the error or omission; and

(2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

(b) This subsection applies if:

(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;

(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and

(3) the county auditor is responsible for the error or omission described in subdivision (2).

Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice

~~containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision. This subsection expires January 1, 2015.~~

SECTION 18. IC 5-10-8-14.9, AS ADDED BY P.L.209-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.9. (a) This section applies to an employee health plan that is established, entered into, amended, or renewed after June 30, 2015.

~~(b) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.~~

~~(c)~~ (b) As used in this section, "state employee health plan" means one (1) of the following:

- (1) A self-insurance program established under section 7(b) of this chapter to provide group health coverage.
- (2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

~~(d)~~ (c) A state employee health plan may provide coverage for methadone if the drug is prescribed for the treatment of pain or pain management as follows:

- (1) If the daily dosage is not more than sixty (60) milligrams.
- (2) If the daily dosage is more than sixty (60) milligrams, only if:
 - (A) prior authorization is obtained; and
 - (B) a determination of medical necessity has been shown by the provider.

SECTION 19. IC 5-11-1-7, AS AMENDED BY P.L.181-2015, SECTION 11, AND AS AMENDED BY P.L.213-2015, SECTION 61, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The state examiner shall appoint assistants not exceeding the number required to administer this article. The assistants are to be known as "field examiners" and are at all times subject to the order and direction of the state examiner. Field examiners shall inspect and examine accounts of all state agencies, municipalities, and other governmental units, entities, or instrumentalities.

(b) The state examiner may engage or, *in accordance with section 24 of this chapter*, allow the engagement of private examiners to the extent the state examiner determines necessary to satisfy the requirements of this article. These examiners are subject to the

direction of the state examiner while performing examinations under this article. *The state examiner shall allow the engagement of private examiners for any state college or university subject to examination under this article if the state examiner finds that the private examiner is an independent certified public accountant firm with specific expertise in the financial affairs of educational organizations. These private examiners are subject to the direction of the state examiner while performing examinations under this article.*

(c) The state examiner may engage experts to assist the state board of accounts in carrying out its responsibilities under this article.

SECTION 20. IC 6-1.1-4-43, AS ADDED BY P.L.249-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) This section applies to a real property assessment for:

- (1) the 2014 assessment date and assessment dates thereafter; and
- (2) real property that is:
 - (A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and
 - (B) occupied by the original owner or by a tenant for which the improvement was built.

(b) This section does not ~~to~~ apply to the assessment of multi-tenant income producing shopping centers (as defined by the Appraisal Institute Dictionary of Real Estate Appraisal (5th Edition)).

(c) In determining the true tax value of real property under this section which has improvements with an effective age ~~is of~~ ten (10) years or less under the rules of the department, assessing officials shall apply the cost approach, less depreciation and obsolescence under the rules and guidelines of the department. For purposes of this subsection, the land value shall be assessed separately. The assessed value of the land underlying the improvements assessed under this section may be assessed or challenged based on the market value of comparable land.

(d) This subsection applies to a taxpayer that files a notice under IC 6-1.1-15 after April 30, 2015, requesting a review of the assessment of the taxpayer's real property that is subject to this section. If the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate

county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance, then ~~the~~ for purposes of applying the cost approach under subsection ~~(b)~~ or (c) the depreciation and obsolescence shall be deducted from the construction costs rather than the ~~than the~~ cost values determined by using the cost tables under the rules and guidelines of the department of local government finance.

SECTION 21. IC 6-1.1-15-1, AS AMENDED BY P.L.148-2015, SECTION 15, AS AMENDED BY P.L.248-2015, SECTION 1, AND AS AMENDED BY P.L.249-2015, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) *Except as provided in section 1.5 of this chapter*, a taxpayer may obtain a review by the county board of a county or township official's action with respect to *either or both any of the following, or any combination of the following*:

- (1) The assessment of the taxpayer's tangible property.
- (2) A deduction for which a review under this section is authorized by any of the following:
 - (A) IC 6-1.1-12-25.5.
 - (B) IC 6-1.1-12-28.5.
 - (C) IC 6-1.1-12-35.5.
 - (D) IC 6-1.1-12.1-5.
 - (E) IC 6-1.1-12.1-5.3.
 - (F) IC 6-1.1-12.1-5.4.
- (3) *A determination concerning a common area under IC 6-1.1-10-37.5.*

(b) At the time that notice of an action referred to in subsection (a) is given to the taxpayer, the taxpayer shall also be informed in writing of:

- (1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and
- (2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

- (1) May 10 of the year; or
- (2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

- (1) The name of the taxpayer.
- (2) The address and parcel or key number of the property.
- (3) The address and telephone number of the taxpayer.

- (g) The filing of a notice under subsection (c) or (d):
 - (1) initiates a review under this section; and
 - (2) constitutes a request by the taxpayer for a preliminary informal meeting with the official referred to in subsection (a).
- (h) A county or township official who receives a notice for review filed by a taxpayer under subsection (c) or (d) shall:
 - (1) immediately forward the notice to the county board; and
 - (2) attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible by:
 - (A) discussing the specifics of the taxpayer's assessment or deduction;
 - (B) reviewing the taxpayer's property record card;
 - (C) explaining to the taxpayer how the assessment or deduction was determined;
 - (D) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or deduction;
 - (E) noting and considering objections of the taxpayer;
 - (F) considering all errors alleged by the taxpayer; and
 - (G) otherwise educating the taxpayer about:
 - (i) the taxpayer's assessment or deduction;
 - (ii) the assessment or deduction process; and
 - (iii) the assessment or deduction appeal process.
 - (i) Not later than ten (10) days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. *The official referred to in subsection (a) must attest on the form that the official described to the taxpayer the taxpayer's right to a review of the issues by the county board under this chapter and the taxpayer's right to appeal to the Indiana board of tax review and to the Indiana tax court.* The form must indicate the following:
 - (1) *Notwithstanding section 2.5 of this chapter*, if the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:
 - (A) those issues; and

- (B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.
- (2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:
 - (A) a statement of those issues; and
 - (B) the identification of:
 - (i) the issues on which the taxpayer and the official agree; and
 - (ii) the issues on which the taxpayer and the official disagree.
- (1) If the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:*
 - (A) those issues; and*
 - (B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.*
- (2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:*
 - (A) a statement of those issues; and*
 - (B) the identification of:*
 - (i) the issues on which the taxpayer and the official agree; and*
 - (ii) the issues on which the taxpayer and the official disagree.*
- (j) If the county board receives a form referred to in subsection (i)(1) before the hearing scheduled under subsection (k):
 - (1) the county board shall cancel the hearing;
 - (2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and
 - (3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change the assessment under IC 6-1.1-13.
- (k) If:
 - (1) subsection (i)(2) applies; or

- (2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);

the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give at least thirty (30) days notice of the date, time, and place fixed for the hearing to the taxpayer, *the taxpayer's representative (if any)*, and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board. A taxpayer may request a continuance of the hearing by filing, at least twenty (20) days before the hearing date, a request for continuance with the board and the county or township official with evidence supporting a just cause for the continuance. The board shall, not later than ten (10) days after the date the request for a continuance is filed, either find that the taxpayer has demonstrated a just cause for a continuance and grant the taxpayer the continuance, or deny the continuance. A taxpayer may request that the board take action without the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.

- (l) At the hearing required under subsection (k):

- (1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and
- (2) the county or township official with whom the taxpayer filed the notice for review must present:

- (A) the basis for the assessment or deduction decision; and
- (B) the reasons the taxpayer's contentions should be denied.

A penalty of fifty dollars (\$50) shall be assessed against the taxpayer if the taxpayer or representative fails to appear at the hearing and, under subsection (k), the taxpayer's request for continuance is denied, or the taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or withdrawal is not timely

filed. A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court. The penalty may not be added as an amount owed on the property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

(m) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

- (1) Initiate the review.
- (2) Prosecute the review.

(n) The county board shall prepare a written decision resolving all of the issues under review. *The written decision may be in the form of a stipulated determination under section 2.5 of this chapter.* The county board shall, by mail, give notice of its determination not later than:

- (1) one hundred twenty (120) days after the hearing under subsection (k); *or*
- (2) *thirty (30) days after an entry of a stipulated determination under section 2.5 of this chapter;*

to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

(o) If the maximum time elapses:

- (1) under subsection (k) for the county board to hold a hearing; or
- (2) under subsection (n) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

SECTION 22. IC 6-1.1-15-2.5, AS ADDED BY P.L.248-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to a notice of review filed by a taxpayer under section 1 of this chapter with respect to the assessment of the taxpayer's tangible property.

(b) Instead of a hearing before the county board, a taxpayer and a township or county official may enter into an agreement in which both parties:

- (1) agree to waive a determination by the county board and submit the dispute directly to the Indiana board; or
- (2) stipulate to the assessed value of the tangible property in dispute as determined by an independent appraisal under terms and conditions in subsection (e).

A taxpayer and a township or county official may still enter into an agreement under section 1(i) of this chapter and not be subject to the requirements of this section.

(c) An agreement under this section may not be entered into more than one hundred twenty (120) days after the date of the notice under subsection (a).

(d) The township or county official shall immediately forward an agreement entered into under this section to the county board.

(e) An agreement entered into by a taxpayer and a township or county official under subsection ~~(b)~~ **(b)(2)** must include the following provisions:

(1) The county board shall select three (3) Indiana registered appraisers as potential appraisers to conduct an independent appraisal under the agreement.

(2) Not later than fifteen (15) days after the county board's selection of potential appraisers, the:

(A) taxpayer; and

(B) township or county official;

may each strike one (1) appraiser from the list of potential appraisers by providing written notice to the county board of the name of the appraiser to strike from the list.

(3) Not later than sixty (60) days after the date of the agreement, an appraisal shall be conducted by the Indiana registered appraiser who is:

(A) not struck from the list of potential appraisers, if two (2) potential appraisers are struck from the list under subdivision (2); or

(B) selected by the county board from the list of potential appraisers, if fewer than two (2) potential appraisers are struck from the list under subdivision (2).

- (4) The appraisal conducted under subdivision (3) shall be:
- (A) prepared in accordance with usual and customary professional standards for an Indiana registered appraiser;
 - (B) notarized; and
 - (C) filed with the county board not later than three (3) days after its completion.
- (5) The taxpayer and the township or county official stipulate for purposes of review by the county board that the correct assessed value of the tangible property in dispute is the appraised value of the tangible property as determined by the appraisal conducted under subdivision (3).
- (6) The taxpayer and the township or county official retain the right to initiate a proceeding for review of a stipulated determination entered by the county board under subsection (g) before the Indiana board under section 3 of this chapter.
- (7) Any other provision the department of local government finance considers appropriate.
- (f) The department of local government finance shall prescribe a standard form agreement that must be used for purposes of this section. The department shall require the form agreement to be notarized.
- (g) Upon receipt of an independent appraisal conducted under this section, the county board shall enter a stipulated determination of assessed value:
- (1) based on the agreement of the parties under ~~this section;~~ **subsection (b)(2)**; and
 - (2) equal to the appraised value of the property as determined by the independent appraisal.
- (h) A taxpayer or a township or county official may initiate a proceeding for review of a stipulated determination entered by a county board under this section before the Indiana board as required by section 3 of this chapter.

SECTION 23. IC 6-1.1-17-16, AS AMENDED BY P.L.183-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) (before its expiration) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b) (before its expiration). The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department:
 - (A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or
 - (B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

- (3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.
- (4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15 of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, **and notwithstanding IC 6-1.1-18-1**, the department of local government finance shall, unless the department finds extenuating circumstances, increase a political subdivision's tax levy to an amount that exceeds the amount originally advertised or adopted by the political subdivision if:

- (1) the increase is requested in writing by the officers of the political subdivision;
- (2) the requested increase is published on the department's advertising Internet web site and (before January 1, 2015) is published by the political subdivision according to a notice provided by the department; and
- (3) notice is given to the county fiscal body of the error and the department's correction.

If the department increases a levy beyond what was advertised or adopted under this subsection, it shall, unless the department finds extenuating circumstances, reduce the certified levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars (\$100,000).

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

SECTION 24. IC 6-1.1-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as provided in IC 6-1.1-17-16(i)**, when fixing a budget, tax rate, and tax levy under IC 6-1.1-17-5, the officers of a political subdivision may not fix a budget or tax levy which exceeds the amount published by the political subdivision. The portion of a budget or tax levy which exceeds the published amount is void.

SECTION 25. IC 6-1.1-20-3.6, AS AMENDED BY P.L.203-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?"

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local

government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon:

- (1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the public question is to be placed on the general or municipal election ballot.

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (k), the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November). The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall

give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(f) The circuit court clerk shall certify the results of the public question to the following:

(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than three hundred fifty (350) days after the date of the election.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the capital projects were artificially divided.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at a ~~public question~~ **an election** under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

- (1) The cost per square foot of any buildings being constructed as part of the controlled project.
- (2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.
- (3) The maximum term of the bonds or lease.

- (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (6) The purpose of the bonds or lease.
- (7) In the case of a controlled project proposed by a school corporation:
 - (A) the current and proposed square footage of school building space per student;
 - (B) enrollment patterns within the school corporation; and
 - (C) the age and condition of the current school facilities.

SECTION 26. IC 6-1.1-24-5.3, AS AMENDED BY P.L.251-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.3. (a) This section applies to the following:

- (1) A person who:
 - (A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises; and
 - (B) is subject to an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5) regarding which the conditions set forth in IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.
- (2) A person who:
 - (A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises; and
 - (B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.
- (3) A person who is the defendant in a court action brought under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or IC 36-7-9-22 that has resulted in a judgment in favor of the plaintiff and the unsafe condition that caused the action to be brought has not been corrected.

(4) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivision (1), (2), or (3):

(A) A partner of a partnership.

(B) An officer or majority stockholder of a corporation.

(C) The person who directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

(5) A person who owes:

(A) delinquent taxes;

(B) special assessments;

(C) penalties;

(D) interest; or

(E) costs directly attributable to a prior tax sale;

on a tract or an item of real property listed under section 1 of this chapter.

(6) A person who owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in a vacant or abandoned structure subject to an enforcement order under IC 32-30-6, IC 32-30-7, IC 32-30-8, or IC 36-7-9, or a court order under IC 36-7-37.

(7) A person who is an agent of the person described in this subsection.

(b) A person subject to this section may not purchase a tract offered for sale under section 5 or 6.1 of this chapter. However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.

(c) The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:

"Indiana law prohibits a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale of a tract or item of real property listed under ~~section 1 of this chapter~~ **IC 6-1.1-24-1** from purchasing tracts or items of real property at a tax sale. I hereby affirm under the penalties for perjury that I do not owe delinquent taxes, special assessments, penalties, interest, costs directly attributable to a prior tax sale, amounts from a final adjudication

in favor of a political subdivision, any civil penalties imposed for the violation of a building code or county ordinance, or any civil penalties imposed by a county health department. Further, I hereby acknowledge that any successful bid I make in violation of this statement is subject to forfeiture. In the event of forfeiture, the amount by which my bid exceeds the minimum bid on the tract or item or real property under IC 6-1.1-24-5(e), if any, shall be applied to the delinquent taxes, special assessments, penalties, interest, costs, judgments, or civil penalties I owe, and a certificate will be issued to the county executive."

(d) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited, the county treasurer shall:

- (1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;
- (2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice, apply the surplus amount of the person's bid to the person's delinquent taxes, special assessments, penalties, and interest;
- (3) remit the amounts owed from a final adjudication or civil penalties in favor of a political subdivision to the appropriate political subdivision; and
- (4) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(e) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

- (1) prepare a written statement explaining the reasons for declining to forfeit the sale; and
- (2) retain the written statement as an official record.

(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

SECTION 27. IC 6-1.1-28-12, AS ADDED BY P.L.248-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies beginning January 1, 2016.

(b) Each county property tax assessment board of appeals (referred to as the "county PTABOA" in this section) shall submit annually a report of the notices for review filed with the county PTABOA under IC 6-1.1-15-1(c) and IC 6-1.1-15-1(d) in the preceding year to the department of local government finance, the Indiana board of tax review, and the legislative services agency before April 1 of each year. A report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

(c) The report required by subsection (b) must include the following information:

- (1) The total number of notices for review filed with the county PTABOA.
- (2) The notices for review, either filed or pending during the year, that were resolved during the year by a preliminary informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j).
- (3) The notices for review, either filed or pending during the year, in which a hearing was conducted during the year by the county PTABOA under IC 6-1.1-15-1(k).
- (4) The number of written decisions issued during the year by the county PTABOA under ~~IC 6-1.1-15-1(o)~~ **IC 6-1.1-15-1(n)**.
- (5) The number of notices for review pending with the county PTABOA on December 31 of the reporting year.
- (6) The number of reviews resolved through a preliminary informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j) that were:
 - (A) resolved in favor of the taxpayer;
 - (B) resolved in favor of the assessor; or
 - (C) resolved in some other manner.

(7) The number of reviews resolved through a written decision issued during the year by the county PTABOA under ~~IC 6-1.1-15-1(o)~~ **IC 6-1.1-15-1(n)** that were:

- (A) resolved in favor of the taxpayer;
- (B) resolved in favor of the assessor; or
- (C) resolved in some other manner.

The report may not include any confidential information.

SECTION 28. IC 6-1.1-37-10, AS AMENDED BY P.L.56-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in ~~sections 10.1 and section 10.7~~ **section 10.7** of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty shall be added to the unpaid portion in the year of the initial delinquency. The penalty is equal to an amount determined as follows:

(1) If:

- (A) an installment of real property taxes is completely paid on or before the date thirty (30) days after the due date; and
 - (B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for the same parcel;
- the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If:

- (A) an installment of personal property taxes is completely paid on or before the date thirty (30) days after the due date; and
 - (B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for a personal property tax return for property in the same taxing district;
- the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(3) If subdivision (1) or (2) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates of the first and second installments in each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property

taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

- (1) six (6) months; or
- (2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8.1, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

- (1) received on or before the due date by the county treasurer or a collecting agent appointed by the county treasurer;
- (2) deposited in United States first class mail:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) postmarked by the United States Postal Service as mailed on or before the due date;
- (3) deposited with a nationally recognized express parcel carrier and is:
 - (A) properly addressed to the principal office of the county treasurer; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received by the express parcel carrier on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

- (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or
- (5) made by an electronic funds transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

- (1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and
- (2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 29. IC 6-3.6-6-9, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to the allocation of additional revenue from a tax under this chapter for economic development purposes.

(b) Money designated for economic development purposes shall be allocated to the county, cities, and towns for use by the taxing unit's fiscal body for any of the purposes described in IC 6-3.6-10. Except as provided in subsections (c) and (d), and subject to adjustment as

provided in IC 36-8-19-7.5, the amount of the certified distribution allocated to economic development purposes that the county and each city or town in a county is entitled to receive each month of each year equals the amount determined using the following formula:

STEP ONE: Determine the sum of:

- (A) the total property taxes being imposed by the county, city, or town during the calendar year of the distribution; plus
- (B) for a county, the welfare allocation amount.

STEP TWO: Determine the quotient of:

- (A) The STEP ONE amount; divided by
- (B) the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount.

STEP THREE: Determine the product of:

- (A) the amount of the certified distribution allocated to economic development purposes for that month; multiplied by
- (B) the STEP TWO amount.

(c) The body imposing the tax may adopt an ordinance before August 2 of a year to provide for a distribution of the amount allocated to economic development purposes based on population instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

- (1) The ordinance is effective January 1 of the following year.
- (2) The amount of the certified distribution allocated to economic development purposes that the county and each city and town in the county are entitled to receive during each month of each year equals the product of:
 - (A) the amount of the certified distribution that is allocated to economic development purposes for the month; multiplied by
 - (B) the quotient of:
 - ~~(A)~~ (i) for a city or town, the population of the city or the town that is located in the county and for a county, the population of the part of the county that is not located in a city or town; divided by
 - ~~(B)~~ (ii) the population of the entire county.
- (3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) In a county having a consolidated city, only the consolidated city is entitled to the amount of the certified distribution that is allocated to economic development purposes.

(e) This subsection applies to Porter County. Three million five hundred thousand dollars (\$3,500,000) of the additional revenue that is allocated each year for economic development purposes shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county to make transfers as provided in and required under IC 36-7.5-4-2 (before its repeal).

SECTION 30. IC 6-6-5-9, AS AMENDED BY P.L.149-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The bureau of motor vehicles shall report the excise taxes collected on at least a weekly basis to the county auditor of the county to which the collections are due.

(2) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29-1-10 for each vehicle registered upon which an excise tax is collected by that branch.

(3) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (4), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(4) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards.

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection ~~(a)(3)~~; **(a)(4)**; that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 31. IC 6-8.1-5-2, AS AMENDED BY P.L.242-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as otherwise provided in this section, the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed, or either of the following:

(1) The due date of the return.

(2) In the case of a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(b) If a person files a utility receipts tax return (IC 6-2.3), an adjusted gross income tax (IC 6-3), supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1), county option income tax (IC 6-3.5-6), or financial institutions tax (IC 6-5.5) return that understates the person's income, as that term is defined in the particular income tax law, by at least twenty-five percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years provided in subsection (a).

(c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

(d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a commercial vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes of this article.

(e) In the case of the excise tax imposed on recreational vehicles and truck campers under IC 6-6-5.1, the tax shall be assessed as provided in IC 6-6-5.1 and must include the penalties and interest due on all listed taxes not paid by the due date. A person who fails to properly register a recreational vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.1 is considered to have failed to file a return for purposes of this article. A person who fails to pay the tax due under IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

(f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.

(g) If any part of a listed tax has been erroneously refunded by the department, the erroneous refund may be recovered through the assessment procedures established in this chapter. An assessment issued for an erroneous refund must be issued:

- (1) within two (2) years after making the refund; or
- (2) within five (5) years after making the refund if the refund was induced by fraud or misrepresentation.

(h) If, before the end of the time within which the department may make an assessment, the department and the person agree to extend that assessment time period, the period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must contain:

- (1) the date to which the extension is made; and
- (2) a statement that the person agrees to preserve the person's records until the extension terminates.

The department and a person may agree to more than one (1) extension under this subsection.

(i) If a taxpayer's federal taxable income, federal adjusted gross income, or federal income tax liability for a taxable year is modified due to a modification as provided under IC 6-3-4-6(c) and IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or alteration as provided under IC 6-5.5-6-6(c) and ~~IC 6-5.5-6-6(d)~~ **IC 6-5.5-6-6(e)** (for the financial institutions tax), then the date by which the department must issue a proposed assessment under section 1 of this chapter for tax imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification is filed with the department by the taxpayer.

SECTION 32. IC 6-10-1-2, AS ADDED BY P.L.44-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "Internet access" means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet, without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. 201 et seq.

(b) The term also includes the following:

(1) The purchase, use, or sale of communications services, including telecommunications services (as defined in IC 6-2.5-1-27.5), by a provider of a service described in subsection (a), to the extent the communications services are purchased, used, or sold to provide the service described in subsection (a) or to otherwise enable users to access content, information, or other services offered over the Internet.

(2) Services that are incidental to the provision of a service described in subsection (a), when furnished to users as part of such service, including a home page, electronic mail and instant messaging (including voice-capable and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity.

(3) A home page, electronic mail and instant messaging (including voice-capable and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity that are provided independently or that are not packaged with Internet access.

(c) The term does not include:

(1) voice, audio, or video programming; or

(2) other products and services, except services described in subsection (a) or (b), that use Internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in subsection (a) or (b).

SECTION 33. IC 8-1-1.1-6.1, AS AMENDED BY P.L.133-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) The consumer counselor may employ and fix the compensation of, with the approval of the governor and the budget agency, accountants, utility economists, engineers, attorneys, stenographers, or other assistance necessary to carry out the duties of the office. The compensation of the consumer counselor and the counselor's staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from a contingency fund established under IC 8-1-6-1.

(b) The consumer counselor may make use of engineers, experts, and accountants employed by the commission or the Indiana

department of transportation and direct them to make appraisals and audits in the performance of the consumer counselor's duties under this chapter and IC 8-1-1 and IC 8-1-2. In so doing, the consumer counselor shall have access to the records and files of the commission or the Indiana department of transportation.

(c) The consumer counselor may employ, with the approval of the governor and the budget agency, additional stenographers, examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management or both, at salaries and compensation and for a length of time as the governor and the budget agency may approve for a particular case or investigation. The compensation for the additional personnel together with the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account, or, with the approval of the governor and the budget agency, from a contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state, sworn to by the parties who incurred the expenses.

(d) Expenses incurred by the regular staff of the office and approved by the consumer counselor, or an expense incurred by the commission or the Indiana department of transportation under subsection (b), shall be charged and paid in the manner provided in IC 8-1-2-70 or IC 8-1-6, whichever is appropriate under the circumstances.

(e) Nothing in this chapter may be construed to prevent a party interested in a proceeding, suit, or action from appearing in person or from being represented by counsel.

(f) Persons hired by the consumer counselor as provided by this section are exempt from the job classifications and compensation schedules established under IC 4-15.

(g) The consumer counselor may purchase, lease, or otherwise acquire sufficient technical equipment necessary for the consumer counselor to carry out the consumer counselor's statutory duties.

(h) The consumer counselor may submit to the budget agency a request for funds sufficient to carry out any new duties or responsibilities created under IC 8-1-39-12(b). The consumer counselor shall include in its annual report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications:**

- (1) a description of its activities under IC 8-1-39-12(b); and
- (2) a summary of the costs associated with those activities.

SECTION 34. IC 8-1-2.6-13, AS AMENDED BY P.L.107-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As used in this section, "communications service" has the meaning set forth in IC 8-1-32.5-3.

(b) As used in this section, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

(c) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the commission may do the following, except as otherwise provided in this subsection:

- (1) Enforce the terms of a settlement agreement approved by the commission before July 29, 2004. The commission's authority under this subdivision continues for the duration of the settlement agreement.
- (2) Fulfill the commission's duties under IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.
- (3) Fulfill the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.
- (4) Fulfill the commission's responsibilities under IC 8-1-29 to adopt and enforce rules to ensure that a customer of a telecommunications provider is not:
 - (A) switched to another telecommunications provider unless the customer authorizes the switch; or
 - (B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.
- (5) Fulfill the commission's obligations under:
 - (A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and
 - (B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(6) Perform any of the functions described in section 1.5(b) of this chapter.

(7) Perform the commission's responsibilities under IC 8-1-32.5 to:

(A) issue; and

(B) maintain records of;

certificates of territorial authority for communications service providers offering communications service to customers in Indiana.

(8) Perform the commission's responsibilities under IC 8-1-34 concerning the issuance of certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(9) Require a communications service provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332), to report to the commission on an annual basis, or more frequently at the option of the provider, and subject to section ~~4(f)~~ **4(e)** of this chapter, any information needed by the commission to prepare the commission's report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications** under section 4 of this chapter.

(10) Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the extent of the authority delegated to the commission under federal law to perform those duties.

(11) Collect and maintain from a communications service provider the following information:

(A) The address of the provider's Internet web site.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's

Internet web site. The commission may also make available on the commission's Internet web site contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

(12) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(d) The commission does not have jurisdiction over any of the following with respect to a communications service provider:

(1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.

(2) Depreciation schedules for any of the classes of property owned by the communications service provider.

(3) Quality of service provided by the communications service provider.

(4) Long term financing arrangements or other obligations of the communications service provider.

(5) Except as provided in subsection (c), any other aspect regulated by the commission under this title before July 1, 2009.

(e) The commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

(1) expressly granted by state or federal law, including:

(A) a state or federal statute;

(B) a lawful order or regulation of the Federal Communications Commission; or

(C) an order or a ruling of a state or federal court having jurisdiction; or

(2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.

SECTION 35. IC 8-1-8.5-9, AS AMENDED BY P.L.246-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) For purposes of this section, "DSM order" refers to an order of the commission that establishes or approves:

(1) energy efficiency targets or goals for electricity suppliers; or

(2) an energy efficiency program sponsored by an electricity supplier.

The term includes the December 9, 2009, order of the commission concerning demand side management programs.

(b) For purposes of this section, "electricity supplier" has the meaning set forth in IC 8-1-2.3-2(b).

(c) For purposes of this section, "energy efficiency program" means a program that is:

- (1) sponsored by an electricity supplier or a third party administrator; and
- (2) designed to implement energy efficiency improvements (as defined in 170 IAC 4-8-1(j)) for customers.

The term does not include a program designed primarily to reduce demand.

(d) For purposes of this section, "energy efficiency program costs" include:

- (1) program costs;
- (2) lost revenues; and
- (3) incentives approved by the commission.

(e) For purposes of this section, "industrial customer" means a person that receives services at a single site constituting more than one (1) megawatt of electric capacity from an electricity supplier.

(f) An industrial customer may opt out of participating in an energy efficiency program that is established by an electricity supplier by providing notice to the electricity supplier. Except as provided in subsection (g), an electricity supplier may not charge an industrial customer that opts out rates that include energy efficiency program costs that accrue or are incurred after the date on which the industrial customer opts out. However, an industrial customer remains liable for rates that include energy efficiency program costs that accrued or were incurred, or related to investments made, before the date on which the industrial customer opts out, regardless of the date on which the rates are actually assessed against the industrial customer.

(g) An industrial customer that opts out of participating in an energy efficiency program may subsequently opt to participate in the same or a different energy efficiency program. The industrial customer must participate in the subsequent energy efficiency program for at least three (3) years after the date on which the industrial customer opts in.

If the industrial customer terminates participation in the subsequent energy efficiency program during the three (3) year period described in this subsection, the industrial customer shall continue paying energy efficiency program rates, including costs described in subsection (f), for the remainder of the three (3) year period.

(h) Energy efficiency targets or goals that are approved or mandated by the commission in a DSM order must be calculated to exclude all load from an industrial customer that opts out under subsection (f).

(i) The commission may adopt:

- (1) rules under IC 4-22-2; or
- (2) guidelines;

to assist electricity suppliers and industrial customers in complying with this section.

(j) ~~Not later than August 15, 2014, the commission shall prepare a status report on all energy efficiency programs implemented under the DSM order issued by the commission on December 9, 2009. The commission shall provide the status report in an electronic format under IC 5-14-6 to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 and to the legislative council. The status report must consider the following:~~

- ~~(1) The status and effectiveness of all energy efficiency programs, including whether efficiency gains attributable to a federal conservation program are being measured as part of an energy efficiency program implemented under the 2009 DSM order.~~
- ~~(2) The degree to which energy efficiency program costs are shifted among customer classes.~~
- ~~(3) Program costs to date.~~
- ~~(4) Program costs projected to be incurred in complying with all DSM orders.~~
- ~~(5) The actual impact of program costs on all customer rates and the projected impact of program costs on all customer rates upon full implementation of the 2009 DSM order.~~
- ~~(6) Current and projected costs and benefits of current and anticipated energy efficiency programs, including costs and benefits associated with third party administrators and evaluation, measurement, and verification contractors.~~
- ~~(7) The effectiveness of energy efficiency programs in reducing energy consumption and demand.~~

~~(8)~~ Methods by which the cost effectiveness and long term resource value of energy efficiency programs may be measured to assess the effect on rates and charges for all customers:

~~(9)~~ Methods by which the interests of customers and electricity suppliers may be better aligned:

~~(10)~~ Any additional information or recommendations the commission determines is necessary:

This subsection expires December 31, 2014:

~~(k)~~ **(j)** The commission may not:

(1) extend, renew, or require the establishment of an energy efficiency program under; or

(2) after December 31, 2014, require an electricity supplier to meet a goal or target established in;

the DSM order issued by the commission on December 9, 2009. An electricity supplier may not renew or extend an existing contract or enter into a new contract with a statewide third party administrator for an energy efficiency program established or approved by the DSM order issued by the commission on December 9, 2009.

~~(l)~~ **(k)** After December 31, 2014, an electricity supplier may continue to timely recover energy efficiency program costs that:

(1) accrued or were incurred under or relate to an energy efficiency program implemented under the DSM order issued by the commission on December 9, 2009; and

(2) are approved by the commission for recovery.

~~(m)~~ **(l)** After December 31, 2014, an electricity supplier may offer a cost effective portfolio of energy efficiency programs to customers. An electricity supplier may submit a proposed energy efficiency program to the commission for review. If an electricity supplier submits a proposed energy efficiency program for review and the commission determines that the portfolio included in the proposed energy efficiency program is reasonable and cost effective, the electricity supplier may recover energy efficiency program costs in the same manner as energy efficiency program costs were recoverable under the DSM order issued by the commission on December 9, 2009. The commission may not:

(1) require an energy efficiency program to be implemented by a third party administrator; or

(2) in making its determination, consider whether a third party administrator implements the energy efficiency program.

~~(n)~~ **(m)** This section does not affect:

- (1) an energy efficiency program offered by an energy utility (as defined in IC 8-1-2.5-2) that is not an electricity supplier; or
- (2) the manner in or means by which an energy utility described in subdivision (1) may recover costs associated with an energy efficiency program described in subdivision (1).

SECTION 36. IC 8-1-34-23, AS AMENDED BY P.L.7-2015, SECTION 16, AND AS AMENDED BY P.L.228-2015, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in subsection (b), the holder of a certificate under this chapter shall, at the end of each calendar quarter, determine under subsections (c) and (d) the gross revenue received during that quarter from the holder's provision of video service in each unit included in the holder's service area under the certificate.

(b) This subsection applies to a holder or other provider providing video service in a unit in which a provider of video service is required on June 30, 2006, to pay a franchise fee based on a percentage of gross revenues. The holder's or provider's gross revenue shall be determined as follows:

(1) If only one (1) local franchise is in effect on June 30, 2006, the holder or provider shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006.

(2) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder or provider is subject to a local franchise in the unit on June 30, 2006;

the holder or provider shall determine gross revenue as the term is defined in the local franchise to which the holder or provider is subject on June 30, 2006.

(3) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder is not subject to a local franchise in the unit on June 30, 2006;

the holder shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006, that is most favorable to the unit.

(c) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Fees and charges charged to subscribers for video service provided by the holder. Fees and charges under this subdivision include the following:

(A) Recurring monthly charges for video service.

(B) Event based charges for video service, including pay per view and video on demand charges.

(C) Charges for the rental of set top boxes and other equipment.

(D) Service charges related to the provision of video service, including activation, installation, repair, and maintenance charges.

(E) Administrative charges related to the provision of video service, including service order and service termination charges.

(2) Revenue received by an affiliate of the holder from the affiliate's provision of video service, to the extent that treating the revenue as revenue of the affiliate, instead of revenue of the holder, would have the effect of evading the payment of fees that would otherwise be paid to the unit. However, revenue of an affiliate may not be considered revenue of the holder if the revenue is otherwise subject to fees to be paid to the unit.

(d) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall not include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Revenue not actually received, regardless of whether it is billed. Revenue described in this subdivision includes bad debt.

(2) Revenue received by an affiliate or any other person in exchange for supplying goods and services used by the holder to provide video service under the holder's certificate.

- (3) Refunds, rebates, or discounts made to subscribers, advertisers, the unit, or other providers leasing access to the holder's facilities.
- (4) Revenue from providing service other than video service, including revenue from providing:
- (A) telecommunications service (as defined in ~~47 U.S.C. 153(46)~~; 47 U.S.C. 153);
 - (B) information service (as defined in ~~47 U.S.C. 153(20)~~; 47 U.S.C. 153), other than video service; or
 - (C) any other service not classified as cable service or video programming by the Federal Communications Commission.
- (5) Any fee imposed on the holder under this chapter that is passed through to and paid by subscribers, including the franchise fee:
- (A) imposed under section 24 of this chapter for the quarter immediately preceding the quarter for which gross revenue is being computed; and
 - (B) passed through to and paid by subscribers during the quarter for which gross revenue is being computed.
- (6) Revenue from the sale of video service for resale in which the purchaser collects a franchise fee under:
- (A) this chapter; or
 - (B) a local franchise agreement in effect on July 1, 2006; from the purchaser's customers. This subdivision does not limit the authority of a unit, or the commission on behalf of a unit, to impose a tax, fee, or other assessment upon the purchaser under 47 U.S.C. 542(h).
- (7) Any tax of general applicability:
- (A) imposed on the holder or on subscribers by a federal, state, or local governmental entity; and
 - (B) required to be collected by the holder and remitted to the taxing entity;
- including the state gross retail and use taxes (IC 6-2.5) and the utility receipts tax (IC 6-2.3).
- (8) Any forgone revenue from providing free or reduced cost cable video service to any person, including:
- (A) employees of the holder;
 - (B) the unit; or

(C) public institutions, public schools, or other governmental entities, as required or permitted by this chapter or by federal law.

However, any revenue that the holder chooses to forgo in exchange for goods or services through a trade or barter arrangement shall be included in gross revenue.

(9) Revenue from the sale of:

(A) capital assets; or

(B) surplus equipment that is not used by the purchaser to receive video service from the holder.

(10) Reimbursements that:

(A) are made by programmers to the holder for marketing costs incurred by the holder for the introduction of new programming; and

(B) exceed the actual costs incurred by the holder.

(11) Late payment fees collected from customers.

(12) Charges, other than those described in subsection (c)(1), that are aggregated or bundled with charges described in subsection (c)(1) on a customer's bill, if the holder can reasonably identify the charges on the books and records by the holder in the regular course of business.

(e) If, under the terms of the holder's certificate, the holder provides video service to any unincorporated area in Indiana, the holder shall calculate the holder's gross income received from each unincorporated area served in accordance with:

(1) subsection (b); or

(2) subsections (c) and (d);

whichever is applicable.

(f) If a unit served by the holder under a certificate annexes any territory after the certificate is issued or renewed under this chapter, the holder shall:

(1) include in the calculation of gross revenue for the annexing unit any revenue generated by the holder from providing video service to the annexed territory; and

(2) subtract from the calculation of gross revenue for any unit or unincorporated area:

(A) of which the annexed territory was formerly a part; and

(B) served by the holder before the effective date of the annexation;

the amount of gross revenue determined under subdivision (1); beginning with the calculation of gross revenue for the calendar quarter in which the annexation becomes effective. The holder shall notify the commission of the new boundaries of the affected service areas as required under section 20(a)(7) of this chapter.

(g) This subsection applies to a unit that:

(1) annexes territory after December 31, 2015; and

(2) is served on the date of the annexation by the holder of a certificate that is issued or renewed under this chapter before the date of the annexation.

The unit shall provide the holder a list of all addresses located within the annexed territory not more than thirty (30) days after the date of the annexation. If the holder is required to pay the franchise fee imposed and calculated under this section, the holder is not required to pay the franchise fee with respect to addresses provided under this subsection until ninety (90) days after the unit provides the holder with the addresses under this subsection.

SECTION 37. IC 8-1.5-2-5, AS AMENDED BY P.L.68-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each appraiser appointed as provided by section 4 of this chapter must:

(1) by education and experience, have such expert and technical knowledge and qualifications as to make a proper appraisal and valuation of the property of the type and nature involved in the sale;

(2) be a disinterested person; and

(3) not be a resident or taxpayer of the municipality.

(b) The appraisers shall:

(1) be sworn to make a just and true valuation of the property; and

(2) return their appraisal, in writing, to the municipal legislative body within the time fixed by the ordinance or resolution appointing them.

(c) If all three (3) appraisers cannot agree as to the appraised value, the appraisal, when signed by two (2) of the appraisers, constitutes a good and valid appraisal.

(d) If, after the return of the appraisal by the appraisers to the legislative body, the legislative body decides to proceed with the sale or disposition of the nonsurplus municipally owned utility property, the legislative body shall, not earlier than the thirty (30) day period described in subsection (e) and not later than ninety (90) days after the return of the appraisal, hold a public hearing to do the following:

- (1) Review and explain the appraisal.
- (2) Receive public comment on the proposed sale or disposition of the nonsurplus municipally owned utility property.

Not less than thirty (30) days or more than sixty (60) days after the date of a hearing under this section, the legislative body may adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property, subject to subsections (f) and (g). The legislative body is not required to adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property if, after the hearing, the legislative body determines it is not in the interest of the municipality to proceed with the sale or disposition. Notice of a hearing under this section shall be published in the manner prescribed by IC 5-3-1.

(e) The hearing on the proposed sale or disposition of the nonsurplus municipally owned utility property may not be held less than thirty (30) days after notice of the hearing is given as required by subsection (d).

(f) Subject to subsection (j), an ordinance adopted under subsection (d) does not take effect until the later of the following:

- (1) The expiration of the thirty (30) day period described in subsection (g) if the required number of registered voters set forth in subsection (h) do not sign and present a petition to the legislative body opposing the sale or disposition within the thirty (30) day period described in subsection (g).
- (2) The effective date specified by the legislative body in the ordinance.

(g) If:

- (1) the legislative body adopts an ordinance under subsection (d); and
- (2) not later than thirty (30) days after the date the ordinance is adopted at least the number of the registered voters of the

municipality set forth in subsection (h) sign and present a petition to the legislative body opposing the sale or disposition; the legislative body shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special or general election. In submitting the public question to the voters, the legislative body shall certify within the time set forth in IC 3-10-9-3, if applicable, the question to the county election board of the county containing the greatest percentage of population of the municipality. The county election board shall adopt a resolution setting forth the text of the public question and shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special or general election on a date specified by the municipal legislative body. Pending the results of an election under this subsection, the municipality may not take further action to sell or dispose of the property as provided in the ordinance.

(h) The number of signatures required on a petition opposing the sale or disposition under subsection (g) is as follows:

- (1) In a municipality with not more than one thousand (1,000) registered voters, thirty percent (30%) of the registered voters.
- (2) In a municipality with at least one thousand one (1,001) registered voters and not more than five thousand (5,000) registered voters, fifteen percent (15%) of the registered voters.
- (3) In a municipality with at least five thousand one (5,001) registered voters and not more than twenty-five thousand (25,000) registered voters, ten percent (10%) of the registered voters.
- (4) In a municipality with at least twenty-five thousand one (25,001) registered voters, five percent (5%) of the registered voters.

(i) If a majority of the voters voting on the question vote for the sale or disposition, the legislative body shall proceed to sell or dispose of the property as provided in the ordinance.

(j) If a majority of the voters voting on the question vote against the sale or disposition, the ordinance adopted under subsection (d) does not take effect and the sale or disposition may not be made.

(k) If:

- (1) the legislative body adopts an ordinance under subsection (d);
and

(2) after the expiration of the thirty (30) day period described in subsection (g), a petition is not filed; the municipal legislative body may proceed to sell the property as provided in the ordinance.

(1) Notwithstanding the procedures set forth in this section, if: ~~a municipality:~~

(1) before July 1, 2015, **a municipality** adopts an ordinance under this section for the sale or disposition of nonsurplus municipally owned utility property in accordance with the procedures set forth in this section before its amendment on July 1, 2015; and

(2) the ordinance adopted takes effect before July 1, 2015, in accordance with the procedures set forth in this section before its amendment on July 1, 2015;

the ordinance is not subject to challenge under subsection (g) after June 30, 2015, regardless of whether the thirty (30) day period described in subsection (g) expires after June 30, 2015. An ordinance described in this subsection is effective for all purposes and is legalized and validated.

SECTION 38. IC 8-15.5-1-2, AS AMENDED BY P.L.213-2015, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not

required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) ~~Except as provided in subsection (c)(1),~~ The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) The authority shall transfer money received from an operator under a lease agreement for communications systems infrastructure under ~~subdivision~~ **subsection** (f)(2) to the state bicentennial capital account established under IC 4-12-1-14.9.

SECTION 39. IC 10-18-1-2, AS AMENDED BY P.L.133-2012, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana war memorials commission is established.

(b) ~~Beginning July 1, 2015,~~ The commission consists of nine (9) members. Each Indiana congressional district must be represented by at least one (1) member who is:

(1) a resident of that congressional district;

(2) a veteran of service in the armed forces of the United States of America in time of war;

(3) a citizen of Indiana at the time of the service; and

(4) appointed:

(A) in the manner;

(B) for the terms;

(C) to have the powers; and

(D) to perform the duties;

as provided in this chapter.

(c) The commission:

(1) as the commission and in the commission's name, may prosecute and defend suits; and

(2) has all other duties, rights, and powers that are:

- (A) necessary to implement this chapter; and
- (B) not inconsistent with this chapter.

(d) The members of the commission are not liable in their individual capacity, except to the state, for any act done or omitted in connection with the performance of their duties under this chapter.

(e) A suit against the commission must be brought in a court with jurisdiction in Marion County. Notice or summons of the suit shall be served upon the president, vice president, or secretary of the commission. In a suit against the commission, it is not necessary to name the individual members of the commission as either plaintiff or defendant. Commission members may sue and be sued in the name of the Indiana war memorials commission.

(f) The commission shall:

- (1) report to the governor through the adjutant general; and
- (2) be under the adjutant general for administrative supervision.

~~(g) The reduction in the membership of the commission from ten (10) to nine (9) under subsection (b) shall be accomplished as the terms of members end and new members are appointed. This subsection expires July 1, 2015.~~

SECTION 40. IC 11-12-2-1, AS AMENDED BY P.L.209-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1 of each year, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of

individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

- (1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.
- (2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.
- (3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision (2) for the state fiscal year may not exceed the lesser of:
 - (A) the amount of operational cost savings certified under subdivision (1); or
 - (B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall give priority in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

- (1) addiction counseling;
 - (2) inpatient detoxification; **and**
 - (3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (d) Grants awarded under this chapter:
- (1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and
 - (2) may be used for technology based programs, including an electronic monitoring program.
- (e) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:
- (1) The number of persons committed to the department.
 - (2) The number of persons:
 - (A) confined in a department facility;
 - (B) participating in a community corrections program; and
 - (C) confined in a local jail under contract with or on behalf of the department.
 - (3) For each facility operated by the department:
 - (A) the number of beds in each facility;
 - (B) the number of inmates housed in the facility;
 - (C) the highest felony classification of each inmate housed in the facility; and
 - (D) a list of all felonies for which persons housed in the facility have been sentenced.
- (f) The department shall:
- (1) quarterly submit a report to the budget committee; and
 - (2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

SECTION 41. IC 11-13-1-8, AS AMENDED BY P.L.179-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section, "board" refers

to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records;
- (4) presentence investigation reports;
- (5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and
- (6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.

- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2. ~~and 511 IAC 7-27-12.~~
- (5) Development and implementation of individual education programs for eligible children in:
 - (A) accordance with applicable requirements of state and federal laws and rules; and
 - (B) coordination with:
 - (i) individual case plans; and
 - (ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.
- (6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, intellectual disabilities, and developmental disabilities, including evidence based treatment programs for mental illness and addictive disorders and cognitive behavior treatment.

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 42. IC 12-7-2-64, AS AMENDED BY P.L.110-2010, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 64. "Director" refers to the following:

(1) With respect to a particular division, the director of the division.

(2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.

~~(3)~~ For purposes of IC 12-8-12.5, the term refers to the director of the division of family resources.

~~(4)~~ (3) For purposes of IC 12-10-15, the term refers to the director of the division of aging.

~~(5)~~ (4) For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.

~~(6)~~ (5) For purposes of IC 12-26, the term:

(A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and

(B) includes the director's designee.

~~(7)~~ (6) If subdivisions (1) through ~~(6)~~ (5) do not apply, the term refers to the director of any of the divisions.

SECTION 43. IC 12-7-2-146, AS AMENDED BY P.L.145-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 146. "Program" refers to the following:

~~(1)~~ For purposes of IC 12-8-12.5, the meaning set forth in IC 12-8-12.5-1.

~~(2)~~ (1) For purposes of IC 12-10-7, the adult guardianship services program established by IC 12-10-7-5.

~~(3)~~ (2) For purposes of IC 12-10-10, the meaning set forth in IC 12-10-10-5.

~~(4)~~ (3) For purposes of IC 12-10-10.5, the meaning set forth in IC 12-10-10.5-4.

~~(5)~~ (4) For purposes of IC 12-17.2-2-14.2, the meaning set forth in IC 12-17.2-2-14.2(a).

~~(6)~~ (5) For purposes of IC 12-17.2-3.6, the meaning set forth in IC 12-17.2-3.6-7.

~~(7)~~ (6) For purposes of IC 12-17.2-3.8, the meaning set forth in IC 12-17.2-3.8-2.

~~(8)~~ (7) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-5.

SECTION 44. IC 12-7-2-184.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 184.3: "State match"; for purposes of IC 12-8-12.5, means funding that counts toward the state's maintenance of effort under TANF (45 CFR 265) to obtain the maximum reimbursement available to the state from the TANF emergency fund under Division B, Title II, Subtitle B of the federal American Recovery and Reinvestment Act of 2009.~~

SECTION 45. IC 12-7-2-189.7, AS AMENDED BY P.L.110-2010, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 189.7. "TANF", for purposes of IC 12-20, ~~and IC 12-8-12.5~~, refers to the federal Temporary Assistance for Needy Families program under 42 U.S.C. 601 et seq.

SECTION 46. IC 13-18-5.5-9, AS ADDED BY P.L.112-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (c) and sections 10(b)(3) and 11 of this chapter, the owner or operator of an above ground storage tank located in a critical zone of concern shall report to the department the following information concerning the AST:

- (1) The location of the AST.
- (2) The materials stored in the AST.
- (3) The capacity of the AST.
- (4) The name and contact information of a person who may be contacted for information about the AST.

The owner or operator shall submit the report before January 1, 2016.

(b) After submitting a report under subsection (a), the owner or operator of an above ground storage tank shall submit to the department a supplemental report concerning the AST whenever:

- (1) the location of the AST;
- (2) the classification of the materials stored in the AST;
- (3) the capacity of the AST; or
- (4) the name or contact information of the person who may be contacted for information about the AST;

is changed, so that the information concerning the AST in the possession of the department will remain accurate.

(c) If the owner or operator of an above ground storage tank has reported the existence of the AST to the department or another agency of the state pursuant to another statute or administrative rule, the owner or operator is not required to report to the department concerning the AST under this chapter.

(d) The owner or operator of an above ground storage tank who is required to report under this chapter shall report to the department concerning the AST:

- (1) according to rules adopted by the board under section 10 of this chapter; and
- (2) either:
 - (A) on a form adopted by the board or the department; or
 - (B) through an electronic mail or Internet based means established by the board or the department;
 until rules concerning reporting are adopted under section ~~9~~ **10** of this chapter.

SECTION 47. IC 16-18-2-317.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 317.5. "Residence", for purposes of IC 16-21-12, has the meaning set forth in IC 16-21-12-6.**

SECTION 48. IC 16-41-8-1, AS AMENDED BY P.L.158-2013, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

- (1) Battery (~~IC 35-42-2-1(b)(2)~~): **involving placing a bodily fluid or waste on another person (IC 35-42-2-1).**
- (2) An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.

The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information

involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 49. IC 16-41-8-5, AS AMENDED BY P.L.158-2013, SECTION 242, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) "Dangerous disease" means any of the following:

(A) Chancroid.

(B) Chlamydia.

(C) Gonorrhea.

(D) Hepatitis.

(E) Human immunodeficiency virus (HIV).

(F) Lymphogranuloma venereum.

(G) Syphilis.

(H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2)

are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery (~~IC 35-42-2-1(b)(2)~~), **involving placing a bodily fluid or waste on another person (IC 35-42-2-1)**, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

- (1) the defendant has committed an offense; and
- (2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has

committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery (~~IC 35-42-2-1(b)(2)~~), **involving placing bodily fluid or waste on another person (IC 35-42-2-1)**, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

- (1) The defendant and the defendant's counsel.
- (2) The prosecuting attorney.
- (3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.
- (4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

- (1) the alleged victim;
- (2) the alleged victim's sexual partner; or
- (3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

- (1) receives notification or disclosure of the results of a screening test under this section; and
- (2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 50. IC 21-13-1-5, AS AMENDED BY P.L.205-2013, SECTION 315, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Fund":

- (1) for purposes of IC 21-13-2, refers to the minority teacher scholarship fund established by IC 21-13-2-1;
- (2) for purposes of IC 21-13-4, refers to the National Guard tuition supplement program fund established by IC 21-13-4-1;
- (3) for purposes of IC 21-13-5, refers to the National Guard scholarship extension fund established by IC 21-13-5-1; ~~and~~
- (4) for purposes of IC 21-13-6, refers to the primary care physician loan forgiveness fund established by IC 21-13-6-3; **and**
- (5) for purposes of IC 21-13-6.5, refers to the medical residency education fund established by IC 21-13-6.5-1.**

SECTION 51. IC 21-38-3-3, AS AMENDED BY P.L.241-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The board of trustees of Ball State University may define the duties and provide compensation for faculty and staff of the university. Subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~, **through IC 5-10.2-2-22**, the authority of the board under this section includes the authority to establish fringe benefit programs, including retirement benefits, that may be supplemental to, or instead of, state retirement programs for teachers or other public employees as authorized by law.

SECTION 52. IC 21-38-3-4, AS AMENDED BY P.L.241-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The board of trustees of Indiana University may:

- (1) elect a president, the professors, and other officers for Indiana University as necessary and prescribe the duties and salaries of those positions;
- (2) employ other persons as necessary; and
- (3) subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~, **through IC 5-10.2-2-22**, establish programs of fringe benefits and retirement benefits for Indiana University's officers, faculty, and other employees that may be supplemental to, or instead of, state retirement programs established by statute for public employees.

SECTION 53. IC 21-38-3-5, AS AMENDED BY P.L.241-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The board of trustees of Indiana State University may prescribe the duties and provide the compensation, including retirement and other benefits, of the faculty, administration, and employees of Indiana State University. The authorization under this section to provide retirement benefits to the faculty, administration, and employees of Indiana State University is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~. **through IC 5-10.2-2-22.**

SECTION 54. IC 21-38-3-7, AS AMENDED BY P.L.241-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The board of trustees of Ivy Tech Community College may do the following:

- (1) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee benefits, and personnel policies.
- (2) Employ the chief administrator of each region.
- (3) Authorize the chief administrator of a region to employ the necessary personnel for the region, determine qualifications for positions, and fix compensation for positions in accordance with statewide policies established under subdivision (1).

The authorizations under this section to provide for employee benefits and compensation are subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~ through **IC 5-10.2-2-22**.

SECTION 55. IC 21-38-3-8, AS AMENDED BY P.L.241-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The board of trustees of Purdue University may elect all professors and teachers, removable at the board's pleasure; fix and regulate compensations, including programs of fringe benefits and retirement benefits that may be supplemental to or in lieu of state retirement programs established by statute for public employees. The authorization to provide retirement benefits under this section is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~ through **IC 5-10.2-2-22**.

SECTION 56. IC 21-38-3-9, AS AMENDED BY P.L.241-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The University of Southern Indiana may employ a faculty and staff for the university, define the duties of the faculty and staff, and provide compensation for the faculty and staff, including a program of fringe benefits and a program of retirement benefits that may supplement or supersede the state retirement programs established by statute for teachers or other public employees. The authorization to provide retirement benefits under this section is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~ through **IC 5-10.2-2-22**.

SECTION 57. IC 21-38-3-11, AS AMENDED BY P.L.241-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The board of trustees of Vincennes University may elect and appoint persons of suitable learning and talents to be president and professors of Vincennes University and, subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~, through **IC 5-10.2-2-22**, agree with them for their salaries and emoluments. The board of

trustees shall appoint a president to preside over and govern Vincennes University.

SECTION 58. IC 21-38-7-3, AS AMENDED BY P.L.241-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~; **through IC 5-10.2-2-22**, a state educational institution may establish a retirement benefit system for the employees of the state educational institution.

SECTION 59. IC 21-44-1-8, AS AMENDED BY P.L.190-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), "fund" refers to the family practice residency fund established by IC 21-44-5-18.

(b) "Fund", for purposes of IC 21-44-7, refers to the graduate medical education fund established by ~~IC 21-44-7-6~~; **IC 21-44-7-8**.

SECTION 60. IC 22-4-14-3.5, AS ADDED BY P.L.195-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) For purposes of section 3 of this chapter, reemployment services and reemployment and eligibility assessment activities provided to an individual:

(1) must include:

- (A) orientation to the services available through a one stop center (as defined by ~~IC 22-4.5-2-6~~; **IC 22-4.1-1-5**);
- (B) provision of labor market and career information;
- (C) assessment of the individual's workforce and other job related skills; and
- (D) a review of the individual's work search efforts; and

(2) may include:

- (A) comprehensive and specialized assessments;
- (B) individual and group career counseling;
- (C) training services;
- (D) additional services to assist the individual in becoming reemployed;
- (E) job search counseling;
- (F) development and review of the individual's reemployment plan that includes the individual's participation in job search activities and appropriate workshops; and
- (G) additional job skills assessments as needed.

(b) The department may require an individual participating in reemployment and eligibility assessment activities described in this section to provide proof of identity.

(c) If an individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the department, the department may require the individual to participate in additional services beyond those provided in subsection (a).

SECTION 61. IC 22-4.1-1-6, AS ADDED BY P.L.69-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. "WIOA" refers to the federal Workforce Innovation and Opportunity Act of 2014 (~~P.L.113-128~~), (**29 U.S.C. 3101 et seq.**), including reauthorizations of WIOA.

SECTION 62. IC 22-4.1-22-4, AS ADDED BY P.L.69-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall serve as the state advisory body required under the following federal laws:

- (1) The Workforce Innovation and Opportunity Act of 2014 under ~~P.L.113-218~~, **29 U.S.C. 3101 et seq.**, including reauthorizations of WIOA.
- (2) The Wagner-Peyser Act under 29 U.S.C. 49 et seq.
- (3) The Carl D. Perkins Vocational and ~~Applied Technology~~ **Technical Education Improvement Act of 2006** under 20 U.S.C. 2301 et seq.
- (4) The Adult Education and Family Literacy Act under 20 U.S.C. 9201 et seq.

(b) In addition, the council may be designated to serve as the state advisory body required under any of the following federal laws upon approval of the particular state agency directed to administer the particular federal law:

- (1) The National and Community Service Act of 1990 under 42 U.S.C. 12501 et seq.
- (2) Part A of Title IV of the Social Security Act under 42 U.S.C. 601 et seq.
- (3) The employment and training programs established under the Food Stamp Act of 1977 under 7 U.S.C. 2011 et seq.

(c) The council shall administer the minority training grant program established by section 11 of this chapter and the back home in Indiana program established by section 12 of this chapter.

SECTION 63. IC 22-4.1-22-5, AS ADDED BY P.L.69-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to subsections (b) and (c), the membership of the state workforce innovation council established under section 3 of this chapter consists of the representatives required by the Workforce Investment Act (29 U.S.C. 2801 et seq.); including reauthorizations of the Act, and WIOA and must represent the diverse regions of Indiana.

(b) The state superintendent of public instruction or the superintendent's designee serves as a member of the state workforce innovation council.

(c) An individual designated by the governor who has been nominated by a recognized adult education organization serves as a member of the state workforce innovation council.

SECTION 64. IC 22-4.1-23-1, AS ADDED BY P.L.69-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The department shall establish and maintain free public employment and training offices in such number and in such places as may be necessary:

- (1) for the proper administration of this article and IC 22-4; and
- (2) to perform all duties that are required by 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~ and any amendments thereto.

(b) In connection with the duties described in subsection (a), the state agrees to the following:

- (1) The state accepts the provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~ in conformity with the terms of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~.
- (2) The state commits itself to the observation of and compliance with the requirements of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~.
- (3) The department is constituted the agency of the state for all purposes of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~.

(4) All duties and powers conferred upon any other department, agency, or officer of the state relating to the establishment, maintenance, and operation of free public employment offices shall be vested in the department.

(5) The department:

(A) shall cooperate with any official or agency of the United States having powers or duties under the provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014;~~ **4114**; and

(B) is authorized and empowered to do and perform all things necessary to secure to the state the benefits of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014;~~ **4114**.

(6) The department may cooperate with or enter into agreements with the United States Railroad Retirement Board for the establishment, maintenance, and use of free employment service facilities.

(c) The department may do all acts and things necessary or proper to carry out the powers expressly granted under this article.

SECTION 65. IC 22-4.1-23-2, AS ADDED BY P.L.69-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) All money received by the state under 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014~~ **4114** shall be paid into the employment and training services administration fund.

(b) The money described in subsection (a) is available to the department to be expended as provided by this section and by 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014;~~ **4114**.

(c) For the purpose of establishing and maintaining free public employment and training offices, the department is authorized to enter into agreements with:

- (1) the United States Railroad Retirement Board;
- (2) any agency of the United States charged with the administration of an unemployment compensation law;
- (3) any political subdivision; or
- (4) any private, nonprofit organization.

(d) As a part of an agreement described in subsection (c), the department may accept money, services, or facilities as a contribution to the employment and training services administration fund.

(e) The general assembly shall appropriate and make available to the department annually an amount sufficient to ensure the state receives its full share of funds under 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~. Any money appropriated and made available to the department shall be deposited in the employment and training services administration fund.

SECTION 66. IC 22-4.5-9-4, AS AMENDED BY P.L.213-2015, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market.

(3) In addition to the department's annual report provided under ~~IC 22-4.5-9-4~~, **IC 22-4.1-4-8**, submit, not later than August 1, 2013, and not later than November 1 each year thereafter, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's education, job skills development, and career training system.

The inventory must provide at least the information listed in ~~IC 22-4.1-9-4(a)(1)~~ **IC 22-4.1-4-8(a)(1)** through ~~IC 22-4.1-9-4(a)(5)~~ **IC 22-4.1-4-8(a)(5)** for each activity in the inventory.

(4) Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

- (A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.
 - (B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).
 - (C) Proposed changes to address both:
 - (i) the shortage of qualified workers for current employment opportunities; and
 - (ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.
- (5) Complete, not later than August 1, 2014, a return on investment and utilization study of career and technical education programs in Indiana. The study conducted under this subdivision must include at least the following:
- (A) An examination of Indiana's career and technical education programs to determine:
 - (i) the use of the programs; and
 - (ii) the impact of the programs on college and career readiness, employment, and economic opportunity.
 - (B) A survey of the use of secondary, college, and university facilities, equipment, and faculty by career and technical education programs.
 - (C) Recommendations concerning how career and technical education programs:
 - (i) give a preference for courses leading to employment in high wage, high demand jobs; and
 - (ii) add performance based funding to ensure greater competitiveness among program providers and to increase completion of industry recognized credentials and dual credit courses that lead directly to employment or postsecondary study.
- (6) Coordinate the performance of its duties under this chapter with the Indiana works councils established by IC 20-19-6-4.
- (b) In performing its duties, the council shall obtain input from the following:

- (1) Indiana employers and employer organizations.
- (2) Public and private institutions of higher education.
- (3) Regional and local economic development organizations.
- (4) Indiana labor organizations.
- (5) Individuals with expertise in career and technical education.
- (6) Military and veterans organizations.
- (7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.
- (8) Individuals and organizations with expertise in the logistics industry.
- (9) Any other person or organization that a majority of the voting members of the council determines has information that is important for the council to consider.

SECTION 67. IC 22-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An employee of a private employer that is under public contract may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

concerning the execution of public contract first to the private employer, unless the private employer is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the private employer or to any official or agency entitled to receive a report from the state ethics commission under ~~IC 4-2-6-4(b)(2)(G)~~ **IC 4-2-6-4(b)(2)(J)** or ~~IC 4-2-6-4(b)(2)(H)~~ **IC 4-2-6-4(b)(2)(K)**. If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

(b) For having made a report under subsection (a), an employee may not:

- (1) be dismissed from employment;

- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

(c) Notwithstanding subsections (a) through (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employer. However, any employee disciplined under this subsection is entitled to process an appeal of the disciplinary action as a civil action in a court of general jurisdiction.

(d) An employer who violates this section commits a Class A infraction.

SECTION 68. IC 23-1-44-8, AS AMENDED BY P.L.93-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A shareholder is entitled to dissent from, and obtain payment of the fair value of the shareholder's shares in the event of, any of the following corporate actions:

- (1) Consummation of a plan of merger to which the corporation is a party if:
 - (A) shareholder approval is required for the merger by IC 23-1-40 or the articles of incorporation; and
 - (B) the shareholder is entitled to vote on the merger.
- (2) Consummation of a plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan.
- (3) Consummation of a sale or exchange of all, or substantially all, of the property of the corporation other than in the usual and regular course of business, if the shareholder is entitled to vote on the sale or exchange, including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one (1) year after the date of sale.
- (4) The approval of a control share acquisition under IC 23-1-42.

(5) Any corporate action taken pursuant to a shareholder vote to the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares.

(6) Election to become a benefit corporation under ~~IC 21-1.3-3-2~~.
IC 23-1.3-3-2.

(b) This section does not apply to the holders of shares of any class or series if, on the date fixed to determine the shareholders entitled to receive notice of and vote at the meeting of shareholders at which the merger, plan of share exchange, or sale or exchange of property is to be acted on, the shares of that class or series were a covered security under Section 18(b)(1)(A) or 18(b)(1)(B) of the Securities Act of 1933, as amended.

(c) The articles of incorporation as originally filed or any amendment to the articles of incorporation may limit or eliminate the right to dissent and obtain payment for any class or series of preferred shares. However, any limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates the right to dissent and obtain payment for any shares:

(1) that are outstanding immediately before the effective date of the amendment; or

(2) that the corporation is or may be required to issue or sell after the effective date of the amendment under any exchange or other right existing immediately before the effective date of the amendment;

does not apply to any corporate action that becomes effective within one (1) year of the effective date of the amendment if the action would otherwise afford the right to dissent and obtain payment.

(d) A shareholder:

(1) who is entitled to dissent and obtain payment for the shareholder's shares under this chapter; or

(2) who would be so entitled to dissent and obtain payment but for the provisions of subsection (b);

may not challenge the corporate action creating (or that, but for the provisions of subsection (b), would have created) the shareholder's entitlement.

(e) Subsection (d) does not apply to a corporate action that was approved by less than unanimous consent of the voting shareholders under IC 23-1-29-4 if both of the following apply:

- (1) The challenge to the corporate action is brought by a shareholder who did not consent and as to whom notice of the approval of the corporate action was not effective at least ten (10) days before the corporate action was effected.
- (2) The proceeding challenging the corporate action is commenced not later than ten (10) days after notice of the approval of the corporate action is effective as to the shareholder bringing the proceeding.

SECTION 69. IC 23-1.3-10-6, AS ADDED BY P.L.93-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The benefit corporation shall deliver, concurrently with the delivery of the benefit report to shareholders under section 4 of this chapter, a copy of the benefit report to the secretary of state for filing. However, the compensation paid to directors and financial or proprietary information included in the benefit report may be omitted from the benefit report as delivered to the secretary of state.

(b) The fee established in ~~IC 23-1-18-3(a)(27)~~ **IC 23-1-18-3(a)(25)** applies to an annual benefit report delivered for filing under this section.

SECTION 70. IC 23-16-3-3.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3.1. (a) ~~A foreign limited partnership may correct a document filed with the secretary of state if:~~

- ~~(1) the document contains an incorrect statement or an inaccuracy;~~
- ~~(2) the document was defectively signed; attested; sealed; verified; or acknowledged; or~~
- ~~(3) the electronic transmission of the document was defective.~~

~~(b) A document is corrected:~~

- ~~(1) by preparing articles of correction that:

 - ~~(A) describe the document, including its filing date, or attach a copy of the document to the articles;~~
 - ~~(B) specify the incorrect statement or inaccuracy and the reason it is incorrect or inaccurate or the manner in which the execution was defective; and~~~~

- (C) correct the incorrect statement, inaccuracy, or defective execution; and
- (2) by delivering the articles of correction to the secretary of state for filing.

(c) Articles of correction are effective on the effective date of the document they correct except as to persons reasonably relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed or when the reliance ceased to be reasonable, whichever first occurs.

SECTION 71. IC 23-16-10-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) A foreign limited partnership may correct a document filed with the secretary of state if:**

- (1) the document contains an incorrect statement or an inaccuracy;
- (2) the document was defectively signed, attested, sealed, verified, or acknowledged; or
- (3) the electronic transmission of the document was defective.

(b) A document is corrected:

- (1) by preparing articles of correction that:
 - (A) describe the document, including its filing date, or attach a copy of the document to the articles;
 - (B) specify the incorrect statement or inaccuracy and the reason it is incorrect or inaccurate or the manner in which the execution was defective; and
 - (C) correct the incorrect statement, inaccuracy, or defective execution; and
- (2) by delivering the articles of correction to the secretary of state for filing.

(c) Articles of correction are effective on the effective date of the document they correct except as to persons reasonably relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed or when the reliance ceased to be reasonable, whichever first occurs.

SECTION 72. IC 23-17-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) Without the**

prior approval of the circuit court or superior court of the county where the corporation's principal office or, if the principal office is not located in Indiana, the corporation's registered office, is located in a proceeding that the attorney general has been given written notice, a public benefit or religious corporation may only merge with the following:

- (1) A public benefit or religious corporation.
- (2) A foreign corporation that would qualify under this article as a public benefit or religious corporation.
- (3) A wholly-owned foreign or domestic business or mutual benefit corporation if the public benefit or religious corporation is the surviving corporation and continues to be a public benefit or religious corporation after the merger.
- (4) A business or mutual benefit corporation if the following conditions are met:
 - (A) On or before the effective date of the merger, assets with a value equal to the greater of the fair market value of the net tangible and intangible assets, including goodwill, of the public benefit corporation or the fair market value of the public benefit corporation if the corporation were to be operated as a business concern are transferred or conveyed to a person who would have received the corporation's assets under ~~IC 23-17-22-6(a)(5)~~ **IC 23-17-22-5(a)(5)** and ~~IC 23-17-22-6(a)(6)~~ **IC 23-17-22-5(a)(6)** had the corporation dissolved.
 - (B) The business or mutual benefit corporation returns, transfers, or conveys any assets held by the business or mutual benefit corporation upon condition requiring return, transfer, or conveyance, that occurs by reason of the merger, in accordance with the condition.
 - (C) The merger is approved by a majority of directors of the public benefit or religious corporation who are not and will not become:
 - (i) members in;
 - (ii) shareholders in; or
 - (iii) officers, employees, agents, or consultants of;the surviving corporation.
 - (D) The requirements of section 8 of this chapter are met.

(b) At least twenty (20) days before consummation of any merger of a public benefit corporation or a religious corporation under subsection (a)(4), notice, including a copy of the proposed plan of merger, must be delivered to the attorney general.

(c) Without the prior written consent of the attorney general or of the circuit court or superior court of the county where:

- (1) the corporation's principal office is located; or
- (2) if the principal office is not located in Indiana, the corporation's registered office is located;

in a proceeding in which the attorney general has been given notice, a member of a public benefit or religious corporation may not receive or keep anything as a result of a merger other than a membership or membership in the surviving public benefit or religious corporation. The court shall approve the transaction if the transaction is in the public interest.

SECTION 73. IC 24-11-3-2, AS ADDED BY P.L.172-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A court may consider the following factors as evidence that a person has made an assertion of patent infringement in bad faith:

- (1) The person distributed a demand letter that does not contain all the following information:
 - (A) The patent number of the patent that the person claims is being infringed.
 - (B) The name and address of:
 - (i) a patent owner;
 - (ii) if applicable, any assignee of the patent; and
 - (iii) if applicable, a patent owner's or assignee's agent who is retained by the patent owner or assignee to enforce the patent.
 - (C) Factual allegations identifying specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent.
- (2) The person fails to:
 - (A) conduct an analysis comparing the claims in the patent to the target's products, services, and technology; or
 - (B) identify, if the person conducts an analysis described in clause (A), specific areas in which the target's products,

services, and technology are covered by the claims in the patent.

(3) If the demand letter does not contain the information described in subdivision (1), the person that distributed the demand letter fails to provide the information within a reasonable amount of time after the target requests the information.

(4) The person demands:

(A) payment of a license fee; or

(B) a response from the target;

within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or the person's subsidiaries or affiliates have previously filed or threatened to file a lawsuit based on the same or similar claim of patent infringement and the:

(A) filing or threats to file lacked the information described in subdivision (1); or

(B) person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(9) Any other factor the court finds relevant.

(b) A person may not use the failure of a target to request any information described in subsection (a)(1) that is not contained in the demand letter as a defense to an action under this ~~chapter~~ **article**.

SECTION 74. IC 24-11-4-1, AS ADDED BY P.L.172-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to subsection (c), upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this ~~chapter~~ **article**, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under IC 24-11-5, conditioned upon payment of any amounts finally determined to be due to the target.

(b) A hearing shall be held upon the request of either party.

(c) A bond ordered under this section may not exceed two hundred fifty thousand dollars (\$250,000).

(d) The court may waive the bond requirement if the court finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

SECTION 75. IC 24-11-5-1, AS ADDED BY P.L.172-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A target, or a person aggrieved by a violation of:

(1) this ~~chapter~~; **article**; or

(2) rules adopted under this ~~chapter~~; **article**;
may bring an action in a court with jurisdiction.

(b) A person shall, not later than thirty (30) days after filing a complaint with a court in an action under subsection (a), mail or deliver a copy of the complaint to the office of the attorney general.

(c) A court may award reasonable attorney's fees, litigation expenses, and costs to a person who prevails in an action under subsection (a).

(d) A court may, in addition to fees, expenses, and costs under subsection (c), award any or all of the following to a complainant who prevails in an action under subsection (a):

(1) Declaratory or equitable relief.

(2) The greater of:

(A) actual damages; or

(B) liquidated damages for each complainant who prevails in the sum of five thousand dollars (\$5,000) for each demand letter that the complainant received.

(3) Punitive damages in the amount of the greater of:

(A) fifty thousand dollars (\$50,000); or

(B) three (3) times the amount of actual damages.

SECTION 76. IC 25-1-16-8, AS AMENDED BY P.L.112-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

- (1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.
- (2) An assessment of the management efficiency of the board.
- (3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.
- (4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.
- (5) An assessment of the fees that the board charges for licenses.
- (6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

- (1) The number of individuals who are licensed in the regulated occupation.
- (2) A summary of the board's functions and actions.
- (3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.
- (4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.
- (5) Any recommendations for legislation, including whether:
 - (A) the regulation of a regulated occupation should be modified;
 - (B) the board should be combined with another board;
 - (C) ~~whether~~ the board or the regulation of the regulated occupation should be terminated;
 - (D) ~~whether~~ a license should be eliminated; or
 - (E) ~~whether~~ multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.
- (7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and

fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

SECTION 77. IC 25-37.5-1-10, AS ADDED BY P.L.224-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Sections 8 and 9 of this chapter do not apply to commercial transactions between two (2) or more of the following:

- (1) An entity licensed by the secretary of state under ~~IC 9-22-4~~ **IC 9-32-9** as:
 - (A) an automotive salvage rebuilder;
 - (B) a disposal facility; or
 - (C) a used parts dealer.
- (2) A valuable metal dealer.
- (3) An automobile scrapyards (as defined by IC 9-13-2-8).
- (4) A scrap metal processor (as defined by IC 9-13-2-162).

SECTION 78. IC 27-8-32.4-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 2: As used in this chapter, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.

SECTION 79. IC 28-7-5-16, AS AMENDED BY P.L.186-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The licensee shall keep and use in the licensee's business such books, accounts, and records as will enable the department to determine whether the licensee is complying with this chapter and with the rules adopted by the department under this chapter. Every licensee shall preserve such books, accounts, and records, including cards used in the card system for at least two (2) years after making the final entry on any loan recorded therein. The books and records of the licensee shall be kept so that the pawnbroking business transacted in Indiana may be readily separated and distinguished from the business of the licensee transacted elsewhere and from any other business in which the licensee may be engaged. To determine whether the licensee is complying with this chapter and with rules adopted by the department under this chapter, the department may examine the books, accounts, and records required to be kept by the

licensee under this subsection. If the department examines the books, accounts, and records of the licensee under this subsection, the licensee shall pay all reasonably incurred costs of the examination in accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this subsection is delinquent.~~ Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(b) If a pawnbroker, in the conduct of the business, purchases an article from a seller, the purchase shall be evidenced by a bill of sale properly signed by the seller. All bills of sale must be in duplicate and must recite the following separate items:

- (1) Date of bill of sale.
- (2) Amount of consideration.
- (3) Name of pawnbroker.
- (4) Description of each article sold. However, if multiple articles of a similar nature that do not contain an identification or serial number (such as precious metals, gemstones, musical recordings, video recordings, books, or hand tools) are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any other unique identifying marks, numbers, names, letters, or special features.
- (5) Signature of seller.
- (6) Address of seller.
- (7) Date of birth of the seller.
- (8) The type of government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification, and the identification number present on the government issued identification.

(c) The original copy of the bill of sale shall be retained by the pawnbroker. The second copy shall be delivered to the seller by the

pawnbroker at the time of sale. The heading on all bill of sale forms must be in boldface type.

(d) If a pawnbroker, in the conduct of the business, purchases precious metal (as defined in IC 24-4-19-6) from a seller, the pawnbroker shall, for at least ten (10) calendar days after the date the pawnbroker purchases the precious metal, retain the precious metal:

- (1) at the pawnbroker's permanent place of business where the pawnbroker purchased the precious metal; and
- (2) separate from other precious metal.

(e) Each licensee shall maintain a record of control indicating the number of accounts and dollar value of all outstanding pawnbroking receivables.

(f) If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

- (1) discontinue receiving one (1) or more services from the person; or
- (2) otherwise cease conducting business with the person.

SECTION 80. IC 28-8-4-41, AS AMENDED BY P.L.186-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 41. (a) The director may conduct an annual onsite examination of a licensee or an authorized delegate of a licensee.

(b) If the director determines that a reasonable belief exists that a person is operating without a valid license or in violation of this chapter, the director has the authority to investigate and examine the records of that person. The person examined must pay the reasonably incurred costs of the examination.

(c) Except as provided in section 42(a)(2) of this chapter, the director must give the licensee forty-five (45) days written notice before conducting an onsite examination.

(d) If the director determines, based on the licensee's financial statements and past history of operations in Indiana, that an onsite examination is unnecessary, the director may waive the onsite examination.

(e) If the director concludes that an onsite examination of a licensee is necessary, the licensee shall pay all reasonably incurred costs of such examination in accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this section is delinquent.~~ Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(f) An onsite examination may be conducted in conjunction with examinations to be performed by representatives of agencies of another state or states. In lieu of an onsite examination, a director may accept the examination report of an agency of another state, or a report prepared by an independent accounting firm. A report accepted under this subsection shall be considered, for all purposes, to be an official report of the director.

(g) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

- (1) licensee; or
- (2) person that the department suspects to be operating:
 - (A) without a license, when a license is required under this chapter; or
 - (B) otherwise in violation of this chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5. Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being

assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(h) If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

- (1) discontinue receiving one (1) or more services from the person; or
- (2) otherwise cease conducting business with the person.

SECTION 81. IC 28-8-5-19, AS AMENDED BY P.L.186-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The department may examine the books, accounts, and records of a licensee and may make investigations to determine compliance.

(b) If the department examines the books, accounts, and records of a licensee, the licensee shall pay all reasonably incurred costs of the examination in accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this section is delinquent.~~ Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(c) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

- (1) licensee; or

- (2) person that the department suspects to be operating:
 - (A) without a license, when a license is required under this chapter; or
 - (B) otherwise in violation of this chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5. Any costs required to be paid under this section shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(d) If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

- (1) discontinue receiving one (1) or more services from the person; or
- (2) otherwise cease conducting business with the person.

SECTION 82. IC 31-9-2-46.7, AS AMENDED BY P.L.104-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46.7. "Foster care", for purposes of IC 31-25, IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, ~~IC 31-34-21-7~~, IC 31-34-21-7.6, and IC 31-37-22-10, means living in:

- (1) a place licensed under IC 31-27 or a comparable law of another state; or

(2) the home of an adult relative who is not licensed as a foster family home.

SECTION 83. IC 31-41-2-3, AS ADDED BY P.L.66-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The dual status assessment team shall meet within ten (10) days of the date ordered by the juvenile court.

(b) The dual status assessment team shall be convened by the facilitator described in section ~~2(a)(6)~~ **2(a)(5)** of this chapter.

(c) The dual status assessment team shall consider:

- (1) any allegations of abuse or neglect suffered by the child; and
- (2) any allegation that the child is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1.

SECTION 84. IC 31-41-2-5, AS ADDED BY P.L.66-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The dual status assessment team shall consider the child's best interests and well-being, including:

- (1) the child's mental health, including any diagnosis;
- (2) the child's school records, including attendance and achievement level;
- (3) the child's statements;
- (4) the statements of the child's parent, guardian, or custodian;
- (5) the impact of the child's behavior on any victim;
- (6) the safety of the community;
- (7) the child's needs, strengths, and ~~risk~~; **risks**;
- (8) the need for a parent participation plan;
- (9) the efficacy and availability of services and community providers;
- (10) whether appropriate supervision of the child can be achieved by the dismissal of a delinquency adjudication in deference to a child in need of services adjudication;
- (11) whether appropriate supervision of the child can be achieved by combining a delinquency adjudication or informal adjustment with a child in need of services petition;
- (12) the child's placement needs;
- (13) restorative justice practices that may be appropriate;
- (14) whether a child in need of services petition or informal adjustment should be filed or dismissed;

(15) whether a delinquency petition or informal adjustment should be filed or dismissed;

(16) the availability of coordinated services regardless of whether the child is adjudicated to be a child in need of services or a delinquent child;

(17) whether the team recommends the exercise of dual adjudication and the lead agency to provide supervision of the child; and

(18) any other information considered appropriate by the team.

SECTION 85. IC 33-37-5-2, AS AMENDED BY P.L.191-2015, SECTION 12, AND AS AMENDED BY P.L.213-2015, SECTION 256, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each clerk shall establish a clerk's record perpetuation fund. The clerk shall deposit all the following in the fund:

(1) Revenue received by the clerk for transmitting documents by facsimile machine to a person under IC 5-14-3.

(2) Document storage fees required under section 20 of this chapter.

(3) The late payment fees imposed under section 22 of this chapter that are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-2.

(4) The fees required under IC 29-1-7-3.1 for deposit of a will.

~~(5) Automated record keeping fees deposited in the fund under IC 33-37-7-2(m).~~

~~(6) (5) Fees for preparing a transcript or copy of any record under section 1 of this chapter.~~

(b) The clerk may use any money in the fund for the following purposes:

(1) The preservation of records.

(2) The improvement of record keeping systems and equipment.

(3) Case management system.

SECTION 86. IC 34-30-2-99.8, AS ADDED BY P.L.185-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 99.8. IC 25-23.4-8-2 (Concerning a physician ~~or hospital~~ for the acts or omissions of a certified direct entry midwife **and a health care provider for the acts or omissions of a physician or certified direct entry midwife**).

SECTION 87. IC 35-31.5-2-67 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 67: "Correctional professional", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).

SECTION 88. IC 35-31.5-2-127 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 127: "Family housing complex" means a building or series of buildings:

- (1) that contains at least twelve (12) dwelling units:
 - (A) where children are domiciled or are likely to be domiciled; and
 - (B) that are owned by a governmental unit or political subdivision;
- (2) that is operated as a hotel or motel (as described in IC 22-11-18-1);
- (3) that is operated as an apartment complex; or
- (4) that contains subsidized housing.

SECTION 89. IC 35-37-4-6, AS AMENDED BY P.L.117-2015, SECTION 54, AND AS AMENDED BY P.L.238-2015, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) Battery upon a child less than fourteen (14) years of age (IC 35-42-2-1).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- (7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) Battery (IC 35-42-2-1).
- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).

- (5) Home improvement fraud (IC 35-43-6).
 - (6) Fraud (IC 35-43-5).
 - (7) Identity deception (IC 35-43-5-3.5).
 - (8) Synthetic identity deception (IC 35-43-5-3.8).
 - (9) Theft (IC 35-43-4-2).
 - (10) Conversion (IC 35-43-4-3).
 - (11) Neglect of a dependent (IC 35-46-1-4).
 - (12) Human and sexual trafficking crimes (IC 35-42-3.5).
- (c) As used in this section, "protected person" means:
- (1) a child who is less than fourteen (14) years of age;
 - (2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
 - (A) is manifested before the individual is eighteen (18) years of age;
 - (B) is likely to continue indefinitely;
 - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
 - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
 - (3) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) incapable by reason of mental illness, *mental retardation*, *intellectual disability*, dementia, or other physical or mental incapacity of:
 - (i) managing or directing the management of the individual's property; or
 - (ii) providing or directing the provision of self-care.
- (d) A statement or videotape that:
- (1) is made by a person who at the time of trial is a protected person;
 - (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
 - (3) is not otherwise admissible in evidence;
- is admissible in evidence in a criminal action for an offense listed in

subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

(1) The court finds, in a hearing:

(A) conducted outside the presence of the jury; and

(B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;

that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.

(2) The protected person:

(A) testifies at the trial; or

(B) is found by the court to be unavailable as a witness for one

(1) of the following reasons:

(i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.

(ii) The protected person cannot participate in the trial for medical reasons.

(iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

(1) at the hearing described in subsection (e)(1); or

(2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

(1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and

(2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

(1) The mental and physical age of the person making the statement or videotape.

(2) The nature of the statement or videotape.

(3) The circumstances under which the statement or videotape was made.

(4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

(1) transcript; or

(2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 90. IC 35-38-2.5-5, AS AMENDED BY P.L.74-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, as a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

(1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or

(2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of accrued time on home detention

plus any good time credit.

(e) A person confined on home detention as a condition of probation receives one (1) day of accrued **credit time** for each day the person is confined on home detention.

(f) In addition to accrued **credit time** under subsection (e), a person confined on home detention as a condition of probation is entitled to earn good time credit under IC 35-50-6-3 or IC 35-50-6-3.1. A person confined on home detention as a condition of probation may not earn educational credit under IC 35-50-6-3.3.

(g) A person confined on home detention may be deprived of earned good time credit if the person violates a condition of probation.

SECTION 91. IC 36-1-3-9, AS AMENDED BY P.L.169-2015, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The area inside the boundaries of a county comprises its territorial jurisdiction. However, a municipality has exclusive jurisdiction over bridges (subject to IC 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains, and public grounds inside its corporate boundaries, unless a statute provides otherwise.

(b) The area inside the corporate boundaries of a municipality comprises its territorial jurisdiction, except to the extent that a statute expressly authorizes the municipality to exercise a power in areas outside its corporate boundaries.

(c) Whenever a statute authorizes a municipality to exercise a power in areas outside its corporate boundaries, the power may be exercised:

(1) inside the corporate boundaries of another municipality, only if both municipalities, by ordinance, enter into an agreement under IC 36-1-7; or

(2) in a county other than the county in which the municipal hall is located, but not inside the corporate boundaries of another municipality, only if both the municipality and the other county, by ordinance, enter into an agreement under IC 36-1-7.

(d) If the two (2) units involved under subsection (c) cannot reach an agreement, either unit may petition the circuit or superior court of the county to hear and determine the matters at issue. The clerk of the court shall issue notice to the other unit as in other civil actions, and the court shall hold the hearing without a jury. There may be a change of venue from the judge but not from the county. The petitioning unit

shall pay the costs of the action.

(e) If a political subdivision permits or authorizes the placement or display of materials:

(1) advocating the election or defeat of a candidate or public question; or

(2) supporting or opposing a political party;

on the real or personal property of the political subdivision, the political subdivision must permit the placement or display of these materials from any person on that real or personal property subject to the same time, place, and manner restrictions.

SECTION 92. IC 36-1-4-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. If a political subdivision permits or authorizes the placement or display of materials:**

(1) advocating the election or defeat of a candidate or public question; or

(2) supporting or opposing a political party;

on the real or personal property of the political subdivision, the political subdivision must permit the placement or display of these materials from any person on that real or personal property subject to the same time, place, and manner restrictions.

SECTION 93. IC 36-1-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a)** The legislative body of a county or municipality may adopt an ordinance providing that certain other ordinances may be enforced through a proceeding before an administrative body of the county or municipality.

(b) An ordinance adopted under subsection (a) must designate the following:

(1) The ordinances that may be enforced through an administrative proceeding.

(2) The administrative body before which the proceeding may be brought.

(c) An ordinance may not be designated under subsection (b) for enforcement through an administrative proceeding unless the ordinance restricts or prohibits actions harmful to the land, air, or water, governs use of the public way, or governs the standing or parking of vehicles.

(d) In a proceeding to enforce an ordinance brought before an

administrative body designated under subsection (b):

- (1) a violation of the ordinance must be proven by a preponderance of the evidence; and
- (2) the administrative body may not impose a penalty other than a fine in an amount within the limit set forth in ~~IC 36-1-3-8(10)~~.
IC 36-1-3-8(a)(10).

(e) A person who receives a penalty under subsection (d) may appeal the order imposing the penalty to a court of record in:

- (1) the county that brought the enforcement proceeding if the proceeding is brought by a county; or
- (2) the county in which the municipality is located if the proceeding is brought by a municipality.

(f) An appeal under subsection (e) from an order imposing a penalty must be filed not more than sixty (60) days after the day on which the order is entered.

SECTION 94. IC 36-2-5-3.5, AS ADDED BY P.L.167-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]; Sec. 3.5. (a) The county fiscal body shall establish a salary schedule in which the salary of a county assessor who has attained a level three certification under IC 6-1.1-35.5 is at least one thousand five hundred dollars (\$1,500) more than the salary of a county assessor who has a level two certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c). If a county assessor who takes office with a level two certification attains a level three certification not later than January 1 of the third year of the county assessor's term of office, the county assessor is entitled to be paid the salary of a county assessor who has attained a level three certification, beginning on the date the county assessor attains the level three certification.

(b) The county fiscal body shall establish a salary schedule in which the salary of an elected township assessor of the county who has attained a level three certification under IC 6-1.1-35.5 is at least one thousand five hundred dollars (\$1,500) more than the salary of an elected township assessor who has a level two certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c). If a township assessor who takes office with a level two certification attains a level three

certification not later than January 1 of the third year of the township assessor's term of office, the township assessor is entitled to be paid the salary of a township assessor who has attained a level three certification, beginning on the date the township assessor attains the level three certification.

(c) Beginning January 1, 2016, the following apply:

(1) The one thousand dollar (\$1,000) additional annual compensation paid under section 3(b) of this chapter (~~before its repeal on January 1, 2016~~) **(as it read on December 31, 2015)** to a county assessor or an elected township assessor who has attained a level two or level three certification under IC 6-1.1-35.5 shall be paid as part of the annual compensation of the assessor.

(2) The five hundred dollar (\$500) additional annual compensation paid under section 3(b) of this chapter (~~before its repeal on January 1, 2016~~) **(as it read on December 31, 2015)** to a county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 shall be paid as part of the annual compensation of the **deputy** assessor.

It is the intent of this subsection that after December 31, 2015, there not be a reduction in the annual compensation paid to an individual under section 3(b) of this chapter because of its **repeal removal from the Indiana Code** on January 1, 2016.

(d) The county fiscal body shall establish a salary schedule in which the salary of county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 is at least five hundred dollars (\$500) more than the salary of a deputy assessor who has not attained a level two or a level three certification, beginning on the date the township assessor attains the level two or level three certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c).

SECTION 95. IC 36-3-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Whenever the consolidated city, or any of its special service districts or special taxing districts, provides services outside its boundaries, it may impose a service charge for installation and operating expenses, subject to ~~IC 36-1-3-8(6)~~. **IC 36-1-3-8(a)(6)**.

SECTION 96. IC 36-4-3-5, AS AMENDED BY P.L.228-2015,

SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) This subsection applies only to a petition requesting annexation that is filed before July 1, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

- (1) signed by at least:
 - (A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or
 - (B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and
- (2) requesting an ordinance annexing the area described in the petition.

(b) This subsection applies only to a petition requesting annexation that is filed after June 30, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition that meets the following requirements:

- (1) The petition is signed by at least one (1) of the following:
 - (A) Fifty-one percent (51%) of the owners of land in the territory sought to be annexed. An owner of land may not:
 - (i) be counted in calculating the total number of owners of land in the annexation territory; or
 - (ii) have the owner's signature counted;

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

- (B) The owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a petition with regard to any single property that the owner has an interest in that was exempt from property

taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The petition requests an ordinance annexing the area described in the petition.

(c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(d) If the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a) **or** (b), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(e) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

- (1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;
- (2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;
- (3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and
- (4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 97. IC 36-7-4-1311 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1311. (a) The legislative body of a unit may adopt an ordinance imposing an impact

fee on new development in the geographic area over which the unit exercises planning and zoning jurisdiction. The ordinance must aggregate the portions of the impact fee attributable to the infrastructure types covered by the ordinance so that a single and unified impact fee is imposed on each new development.

(b) If the legislative body of a unit has planning and zoning jurisdiction over the entire geographic area covered by the impact fee ordinance, an ordinance adopted under this section shall be adopted in the same manner that zoning ordinances are adopted under the 600 SERIES of this chapter.

(c) If the legislative body of a unit does not have planning and zoning jurisdiction over the entire geographic area covered by the impact fee ordinance but does have jurisdiction over one (1) or more infrastructure types in the area, the legislative body shall establish the portion of the impact fee schedule or formula for the infrastructure types over which the legislative body has jurisdiction. The legislative body of the unit having planning and zoning jurisdiction shall adopt an impact fee ordinance containing that portion of the impact fee schedule or formula if:

- (1) a public hearing has been held before the legislative body having planning and zoning jurisdiction; and
- (2) each plan commission that has planning jurisdiction over any part of the geographic area in which the impact fee is to be imposed has approved the proposed impact fee ordinance by resolution.

(d) An ordinance adopted under this section is the exclusive means for a unit to impose an impact fee. An impact fee imposed on new development to pay for infrastructure may not be collected after January 1, 1992, unless the impact fee is imposed under an impact fee ordinance adopted under this chapter.

(e) Notwithstanding any other provision of this chapter, the following charges are not impact fees and may continue to be imposed by units:

- (1) Fees, charges, or assessments imposed for infrastructure services under statutes in existence on January 1, 1991, if:
 - (A) the fee, charge, or assessment is imposed upon all users whether they are new users or users requiring additional capacity or services;

(B) the fee, charge, or assessment is not used to fund construction of new infrastructure unless the new infrastructure is of the same type for which the fee, charge, or assessment is imposed and will serve the payer; and

(C) the fee, charge, or assessment constitutes a reasonable charge for the services provided in accordance with ~~IC 36-1-3-8(6)~~ **IC 36-1-3-8(a)(6)** or other governing statutes requiring that any fees, charges, or assessments bear a reasonable relationship to the infrastructure provided.

(2) Fees, charges, and assessments agreed upon under a contractual agreement entered into before April 1, 1991, or fees, charges, and assessments agreed upon under a contractual agreement, if the fees, charges, and assessments are treated as impact deductions under section 1321(d) of this chapter if an impact fee ordinance is in effect.

SECTION 98. IC 36-7-17.1-7, AS AMENDED BY P.L.251-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The conveyance of a dwelling to an applicant under this chapter shall be made in return for a fee of:

(1) one dollar (\$1); plus

(2) the amounts described in ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5(e)(4)** through IC 6-1.1-24-5(e)(6);

if the applicant executes an agreement that meets the minimum conditions specified in subsection (b).

(b) The agreement described in subsection (a) must include the following minimum conditions:

(1) The applicant must apply for and receive a rehabilitation loan with respect to the dwelling and the real property on which it is located not later than the period prescribed by the director of the agency in the rules and regulations described in section 11 of this chapter.

(2) Upon receiving the rehabilitation loan described in subdivision (1), the applicant must comply with the program regulations set forth in 24 CFR 203.50 and 24 CFR 203.440 et seq., with respect to the rehabilitation loan described in subdivision (1).

(3) The applicant must comply with any additional terms, conditions, and requirements that the agency may impose to

ensure that the purposes of this chapter are carried out. This may include the requirement that the dwelling be rehabilitated to minimum building code standards before possession.

SECTION 99. IC 36-7.5-4-16.5, AS ADDED BY P.L.192-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) This section applies if the development board does the following:

- (1) Finds that a city or county described in IC 36-7.5-2-3 has, at any time before July 1, 2015, failed to make a transfer or a part of a transfer required by section 2 of this chapter.
- (2) Finds that the obligation of the city or county to pay the unpaid amount of the transfer or transfers has not been satisfied under section 16 of this chapter or by any other means.
- (3) Certifies to the treasurer of state the total amount of the arrearage attributable to the failure of the city or county to make a transfer or a part of a transfer required by section 2 of this chapter.

(b) The treasurer of state shall do the following:

- (1) Deduct from amounts otherwise payable to the city under IC 4-33-13-5(a) or to the county under IC 4-33-12-6 an amount equal to:
 - (A) the total amount certified under subsection ~~(a)(1)~~; **(a)(3)**;
 - plus
 - (B) interest calculated in the same manner that interest on delinquent taxes is calculated under IC 6-8.1-10-1.
- (2) Pay the amount deducted under subdivision (1) to the development authority.

SECTION 100. [EFFECTIVE UPON PASSAGE] **(a) This act may be referred to as the "technical corrections bill of the 2016 general assembly".**

(b) The phrase "technical corrections bill of the 2016 general assembly" may be used in the lead-in line of an act other than this act to identify provisions added, amended, or repealed by this act that are also amended or repealed in the other act.

(c) This SECTION expires December 31, 2016.

SECTION 101. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies if a provision of the Indiana Code is:**

- (1) added or amended by this act; and**

(2) repealed by another act without recognizing the existence of the amendment made by this act by an appropriate reference in the lead-in line of the SECTION of the other act repealing the same provision of the Indiana Code.

(b) As used in this SECTION, "other act" refers to an act enacted in the 2016 session of the general assembly other than this act. "Another act" has a corresponding meaning.

(c) Except as provided in subsections (d) and (e), a provision repealed by another act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. Except as provided in subsection (d), the lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish only the version of the Indiana Code provision that is repealed by the other act. The history line for an Indiana Code provision that is repealed by the other act must reference that act.

(d) This subsection applies if a provision described in subsection (a) that is added or amended by this act takes effect before the corresponding provision repeal in the other act. The lawful compilers of the Indiana Code, in publishing the provision added or amended in this act, shall publish that version of the provision and note that the provision is effective until the effective date of the corresponding provision repeal in the other act. On and after the effective date of the corresponding provision repeal in the other act, the provision repealed by the other act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. The lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish the version of the Indiana Code provision that is repealed by the other act, and shall note that this version of the provision is effective on the effective date of the repealed provision of the other act.

(e) If, during the same year, two (2) or more other acts repeal the same Indiana Code provision as the Indiana Code provision added or amended by this act, the lawful compilers of the Indiana Code, in publishing the Indiana Code provision, shall follow the

principles set forth in this SECTION.

(f) This SECTION expires December 31, 2016.

SECTION 102. An emergency is declared for this act.

P.L.150-2016

[H.1053. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-3-8, AS AMENDED BY P.L.13-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

- (1) The power to condition or limit its civil liability, except as expressly granted by statute.
- (2) The power to prescribe the law governing civil actions between private persons.
- (3) The power to impose duties on another political subdivision, except as expressly granted by statute.
- (4) The power to impose a tax, except as expressly granted by statute.
- (5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.
- (6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.
- (7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.
- (8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to order or conduct an election, except as expressly granted by statute.

(13) The power to adopt or enforce an ordinance described in section 8.5 of this chapter.

(14) The power to take any action prohibited by section 8.6 of this chapter.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 2. IC 36-1-3-8.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 8.6. (a) As used in this section, "auxiliary container" means a bag, box, cup, bottle, or similar container that is:**

(1) reusable or disposable;

(2) made of:

(A) cloth;

(B) paper;

(C) plastic;

recycling location within a unit.

(d) This section does not apply to the distribution, sale, provision, use, or disposition or disposal of auxiliary containers at any event that:

(1) is organized, sponsored, or permitted by a unit; and

(2) takes place on property owned by the unit.

SECTION 3. An emergency is declared for this act.



P.L.151-2016

[H.1109. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 6-1.1-20.6-9.9, AS ADDED BY P.L.120-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9.9. **(a) If:**

(1) a school corporation in 2017 or 2018 issues new bonds or enters into a new lease rental agreement for which the school corporation is imposing or will impose a debt service levy other than:

(A) to refinance or renew prior bond or lease rental obligations existing before January 1, 2017; or

(B) indebtedness that is approved in a local public question or referendum under IC 6-1.1-20 or any other law; and

(2) the school corporation's total debt service levy in 2017 or 2018 is greater than the school corporation's debt service levy in 2016;

the school corporation is not eligible to allocate credits proportionately under this section.

(~~a~~) (b) Subject to subsection (a), a school corporation is eligible to allocate credits proportionately under this section for ~~2014, 2015, or~~

2016, **2017, or 2018** if the school corporation's percentage computed under this subsection is at least ten percent (10%) for its transportation fund levy for that year, as certified by the department of local government finance. A school corporation shall compute its percentage under this subsection as follows:

- (1) Compute the amount of credits granted under this chapter against the school corporation's levy for the school corporation's transportation fund.
- (2) Compute the school corporation's levy for the school corporation's transportation fund.
- (3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

The computation must be made by taking into account the requirements of section 9.8 of this chapter regarding protected taxes and the impact of credits granted under this chapter on the revenue to be distributed to the school corporation's transportation fund for the particular year.

~~(b)~~ **(c)** A school corporation that desires to be an eligible school corporation under this section must, before May 1 of the year for which it wants a determination, submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage under subsection ~~(a)~~ **(b)** is correct. The department of local government finance shall, not later than June 1 of that year, determine whether the percentage computed by the school corporation is accurate and certify whether the school corporation is eligible under this section.

~~(c)~~ **(d)** For a school corporation that is certified as eligible under this section, the school corporation may allocate the effect of the credits granted under this chapter proportionately among all the school corporation's property tax funds that are not exempt under section 7.5(b) or 7.5(c) of this chapter, based on the levy for each fund and without taking into account the requirements of section 9.8 of this chapter regarding protected taxes.

SECTION 2. IC 20-40-8-19, AS AMENDED BY P.L.213-2015, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. Money in the fund may be used before ~~July 1, 2017~~, **January 1, 2018**, to pay for up to one hundred percent (100%) of the following costs of a school corporation:

- (1) Utility services.
- (2) Property or casualty insurance.
- (3) Both utility services and property or casualty insurance.

A school corporation's expenditures under this section may not in a calendar year exceed three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution.

SECTION 3. IC 20-43-4-2, AS AMENDED BY P.L.205-2013, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

- (1) the school corporation; or
- (2) a transferee corporation;

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school ~~corporation~~ **corporation** if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

(b) Each school corporation shall, ~~in June of 2013 and in May of each year thereafter~~ **before April 1 of each year**, provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department. **In each odd-numbered year, the department shall provide the updated and adjusted estimate of the school corporation's ADM to the legislative services agency before April 10 of that year.**

SECTION 4. IC 20-43-4-9, AS AMENDED BY P.L.213-2015, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. (a) Subject to ~~subsection (b)~~, **subsections (b) and (c)**, this subsection applies to the calculation of state tuition support distributions that are based on the current ADM of a school corporation. The fall count of ADM, as adjusted by the state board under section 2 of this chapter, shall be used to compute state

tuition support distributions made in the first six (6) months of the current state fiscal year, and the spring count of ADM, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions made in the second six (6) months of the state fiscal year.

(b) This subsection applies to a school corporation that does not provide the estimates required by section 2(b)(2) of this chapter before the deadline. For monthly state tuition support distributions made before the fall count of ADM is finalized, the department shall determine the distribution amount for such a school corporation for a state fiscal year of the biennium, using data that were used by the general assembly in determining the state tuition support appropriation for the budget act for that state fiscal year. The department may adjust the data used under this subsection for errors.

~~(b)~~ (c) If the state board adjusts a count of ADM after a distribution is made under this article, the adjusted count retroactively applies to the amount of state tuition support distributed to a school corporation affected by the adjusted count. The department shall settle any overpayment or underpayment of state tuition support resulting from an adjusted count of ADM on the schedule determined by the department and approved by the budget agency.

SECTION 5. IC 20-43-10-3, AS AMENDED BY SEA 3-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this section, "achievement test" means a:

- (1) test required by the ISTEP program; or
- (2) Core 40 end of course assessment for the following:
 - (A) Algebra I.
 - (B) English 10.
 - (C) Biology I.

(b) As used in this section, "graduation rate" means the percentage graduation rate for a high school in a school corporation as determined under IC 20-26-13-10 but adjusted to reflect the pupils who meet the requirements of graduation under subsection (d).

- (c) As used in this section, "test" means either:
- (1) a test required by the ISTEP program; or
 - (2) a Core 40 end of course assessment.

(d) A pupil meets the requirements of graduation for purposes of this section if the pupil successfully completed:

- (1) a sufficient number of academic credits, or the equivalent of academic credits; and
- (2) the graduation examination required under IC 20-32-3 through IC 20-32-5;

that resulted in the awarding of a high school diploma or an academic honors diploma to the pupil for the school year ending in the immediately preceding state fiscal year.

(e) Determinations for a school for a state fiscal year must be made using:

- (1) the count of tests passed compared to the count of tests taken throughout the school;
- (2) the graduation rate in the high school; and
- (3) the count of pupils graduating in the high school.

(f) In determining grants under this section, a school corporation may qualify for the following two (2) grants each year:

- (1) One (1) grant under subsection (h), (i), or (j).
- (2) One (1) grant under subsection (k), (l), or (m).

(g) The sum of the two (2) grant amounts described in subsection (f), as determined for a school corporation under this section, constitutes an annual performance grant that is in addition to state tuition support. **After review by the budget committee**, the annual performance grant for a state fiscal year shall be distributed to the school corporation before December 5 of that state fiscal year, **unless an extension of the December 5 deadline is approved for that state fiscal year under subsection (o)**. If the:

- (1) total amount to be distributed as performance grants for a particular state fiscal year exceeds the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations shall be proportionately reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the performance grant that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total

amount that would be distributed as performance grants to all school corporations if a reduction were not made under this section; and

(2) total amount to be distributed as performance grants for a particular state fiscal year is less than the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations for that particular state fiscal year shall be proportionately increased so that the total amount to be distributed equals the amount of the appropriation for that particular state fiscal year.

The performance grant received by a school corporation shall be allocated among and used only to pay cash stipends to all teachers who are rated as effective or as highly effective and employed by the school corporation as of December 1. The lead school corporation or interlocal cooperative administering a cooperative or other special education program or administering a career and technical education program, including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award performance stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program. The amount of the distribution from an annual performance grant to an individual teacher is determined at the discretion of the governing body of the school corporation. The governing body shall differentiate between the amount of the stipend awarded to a teacher rated as a highly effective teacher and a teacher rated as an effective teacher and may differentiate between school buildings. A stipend to an individual teacher in a particular year is not subject to collective bargaining and is in addition to the minimum salary or increases in salary set under IC 20-28-9-1.5. In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a stipend to an individual teacher in a particular state fiscal year beginning after June 30, 2015, becomes a permanent part of and increases the base salary of the teacher receiving the stipend for school years beginning after the state fiscal year in which the stipend is received. The addition to base salary under this section is not subject to collective bargaining, is payable from funds other than the performance grant, and is in addition

to the minimum salary and increases in salary set under IC 20-28-9-1.5. The school corporation shall complete the appropriation process for all stipends from a performance grant to individual teachers before December 31 of the state fiscal year in which the performance grant is distributed to the school corporation and distribute all stipends from a performance grant to individual teachers before the immediately following January 31. **The school corporation shall distribute all stipends from a performance grant to individual teachers within twenty (20) business days of the date the department distributes the performance grant to the school corporation.** Any part of the performance grant not distributed as stipends to teachers before February must be returned to the department on the earlier of the date set by the department or June 30 of that state fiscal year.

(h) Except as provided in subsection (n), a school qualifies for a grant under this subsection if the school has more than ~~seventy-five~~ **seventy-two and five-tenths** percent (~~75%~~) (**72.5%**) but less than ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) twenty-three dollars and fifty cents (\$23.50).

(i) Except as provided in subsection (n), a school qualifies for a grant under this subsection if the school has at least ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) forty-seven dollars (\$47).

(j) This subsection does not apply to a school corporation in its first year of operation or to a school corporation that is entitled to a distribution under subsection (h) or (i). Except as provided in subsection (n), a school qualifies for a grant under this subsection if the school's school year over school year percentage growth rate of achievement tests receiving passing scores was at least ~~one~~ **five** percent

~~(1%)~~, **(5%)**, comparing the school year ending in the immediately preceding state fiscal year to the school year immediately preceding that school year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who had a passing score on their achievement test in the school year ending in the immediately preceding state fiscal year; multiplied by

(2) ~~one hundred sixty dollars (\$160)~~; **forty-seven dollars (\$47)**.

(k) A school qualifies for a grant under this subsection if the school had a graduation rate of ninety percent (90%) or more for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by

(2) one hundred seventy-six dollars (\$176).

(l) A school qualifies for a grant under this subsection if the school had a graduation rate greater than seventy-five percent (75%) but less than ninety percent (90%) for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by

(2) eighty-eight dollars (\$88).

(m) This subsection does not apply to a school in its first year of operation or to a school corporation that is entitled to a distribution under subsection (k) or (l). A school qualifies for a grant under this subsection if the school's school year over school year percentage growth in its graduation rate is at least ~~one five percent (1%)~~; **(5%)**, comparing the graduation rate for the school year ending in the immediately preceding state fiscal year to the graduation rate for the school year immediately preceding that school year. The grant amount for the state fiscal year is:

(1) the count of the school corporation's pupils who met the requirements for graduation in the school year ending in the immediately preceding state fiscal year; multiplied by

(2) ~~one thousand dollars (\$1,000)~~; **one hundred seventy-six**

dollars (\$176).

(n) This subsection applies to the state fiscal year beginning July 1, 2015, and ending June 30, 2016. Notwithstanding subsection (h), (i), or (j), the amount of the grant described in subsection (h), (i), or (j) shall be calculated using the higher of:

- (1) the percentage of passing scores on ISTEP program tests for the school for the 2013-2014 school year; or
- (2) the percentage of passing scores on ISTEP program tests for the school for the 2014-2015 school year.

If a grant amount for a school is calculated using the percentage described in subdivision (1), the ISTEP data from the 2013-2014 school year shall be used in the calculation of the grant amount, and the grant amount may not exceed the grant amount that the school received for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, or in the case of a currently eligible school that was ineligible for a grant in the state fiscal year beginning July 1, 2014, and ending June 30, 2015, because the school had not completed the required teacher evaluations, the grant amount that the school would have been entitled to receive for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, if the school had been eligible. ~~Notwithstanding subsection (g),~~ The school corporation shall distribute all stipends from a performance grant to individual teachers within twenty (20) business days of the date the department distributes the performance grant to the school corporation.

(o) The department, after review by the budget committee, may waive the December 5 deadline to distribute an annual performance grant to the school corporation under subsection (g) for that state fiscal year and approve an extension of that deadline to a later date within that state fiscal year, if the department determines that a waiver and extension of the deadline is in the public interest.

~~(p)~~ (p) This section expires June 30, 2017.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The appropriation in P.L.213-2015 (HEA 1001-2015) of two million dollars (\$2,000,000) for excellence in performance grants does not revert to the state general fund on June 30, 2016, but remains available for allotment if the state board of education approves the

grants before July 1, 2016.

(b) This SECTION expires June 30, 2017.

SECTION 7. An emergency is declared for this act.

P.L.152-2016

[H.1112. Approved March 23, 2016.]

AN ACT concerning the general assembly.

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

SECTION 1. [EFFECTIVE JULY 1, 2016] (a) The general assembly urges the legislative council to assign to an appropriate interim study committee for study during the 2016 legislative interim the topic of transportation advisory boards, including the feasibility of establishing a statewide transportation advisory board to study highway construction projects and to advise the Indiana department of transportation on issues and policies regarding transportation needs in Indiana.

(b) This SECTION expires November 1, 2016.

P.L.153-2016

[H.1127. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-4.5-1-201.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 201.1. CPAP transactions, as defined in section 301.5 of this chapter, are subject to this article and to IC 24-12.**

SECTION 2. IC 24-4.5-1-301.5, AS AMENDED BY P.L.137-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301.5. In addition to definitions appearing in subsequent chapters in this article, the following definitions apply throughout this article:

(1) "Affiliate", with respect to any person subject to this article, means a person that, directly or indirectly, through one (1) or more intermediaries:

- (a) controls;
- (b) is controlled by; or
- (c) is under common control with;

the person subject to this article.

(2) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances, including course of dealing or usage of trade or course of performance.

(3) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any and all products raised or produced on farms

and any processed or manufactured products thereof.

(4) "Average daily balance" means the sum of each of the daily balances in a billing cycle divided by the number of days in the billing cycle, and if the billing cycle is a month, the creditor may elect to treat the number of days in each billing cycle as thirty (30).

(5) "Closing costs" with respect to a subordinate lien mortgage transaction includes:

- (a) fees or premiums for title examination, title insurance, or similar purposes, including surveys;
- (b) fees for preparation of a deed, settlement statement, or other documents;
- (c) escrows for future payments of taxes and insurance;
- (d) fees for notarizing deeds and other documents;
- (e) appraisal fees; and
- (f) fees for credit reports.

(6) "Conspicuous" refers to a term or clause when it is so written that a reasonable person against whom it is to operate ought to have noticed it.

(7) "Consumer credit" means credit offered or extended to a consumer primarily for a personal, family, or household purpose.

(8) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

- (a) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;
- (b) the buyer is a person other than an organization;
- (c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;
- (d) either the debt is payable in installments or a credit service charge is made; and
- (e) with respect to a sale of goods or services, either:
 - (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed fifty-three thousand five hundred dollars (\$53,500) or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
 - (ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

Unless the sale is made subject to this article by agreement (IC 24-4.5-2-601), "consumer credit sale" does not include a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card or similar arrangement or except as provided with respect to disclosure (IC 24-4.5-2-301), debtors' remedies (IC 24-4.5-5-201), providing payoff amounts (IC 24-4.5-2-209), and powers and functions of the department (IC 24-4.5-6) a sale of an interest in land which is a first lien mortgage transaction.

(9) "Consumer loan" means a loan made by a person regularly engaged in the business of making loans in which:

- (a) the debtor is a person other than an organization;
- (b) the debt is primarily for a personal, family, or household purpose;
- (c) either the debt is payable in installments or a loan finance charge is made; and
- (d) either:
 - (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed fifty-three thousand five hundred dollars (\$53,500) or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
 - (ii) the debt is secured by an interest in land or by personal property used or expected to be used as the principal dwelling of the debtor.

Except as described in IC 24-4.5-3-105, the term does not include a first lien mortgage transaction.

(10) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(11) "Creditor" means a person:

- (a) who regularly engages in the extension of consumer credit that is subject to a credit service charge or loan finance charge, as applicable, or is payable by written agreement in more than four (4) installments (not including a down payment); and
- (b) to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is not a note or contract.

(12) "Depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(13) "Director" means the director of the department of financial institutions or the director's designee.

(14) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:

- (a) condominium unit;
- (b) cooperative unit;
- (c) mobile home; or
- (d) trailer;

that is used as a residence.

(15) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program.

(16) "Employee" means an individual who is paid wages or other compensation by an employer required under federal income tax law to file Form W-2 on behalf of the individual.

(17) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(18) "First lien mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(19) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(20) "Individual" means a natural person.

(21) "Lender credit card or similar arrangement" means an

arrangement or loan agreement, other than a seller credit card, pursuant to which a lender gives a debtor the privilege of using a credit card, letter of credit, or other credit confirmation or identification in transactions out of which debt arises:

- (a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by the debtor;
- (b) by the lender's payment or agreement to pay the debtor's obligations; or
- (c) by the lender's purchase from the obligee of the debtor's obligations.

(22) "Licensee" means a person licensed as a creditor under this article.

(23) "Loan brokerage business" means any activity in which a person, in return for any consideration from any source, procures, attempts to procure, or assists in procuring, a mortgage transaction from a third party or any other person, whether or not the person seeking the mortgage transaction actually obtains the mortgage transaction.

(24) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a person licensed or exempt from licensing under this article. For purposes of this subsection, the term "clerical or support duties" may include, after the receipt of an application, the following:

- (a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a mortgage transaction.
- (b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:
 - (i) offering or negotiating loan rates or terms; or
 - (ii) counseling consumers about mortgage transaction rates or terms.

An individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the

activities of a mortgage loan originator.

(25) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.4 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.4, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

(i) a creditor;

(ii) a loan broker;

(iii) another mortgage loan originator; or

(iv) any agent of the creditor, loan broker, or other mortgage loan originator described in items (i) through (iii);

a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(26) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage.

(27) "Mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(28) "Nationwide Mortgage Licensing System and Registry", or "NMLSR", means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the

American Association of Residential Mortgage Regulators for the licensing and registration of creditors and mortgage loan originators.

(29) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(30) "Official fees" means:

(a) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or

(b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in paragraph (a) that would otherwise be payable.

(31) "Organization" means a corporation, a government or governmental subdivision, an agency, a trust, an estate, a partnership, a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(32) "Payable in installments" means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(33) "Person" includes an individual or an organization.

(34) "Person related to" with respect to an individual means:

(a) the spouse of the individual;

(b) a brother, brother-in-law, sister, or sister-in-law of the individual;

(c) an ancestor or lineal descendants of the individual or the individual's spouse; and

(d) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(35) "Person related to" with respect to an organization means:

(a) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(b) a director, an executive officer, or a manager of the organization or a person performing similar functions with respect to the organization or to a person related to the organization;

- (c) the spouse of a person related to the organization; and
- (d) a relative by blood or marriage of a person related to the organization who shares the same home with the person.

(36) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed, unless and until evidence is introduced that would support a finding of its nonexistence.

(37) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

- (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.
- (b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.
- (c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to the sale, purchase, lease, rental, or exchange of real property).
- (d) Engaging in any activity for which a person is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.
- (e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(38) "Registered mortgage loan originator" means any individual who:

- (a) meets the definition of mortgage loan originator and is an employee of:
 - (i) a depository institution;
 - (ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or
 - (iii) an institution regulated by the Farm Credit Administration; and
- (b) is registered with, and maintains a unique identifier through, the NMLSR.

(39) "Regularly engaged", with respect to a person who extends consumer credit, refers to a person who:

- (a) extended consumer credit:
 - (i) more than twenty-five (25) times; or

- (ii) more than five (5) times for a mortgage transaction secured by a dwelling;
in the preceding calendar year; or
- (b) extends or will extend consumer credit:
 - (i) more than twenty-five (25) times; or
 - (ii) more than five (5) times for a mortgage transaction secured by a dwelling;
in the current calendar year, if the person did not meet the numerical standards described in subdivision (a) in the preceding calendar year.

(40) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(41) "Seller credit card" means an arrangement that gives to a buyer or lessee the privilege of using a credit card, letter of credit, or other credit confirmation or identification for the purpose of purchasing or leasing goods or services from that person, a person related to that person, or from that person and any other person. The term includes a card that is issued by a person, that is in the name of the seller, and that can be used by the buyer or lessee only for purchases or leases at locations of the named seller.

(42) "Subordinate lien mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a subordinate lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(43) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

(44) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

(45) "Bona fide nonprofit organization" means an organization that does the following, as determined by the director under criteria established by the director:

- (a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.
- (b) Promotes affordable housing or provides home ownership education or similar services.
- (c) Conducts the organization's activities in a manner that serves public or charitable purposes.
- (d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.
- (e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.
- (f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in section 202(b)(15) of this chapter) and comparable to mortgage transactions and housing assistance provided under government housing assistance programs.
- (g) Maintains certification by the United States Department of Housing and Urban Development or employs counselors who are certified by the Indiana housing and community development authority.

(46) "Civil proceeding advance payment transaction", or "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.

(47) "Civil proceeding", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(48) "Civil proceeding advance payment contract", or "CPAP contract", has the meaning set forth in IC 24-4.5-3-110.5.

(49) "Civil proceeding advance payment provider", or "CPAP provider", has the meaning set forth in IC 24-4.5-3-110.5.

(50) "Consumer claimant", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(51) "Funded amount", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

SECTION 3. IC 24-4.5-3-110 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 110. (1) "Civil proceeding advance payment transaction", or "CPAP transaction", means a**

nonrecourse transaction in which a CPAP provider provides a funded amount to a consumer claimant to use for any purpose other than prosecuting the consumer claimant's civil proceeding, if the repayment of the funded amount is:

- (a) required only if the consumer claimant prevails in the civil proceeding; and
- (b) sourced from the proceeds of the civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution.

(2) The term includes a transaction:

- (a) that is termed or described as:
 - (i) a purchase; or
 - (ii) an assignment of an interest in a consumer claimant's civil proceeding, or in the proceeds of a consumer claimant's civil proceeding;

by the CPAP provider; or

(b) with respect to which the CPAP provider sets forth in a CPAP contract, an agreement by:

- (i) the CPAP provider to purchase from the consumer claimant; or
- (ii) the consumer claimant to assign to the CPAP provider; a contingent right to receive a share of the potential proceeds of the consumer claimant's civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution.

(3) Notwithstanding section 202(1)(i) of this chapter and section 502(6) of this chapter, a CPAP transaction is not a consumer loan.

SECTION 4. IC 24-4.5-3-110.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 110.5. (1) "Civil proceeding", with respect to a CPAP transaction, means:

- (a) a civil action;
- (b) a mediation, an arbitration, or any other alternative dispute resolution proceeding; or
- (c) an administrative proceeding before:
 - (i) an agency or instrumentality of the state; or
 - (ii) a political subdivision, or an agency or instrumentality of a political subdivision, of the state;

that is filed in, or is under the jurisdiction of, a court with

jurisdiction in Indiana, a tribunal in Indiana, or an agency or instrumentality described in subdivision (c) in Indiana. The term includes all proceedings arising out of or relating to the proceeding, including any proceedings on appeal or remand, and any enforcement, ancillary, or parallel proceedings.

(2) "Civil proceeding advance payment contract", or "CPAP contract", means a contract for a CPAP transaction that a CPAP provider enters into, or offers to enter into, with a consumer claimant.

(3) "Civil proceeding advance payment provider", or "CPAP provider", means a person that:

(a) enters into, or offers to enter into, a CPAP transaction with a consumer claimant in connection with a civil proceeding; and

(b) notwithstanding section 110(3) of this chapter, and subject to IC 24-12-9, is licensed with the department in accordance with this chapter and IC 24-12-9.

(4) "Consumer claimant" means an individual:

(a) who is or may become a plaintiff, a claimant, or a demandant in a civil proceeding; and

(b) who:

(i) is offered a CPAP transaction by a CPAP provider; or

(ii) enters into a CPAP transaction with a CPAP provider;

regardless of whether the individual is a resident of Indiana.

(5) "Funded amount", with respect to a CPAP transaction, means the amount of money:

(a) that is provided to the consumer claimant by the CPAP provider; and

(b) the repayment of which is:

(i) required only if the consumer claimant prevails in the consumer claimant's civil proceeding; and

(ii) sourced from the proceeds of the civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution;

regardless of the term used by the CPAP provider in the CPAP contract to identify the amount.

SECTION 5. IC 24-4.5-3-202, AS AMENDED BY P.L.217-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 202. (1) In addition to the loan finance charge

permitted by IC 24-4.5-3-201 through IC 24-4.5-3-210, a lender may contract for and receive the following additional charges in connection with a consumer loan:

- (a) Official fees and taxes.
- (b) Charges for insurance as described in subsection (2).
- (c) Annual participation fees assessed in connection with a revolving loan account. Annual participation fees must:
 - (i) be reasonable in amount;
 - (ii) bear a reasonable relationship to the lender's costs to maintain and monitor the loan account; and
 - (iii) not be assessed for the purpose of circumvention or evasion of this article, as determined by the department.
- (d) With respect to a debt secured by an interest in land, the following closing costs, if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this article:
 - (i) Fees for title examination, abstract of title, title insurance, property surveys, or similar purposes.
 - (ii) Fees for preparing deeds, mortgages, and reconveyance, settlement, and similar documents.
 - (iii) Notary and credit report fees.
 - (iv) Amounts required to be paid into escrow or trustee accounts if the amounts would not otherwise be included in the loan finance charge.
 - (v) Appraisal fees.
- (e) Notwithstanding provisions of the Federal Consumer Credit Protection Act concerning disclosure, charges for other benefits, including insurance, conferred on the debtor, if the benefits are of value to the debtor and if the charges are reasonable in relation to the benefits, and are excluded as permissible additional charges from the loan finance charge. With respect to any other additional charge not specifically provided for in this section to be a permitted charge under this subsection, the creditor must submit a written explanation of the charge to the department indicating how the charge would be assessed and the value or benefit to the debtor. Supporting documents may be required by the department. The department shall determine whether the charge would be of benefit to the debtor and is reasonable in relation to the benefits.

(f) A charge not to exceed twenty-five dollars (\$25) for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal, or share draft issued by the debtor.

(g) With respect to a revolving loan account, a fee not to exceed twenty-five dollars (\$25) in each billing cycle during which the balance due under the revolving loan account exceeds by more than one hundred dollars (\$100) the maximum credit limit for the account established by the lender.

(h) With respect to a revolving loan account, a transaction fee that may not exceed the lesser of the following:

(i) Two percent (2%) of the amount of the transaction.

(ii) Ten dollars (\$10).

(i) This subdivision applies to a CPAP transaction offered or entered into after June 30, 2016. With respect to a CPAP transaction, a CPAP provider may impose the following charges and fees:

(i) A fee calculated at an annual rate that does not exceed thirty-six percent (36%) of the funded amount.

(ii) A servicing charge calculated at an annual rate that does not exceed seven percent (7%) of the funded amount.

(iii) If the funded amount of the CPAP transaction is less than five thousand dollars (\$5,000), a one (1) time charge that does not exceed two hundred fifty dollars (\$250) for obtaining and preparing documents.

(iv) If the funded amount of the CPAP transaction is at least five thousand dollars (\$5,000), a one (1) time charge that does not exceed five hundred dollars (\$500) for obtaining and preparing documents.

A CPAP provider may not assess, or collect from the consumer claimant, any other fee or charge in connection with a CPAP transaction, including any finance charges under section 201 or 508 of this chapter.

The additional charges provided for in subdivisions (f), (g), ~~and~~ (h), **and (i)** are not subject to refund or rebate.

(2) An additional charge may be made for insurance in connection with the loan, other than insurance protecting the lender against the debtor's default or other credit loss:

(a) with respect to insurance against loss of or damage to property or against liability, if the lender furnishes a clear and specific statement in writing to the debtor, setting forth the cost of the insurance if obtained from or through the lender and stating that the debtor may choose the person, subject to the lender's reasonable approval, through whom the insurance is to be obtained; and

(b) with respect to consumer credit insurance providing life, accident, unemployment or other loss of income, or health coverage, if the insurance coverage is not a factor in the approval by the lender of the extension of credit and this fact is clearly disclosed in writing to the debtor, and if, in order to obtain the insurance in connection with the extension of credit, the debtor gives specific affirmative written indication of the desire to do so after written disclosure of the cost of the insurance.

SECTION 6. IC 24-4.5-3-502, AS AMENDED BY P.L.186-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 502. (1) A person that is a:

(a) depository institution;

(b) subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(c) credit union service organization;

may engage in Indiana in the making of consumer loans (including small loans that are subject to IC 24-4.5-7) that are not mortgage transactions without obtaining a license under this article.

(2) A collection agency licensed under IC 25-11-1 may engage in:

(a) taking assignments of consumer loans (including small loans that are subject to IC 24-4.5-7) that are not mortgage transactions; and

(b) undertaking the direct collection of payments from or the enforcement of rights against debtors arising from consumer loans (including small loans that are subject to IC 24-4.5-7) that are not mortgage transactions;

in Indiana without obtaining a license under this article.

(3) A person that does not qualify under subsection (1) or (2) shall acquire and retain a license under this chapter in order to regularly engage in Indiana in the following actions with respect to consumer loans that are not small loans (as defined in IC 24-4.5-7-104) or

mortgage transactions:

- (a) The making of consumer loans.
- (b) Taking assignments of consumer loans.
- (c) Undertaking the direct collection of payments from or the enforcement of rights against debtors arising from consumer loans.

(4) A separate license under this chapter is required for each legal entity that engages in Indiana in any activity described in subsection (3). However, a separate license under this chapter is not required for each branch of a legal entity licensed under this chapter to perform an activity described in subsection (3).

(5) Except as otherwise provided in subsections (1) and (2), a separate license under IC 24-4.5-7 is required in order to regularly engage in Indiana in the following actions with respect to small loans (as defined in IC 24-4.5-7-104):

- (a) The making of small loans (as defined in IC 24-4.5-7-104).
- (b) Taking assignments of small loans (as defined in IC 24-4.5-7-104).
- (c) Undertaking the direct collection of payments from or the enforcement of rights against debtors arising from small loans (as defined in IC 24-4.5-7-104).

A person that seeks licensure under IC 24-4.5-7 in order to regularly engage in Indiana in the actions set forth in this subsection shall apply to the department for that license in the form and manner prescribed by the department, and is subject to the same licensure requirements and procedures as an applicant for a license to make consumer loans (other than small loans or mortgage transactions) under this section.

(6) A CPAP contract must comply with IC 24-12-2.

SECTION 7. IC 24-12 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 12. CIVIL PROCEEDING ADVANCE PAYMENTS

Chapter 1. Definitions

Sec. 1. The following definitions apply throughout this article:

- (1) "Advertise" means publishing or disseminating any written, electronic, or printed communication, or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar

communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a CPAP transaction.

(2) "Charges" means the amount of money to be paid to a CPAP provider by or on behalf of a consumer above the funded amount provided by or on behalf of the CPAP provider to a consumer claimant. The term includes all administrative, origination, underwriting, and other fees no matter how denominated.

(3) "Civil proceeding", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(4) "Civil proceeding advance payment provider", or "CPAP provider", has the meaning set forth in IC 24-4.5-3-110.5.

(5) "Civil proceeding advance payment transaction", or "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.

(6) "Consumer claimant", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(7) "Funded amount", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(8) "Funding date" means the date on which the funded amount is transferred to the consumer claimant by the CPAP provider, by:

(A) personal delivery, wire, Automated Clearing House (ACH), or other electronic means; or

(B) insured, certified, or registered United States mail.

(9) "Resolution date" means the date the amount funded to the consumer claimant, plus the agreed upon charges, are delivered to the CPAP provider.

Chapter 2. CPAP Contract Requirements

Sec. 1. Every CPAP transaction must meet the following requirements:

(1) The CPAP contract must be completely filled in when presented to the consumer claimant for signature.

(2) The CPAP contract must contain, in bold and boxed type, a right of rescission, allowing the consumer claimant to cancel the contract without penalty or further obligation if, not later than five (5) business days after the funding date, the

consumer claimant either:

- (A) returns to the CPAP provider the full amount of the disbursed funds by delivering the provider's uncashed check to the provider's office in person; or**
 - (B) mails, by insured, certified, or registered United States mail, to the address specified in the contract, a notice of cancellation and includes in the mailing a return of the full amount of disbursed funds in the form of the provider's uncashed check or a registered or certified check or money order.**
- (3) The CPAP contract must contain the initials of the consumer claimant on each page.**
- (4) If the consumer claimant is represented by an attorney in the civil proceeding on which a CPAP transaction is based, the CPAP contract must contain a written acknowledgment by the attorney that attests to the following:**
- (A) That to the best of the attorney's knowledge, all costs and charges relating to the CPAP transaction have been disclosed to the consumer claimant.**
 - (B) That the attorney is being paid by the consumer claimant on a contingency basis under a written fee agreement.**
 - (C) That all proceeds of the civil proceeding will be disbursed through a trust account of the attorney, or through a settlement fund established to receive the proceeds of the civil proceeding on behalf of the consumer claimant.**
 - (D) That the attorney is following the instructions of the consumer claimant with respect to the CPAP transaction.**
 - (E) That the attorney has not received a referral fee or other consideration from the CPAP provider, and agrees not to receive a referral fee or other consideration from the CPAP provider at any time, in connection with the CPAP transaction.**

If the attorney retained by the consumer claimant in the consumer claimant's civil proceeding does not complete the acknowledgment required by this subdivision, the CPAP contract, and the CPAP transaction to which it pertains, are void. However, the CPAP contract, and the CPAP transaction

to which it pertains, remain valid and enforceable if the consumer claimant or the attorney terminates the representation.

Chapter 3. CPAP Provider Prohibitions

Sec. 1. A CPAP provider may not do any of the following:

- (1) Pay or offer to pay a commission, referral fee, or other form of consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist, or any of their employees for referring a consumer claimant to the provider.**
- (2) Accept a commission, referral fee, rebate, or other form of consideration from an attorney, law firm, medical provider, chiropractor, or physical therapist, or any of their employees.**
- (3) Intentionally advertise materially false or misleading information regarding the CPAP provider's products or services.**
- (4) Refer, in furtherance of an initial CPAP transaction, a consumer claimant or potential consumer claimant to a specific attorney, law firm, medical provider, chiropractor, or physical therapist, or any of their employees. However, if a consumer claimant needs legal representation, the company may refer the person to a local or state bar association referral service.**
- (5) Knowingly provide funding to a consumer claimant who has previously assigned or sold a part of the consumer claimant's right to proceeds from the consumer claimant's civil proceeding without first making payment to or purchasing a prior unsatisfied CPAP provider's entire funded amount and contracted charges, unless a lesser amount is otherwise agreed to in writing by the prior CPAP provider. However, multiple CPAP providers may agree to provide a CPAP transaction to a consumer claimant simultaneously if the consumer claimant and the consumer claimant's attorney consent to the arrangement in writing.**
- (6) Receive any right to make any decision with respect to the conduct of the underlying civil proceeding or any settlement or resolution of the civil proceeding, or make any decision with respect to the conduct of the underlying civil proceeding or any settlement or resolution of the civil proceeding. The right to make these decisions remains solely with the**

consumer claimant and the attorney in the civil proceeding.

(7) Knowingly pay or offer to pay for court costs, filing fees, or attorney's fees either during or after the resolution of the civil proceeding, using funds from the CPAP transaction.

Chapter 4. Disclosures

Sec. 1. Each CPAP contract must contain the disclosures specified in this section, which are material terms of the contract. Unless otherwise specified, the disclosures must be in at least a 12 point bold font and be placed clearly and conspicuously within the contract. The following disclosures are required:

(1) On the front page, under appropriate headings, language specifying:

(A) the funded amount to be paid to the consumer claimant by the CPAP provider;

(B) an itemization of one (1) time charges;

(C) the total amount to be assigned by the consumer claimant to the CPAP provider, including the funded amount and all charges; and

(D) a payment schedule including the funded amount and all charges, listing all dates and the amount due at the end of each one hundred eighty (180) day period, from the funding date until the date on which the maximum amount due to the CPAP provider by the consumer claimant occurs.

(2) A notice within the body of the contract stating the following: "Consumer Claimant's Right to Cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

(A) return to the CPAP provider the full amount of the disbursed funds by delivering the provider's uncashed check to the provider's office in person; or

(B) mail, by insured, certified, or registered United States mail, to the CPAP provider at the address specified in the contract, a notice of cancellation and include in the mailing a return of the full amount of disbursed funds in the form of the provider's uncashed check or a registered or certified check or money order."

(3) A notice informing the consumer claimant that the CPAP

provider has no role in deciding whether, when, and how much the civil proceeding is settled for. However, the consumer claimant and consumer claimant's attorney must notify the CPAP provider of the outcome of the civil proceeding by settlement or adjudication before the resolution date. The CPAP provider may seek updated information about the status of the civil proceeding but in no event may the provider interfere with the independent professional judgment of the attorney in the handling of the civil proceeding or any settlement.

(4) Within the body of the contract, in all capital letters in at least a 12 point bold font contained within a box the following: "THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR CIVIL PROCEEDING, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR CIVIL PROCEEDING. YOU WILL NOT OWE (INSERT NAME OF THE CIVIL PROCEEDING ADVANCE PAYMENT PROVIDER) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR CIVIL PROCEEDING, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE COMMITTED FRAUD AGAINST THE CIVIL PROCEEDING ADVANCE PAYMENT PROVIDER."

(5) Located immediately above the place on the contract where the consumer claimant's signature is required, in at least a 12 point bold font the following: "Do not sign this contract before you read it completely or if the contract contains any blank spaces. You are entitled to a completely filled in copy of the contract. Before you sign this contract, you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the civil proceeding has provided no tax, public or private benefit planning, or financial advice regarding this transaction."

Chapter 5. Violations

Sec. 1. (a) The department of financial institutions may enforce

this article.

(b) This article does not restrict the exercise of powers or the performance of the duties of the department of financial institutions.

Sec. 2. If a court with jurisdiction determines that a CPAP provider has intentionally violated the provisions of this article with regard to a specific CPAP transaction, the CPAP provider is entitled to recover only the funded amount provided to the consumer claimant in that CPAP transaction and is not entitled to any additional charges.

Chapter 6. Assignability

Sec. 1. A consumer claimant may assign the contingent right to receive an amount of the potential proceeds of a civil proceeding.

Sec. 2. This article may not be construed to cause any CPAP transaction that complies with this article to be considered a loan or to be otherwise subject to any other provisions of Indiana law governing loans.

Chapter 7. Attorney Prohibitions

Sec. 1. An attorney or law firm retained by the consumer claimant in the civil proceeding may not have a financial interest in the CPAP provider offering a CPAP transaction to that consumer claimant. Additionally, any attorney who has referred the consumer claimant to the consumer claimant's retained attorney may not have a financial interest in the CPAP provider offering a CPAP transaction to that consumer claimant.

Chapter 8. Privileged Communication

Sec. 1. No communication between the consumer claimant's attorney in the civil proceeding and the CPAP provider with respect to the CPAP transaction limits, waives, or abrogates the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney client privilege.

Chapter 9. Licensure

Sec. 1. After December 31, 2016, a person may not regularly engage (as determined in accordance with the number of transactions set forth in IC 24-4.5-1-301.5(39)) in the business of making CPAP transactions in Indiana unless the person obtains, and maintains on an annual basis, a CPAP license issued by the

department under IC 24-4.5-3.

Sec. 2. Every person shall, at the time of filing for licensure, file with the department of financial institutions, if required by the department, a bond satisfactory to the department in an amount not to exceed fifty thousand dollars (\$50,000). Instead of the bond, at the option of the person, the person may post an irrevocable letter of credit. The terms of the bond must run concurrently with the period during which the license will be in effect. The bond must provide that the person will faithfully follow the law.

Sec. 3. A CPAP transaction entered into before July 1, 2016, is not subject to this article or to IC 24-4.5.

Chapter 10. Rules

Sec. 1. The department of financial institutions may adopt rules under IC 4-22-2 or policies to implement this article. The department of financial institutions has all authority and powers necessary to regulate CPAP transactions, including the right to require the department's prior approval of:

- (1) CPAP contracts;
- (2) disclosures; and
- (3) other documents;

to be used by CPAP providers in entering into CPAP transactions, in order to ensure that consumer complainants are provided with a detailed explanation of the costs and obligations involved in a CPAP transaction before entering into a CPAP contract.

ACTS 2016

Laws enacted by the

119th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION (2016)

VOLUME III

(P.L.154-2016 through P.L.197-2016)

By the authority of
INDIANA LEGISLATIVE COUNCIL
(IC 2-6-1.5)

Office of Code Revision
Legislative Services Agency

P.L.154-2016
[H.1154. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-14-1.5-3.5, AS ADDED BY P.L.134-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) This section applies only to a governing body of a public agency of a political subdivision, **other than a governing body of an airport authority or a department of aviation as set forth in section 3.6 of this chapter.**

(b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, video conferencing, or any other electronic means of communication:

- (1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and
- (2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.

(c) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by using a means of communication described in subsection (b) must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in subsection (b); and
- (3) each member who was absent.

SECTION 2. IC 5-14-1.5-3.6, AS AMENDED BY P.L.30-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.6. (a) This section applies only to a governing body of **the following**:

- (1) A charter school (as defined in IC 20-24-1-4). ~~and~~
- (2) A public agency of the state, including a body corporate and politic established as an instrumentality of the state.
- (3) **An airport authority or a department of aviation under IC 8-22.**

(b) A member of ~~the a~~ governing body of a ~~charter school or public agency~~ who is not physically present at a meeting of the governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits:

- (1) the member;
- (2) all other members participating in the meeting;
- (3) all members of the public physically present at the place where the meeting is conducted; and
- (4) if the meeting is conducted under a policy adopted under subsection (g)(7), all members of the public physically present at a public location at which a member participates by means of electronic communication;

to simultaneously communicate with each other during the meeting.

(c) The governing body must fulfill both of the following requirements for a member of the governing body to participate in a meeting by electronic communication:

- (1) This subdivision does not apply to committees appointed by a board of trustees of a state educational institution, by the commission for higher education, or by the board of directors of the Indiana secondary market for education loans, as established, incorporated, and designated under IC 21-16-5-1. The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:
 - (A) two (2) of the members; or
 - (B) one-third (1/3) of the members.
- (2) All votes of the governing body during the electronic meeting must be taken by roll call vote.

Nothing in this section affects the public's right under this chapter to

attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).

(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually.

(e) Unless a policy adopted by a governing body under subsection (g) provides otherwise, a member who participates in a meeting by electronic communication:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:

- (1) meets all requirements of this chapter; and
- (2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.

(g) A policy adopted by a governing body to govern participation in the governing body's meetings by electronic communication may do any of the following:

- (1) Require a member to request authorization to participate in a meeting of the governing body by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.
- (2) Subject to subsection (e), limit the number of members who may participate in any one (1) meeting by electronic communication.
- (3) Limit the total number of meetings that the governing body may conduct in a calendar year by electronic communication.
- (4) Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.
- (5) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this subdivision, a member casts the deciding vote on an official action if, regardless of the order

in which the votes are cast:

- (A) the member votes with the majority; and
 - (B) the official action is adopted or defeated by one (1) vote.
- (6) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.
- (7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the governing body's policy includes this provision, a meeting notice must provide the following information:
- (A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.
 - (B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.
 - (C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.
- (8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.
- (9) Provide that a member participating by electronic communication may vote on official action only if, subject to subsection (e), a specified number of members:
- (A) are physically present at the location where the meeting is conducted; and
 - (B) concur in the official action.
- (10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.
- (h) The policy adopted by the governing body must be posted on the Internet web site of the governing body, the charter school, **the airport**, or the public agency.

(i) Nothing in this section affects a public agency's or charter school's right to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 3. IC 8-22-1-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.1. An entity is engaged in "commercial aeronautics" if the entity engages in a for-profit business activity on a publicly owned, public use airport.**

SECTION 4. IC 8-22-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. A member of the board is ineligible to hold an appointive office or employment for the authority. A member of the board may not become personally interested have a pecuniary interest (as defined in IC 35-44.1-1-4(a)(3)) in any contract with or claim against the authority.**



P.L.155-2016

[H.1156. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.140-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. As used in this article:**

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who

satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which the licensed dentist practices the profession of dentistry and who employs at least one (1) licensed dentist or dental hygienist to supplement the licensed dentist's operation and conduct of the licensed dentist's dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement the proprietor dentist's dental service to the proprietor dentist's clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

(1) the dental hygienist has completed, with at least an average of twenty (20) hours per week, at least two (2) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive oral examination and any appropriate care in the previous seven (7) months; ~~and~~

(ii) issued a written order for the specific care to be provided that is valid for not more than ~~forty-five (45)~~ **ninety (90)** days and provided in a dental office; and

(iii) notified the patient that the licensed dentist will not be

present when the dental hygienist is providing the patient care; or

(B) has:

- (i) in a setting other than a dental office, provided the patient with a comprehensive oral examination; and
- (ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive oral examination, a written order for the specific care to be provided that is valid for not more than ~~forty-five (45)~~ **ninety (90)** days; and

(3) the patient has provided a current medical history.

Nothing in ~~subdivisions~~ **subdivision** (2)(A)(i) or (2)(B)(i) prohibits a dental hygienist from providing patient care before the licensed dentist provides the comprehensive oral examination if the licensed dentist provides the comprehensive oral examination on the same day that the dental hygienist has provided the patient care.

(k) "Licensed dentist" refers to a dentist licensed under IC 25-14.

SECTION 2. IC 25-13-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.5. If a dental hygienist or a dental assistant determines that treatment of a patient would result in harm to the patient, dental hygienist, or dental assistant, the dental hygienist or dental assistant may request, and the supervising dentist may grant, a consultation between the dentist and the dental hygienist or the dental assistant to consult on the proper treatment plan for the patient to reduce the potential harm to the patient, dental hygienist, and dental assistant.**

SECTION 3. IC 25-13-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The board may issue a license upon payment of the fee set by the board under section 5 of this chapter by an applicant who furnishes satisfactory proof that the applicant:

- (1) is a dental hygienist;
- (2) is currently licensed in some other state that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
- (3) has been in satisfactory practice for at least two (2) years out of the preceding five (5) years;
- (4) passes the law examination; and

(5) has completed at least ~~fourteen (14)~~ **nineteen (19)** hours of continuing education in the previous two (2) years.

However, all other requirements of this chapter must be met and the licensing requirements of the law and the board of the state from which such candidate comes may not be less than those prescribed in this chapter.

(b) An applicant who, before September 1, 1987, graduated from a school for dental hygienists that was recognized by the board at the time the degree was conferred and that required a course of training of only one (1) year, and who has completed:

(1) one (1) year of internship in a dental clinic of an accepted hospital;

(2) one (1) year of teaching, after graduation, in a school for dental hygienists; or

(3) five (5) years of actual dental practice as a dental hygienist;

may apply for licensure under this section if all other requirements of this section are met.

SECTION 4. IC 25-13-2-6, AS AMENDED BY P.L.103-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A dental hygienist must complete at least ~~fourteen (14)~~ **nineteen (19)** credit hours in continuing education courses each license period.

(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.

(c) During a license period, a dental hygienist may not earn more than five (5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of practice management.

(d) Not more than two (2) credit hours for certification programs in basic life support required under IC 25-13-1-8(c)(3) may be applied toward the credit hour requirement during each license period.

(e) During a license period, at least half of the required minimum credit hours must be earned through live presentations or live workshops.

SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee established under IC 2-5-1.3-4 the topic of loan**

forgiveness for dentists and dental hygienists who treat Medicaid patients.

(b) If the legislative council assigns the topic described in subsection (a), the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council before November 1, 2016, and as required in IC 2-5-1.2-15.

(c) This SECTION expires January 1, 2017.

SECTION 6. An emergency is declared for this act.

P.L.156-2016

[H.1161. Approved March 23, 2016.]

AN ACT concerning pensions.

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

SECTION 1. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "fund" refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1.

(b) Not later than October 1, 2016, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2015, and who is entitled to receive a monthly benefit on July 1, 2016. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving	\$150

disability retirement benefits)	
At least 10 years, but less than 20 years	\$275
At least 20 years, but less than 30 years	\$375
At least 30 years	\$450

(d) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.4-4-10 to pay the monthly benefit to the survivors or beneficiaries.

(f) The fund may not use employer contributions to make the payments required under subsection (b) unless, and only to the extent that, the amounts necessary to make the payments required under subsection (b) exceed the amounts appropriated in the state budget for the biennium beginning July 1, 2015, for the purposes described in subsection (b).

(g) This SECTION expires January 1, 2017.

SECTION 2. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.

(b) Not later than October 1, 2016, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2015, and who is entitled to receive a monthly benefit on July 1, 2016. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving	\$150

disability retirement benefits)	
At least 10 years, but less than 20 years	\$275
At least 20 years, but less than 30 years	\$375
At least 30 years	\$450

(d) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.3-8-15 to pay the monthly benefit to the survivors or beneficiaries.

(f) The fund may not use employer contributions to make the payments required under subsection (b) unless, and only to the extent that, the amounts necessary to make the payments required under subsection (b) exceed the amounts appropriated in the state budget for the biennium beginning July 1, 2015, for the purposes described in subsection (b).

(g) This SECTION expires January 1, 2017.

SECTION 3. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "participant" has the meaning set forth in IC 5-10-5.5-1.

(b) As used in this SECTION, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan created by IC 5-10-5.5-2.

(c) Not later than October 1, 2016, the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 shall pay the amount determined under subsection (d) to a plan participant (or to a survivor or beneficiary of a plan participant) who retired or was disabled on or before December 1, 2015, and who is entitled to receive a monthly benefit on July 1, 2016. The amount is not an increase in the annual retirement allowance.

(d) The amount paid under this SECTION to a plan participant of the fund (or to a survivor or beneficiary of a plan participant) who meets the requirements of subsection (c) is determined as

follows:

If a Plan Participant's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	\$125
At least 10 years, but less than 20 years	\$235
At least 20 years, but less than 30 years	\$325
At least 30 years	\$400

(e) The creditable service used to determine the amount paid to a plan participant (or to a survivor or beneficiary of a plan participant) under this SECTION is the creditable service that was used to compute the plan participant's retirement allowance under IC 5-10-5.5-10 and IC 5-10-5.5-12, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(f) If two (2) or more survivors or beneficiaries of a plan participant are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10-5.5-16 to pay the monthly benefit to the survivors or beneficiaries.

(g) The board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 may not use employer contributions to make the payments required under subsection (c) unless, and only to the extent that, the amounts required to make the payments under subsection (c) exceed the appropriations in the state budget for the biennium beginning July 1, 2015, for the purposes described in subsection (c).

(h) This SECTION expires January 1, 2017.

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2016, the trustee shall pay from the trust fund to each employee beneficiary of the state police pre-1987 benefit system covered by IC 10-12-3 who:

- (1) retired or was disabled before July 2, 2015; and
- (2) is entitled to receive a monthly benefit as of September 1,

2016;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty (20) years of service as of July 1, 2016, as calculated under IC 10-12-3-7.

(d) The amounts paid under this SECTION are not an increase in the monthly pension amount of an employee beneficiary.

(e) The trustee may not use employer contributions to make the payments required under subsection (c) unless, and only to the extent that, the amounts required to make the payments under subsection (c) exceed the appropriations in the state budget for the biennium beginning July 1, 2015, for the purposes described in subsection (c).

(f) This SECTION expires January 1, 2017.

SECTION 5. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2016, the trustee shall pay from the trust fund to each employee beneficiary of the state police 1987 benefit system covered by IC 10-12-4 who:

(1) retired or was disabled after June 30, 1987, and before July 2, 2015; and

(2) is entitled to receive a monthly benefit as of September 1, 2016;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2016, as calculated under IC 10-12-4-7.

(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.

(e) The trustee may not use employer contributions to make the payments required under subsection (c) unless, and only to the extent that, the amounts required to make the payments under subsection (c) exceed the appropriations in the state budget for the biennium beginning July 1, 2015, for the purposes described in subsection (c).

(f) This SECTION expires January 1, 2017.

P.L.157-2016

[H.1164. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-50-2-11, AS AMENDED BY P.L.238-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "offense" means:

- (1) a felony under IC 35-42 that resulted in death or serious bodily injury;
- (2) kidnapping; or
- (3) criminal confinement as a Level 2 or Level 3 felony.

(c) As used in this section, "police officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A city police officer.
- (5) A state educational institution police officer appointed under IC 21-39-4.
- (6) A school corporation police officer appointed under IC 20-26-16.
- (7) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.
- (8) An enforcement officer of the alcohol and tobacco commission.
- (9) A conservation officer.
- (10) A gaming agent employed under IC 4-33-4.5 or a gaming**

control officer employed by the gaming control division under IC 4-33-20.

(d) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.

(e) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony or misdemeanor other than an offense (as defined under subsection (b)) sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person, while committing the felony or misdemeanor, knowingly or intentionally:

- (1) pointed a firearm; or
- (2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer.

(f) If the person was convicted of:

- (1) the offense under subsection (d); or
- (2) the felony or misdemeanor under subsection (e);

in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(g) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense under subsection (d), the court may sentence the person to an additional fixed term of imprisonment of between five (5) years and twenty (20) years.

(h) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person, while committing a felony or misdemeanor under subsection (e), knowingly or intentionally:

- (1) pointed a firearm; or
- (2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer, the court may sentence the person to an

additional fixed term of imprisonment of between five (5) and twenty (20) years.

(i) A person may not be sentenced under subsections (g) and (h) for offenses, felonies, and misdemeanors comprising a single episode of criminal conduct.



P.L.158-2016

[H.1172. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-8-2-2.7, AS AMENDED BY P.L.170-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:

(1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.

(2) Shaving or trimming beards and mustaches, **including the use of a straight razor.**

(3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.

(b) "Barbering" does not include performing any of the acts described in subsection (a) when done:

(1) in treating illness or disease;

(2) as a student in a beauty culture school; or

(3) without compensation.

SECTION 2. IC 25-8-2-5, AS AMENDED BY P.L.170-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
- (3) Arching eyebrows.
- (4) ~~Using depilatories.~~ **Removing superfluous hair from the body by the use of depilatories, waxing, or tweezers.**
- (5) Manicuring and pedicuring.
- (6) **Shaving or trimming beards and mustaches.**
- (7) **Giving facials, applying makeup, and giving skin care.**

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a beauty culture school that complies with the notice requirements set forth in IC 25-8-5-6;
- (3) in performing shampooing operations; or
- (4) without compensation.

(c) "Cosmetology" does not include performing the act of threading.

SECTION 3. IC 25-8-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. "Manicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a ~~person~~. **person's hand.**

SECTION 4. IC 25-8-2-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. "Pedicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person's foot.**

SECTION 5. IC 25-8-3-5, AS AMENDED BY P.L.170-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Each of the members of the board must reside in Indiana.

(b) The members of the board must meet the following qualifications:

- (1) Two (2) of the members must:
 - (A) possess a current cosmetologist license; and
 - (B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.
- (2) Two (2) of the members of the board must:
 - (A) possess a current barber license; and
 - (B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.
- (3) One (1) of the members must be an owner or operator of a beauty culture school. However, the member may not be a licensed barber or cosmetologist.
- (4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.
- (5) One (1) of the members must not have any association with ~~cosmetology or barbering~~; **the practice of beauty culture**, except as a consumer.

SECTION 6. IC 25-8-3-23, AS AMENDED BY P.L.170-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:
 - (A) beauty culture salons; and
 - (B) beauty culture schools;
- (2) establish standards for the practice of cosmetology and the operation of:
 - (A) beauty culture salons; and
 - (B) beauty culture schools;
- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and
- (4) establish requirements for beauty culture school uniforms for students and instructors.

(b) The board shall adopt rules under IC 4-22-2 to specify whether the definition set forth in IC 25-8-2-5 includes the use of a straight razor.

~~(b)~~ (c) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, barbering, electrology,

esthetics, or manicuring in a mobile salon:

- (1) Sanitation standards.
- (2) Safety requirements.
- (3) Permanent address requirements at which the following are located:
 - (A) Records of appointments.
 - (B) License numbers of employees.
 - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

SECTION 7. IC 25-8-5-3, AS AMENDED BY P.L.170-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete ~~at least the one thousand five hundred (1,500) the~~ **hours of course work required by the student's specific course of study** to be eligible to sit for the licensing examination;
- (2) no more than ten (10) hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide ~~one (1) instructor for each twenty (20) students or any fraction of that number;~~ **an adequate number of instructors based on the subject matter and manner by which the material is being taught;**
- (5) the school will be operated under the personal supervision of a licensed beauty culture instructor;
- (6) the ~~person~~ **proposed school** has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
 - (A) be separated from the residence by a substantial floor to ceiling partition; and
 - (B) have a separate entry;
- (8) as a requirement for graduation, the proposed school must

administer and require the student to pass:

- (A) a final practical demonstration examination of the acts permitted by the license; and
 - (B) the written examination required under IC 25-8-4-7(b).
- (9) the applicant has paid the fee set forth in IC 25-8-13-3.

(b) The hours of course work required under subsection (a)(1) for a student to sit for a licensing examination must be at least one thousand five hundred (1,500) hours if the student's course of study leads to the student sitting for either the cosmetology or barber licensing examination.

SECTION 8. IC 25-8-5-4, AS AMENDED BY P.L.170-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The board may adopt rules under IC 4-22-2 requiring that:

- (1) the curriculum offered by a beauty culture school licensed under this chapter provide a minimum number of hours of instruction of each of the subjects described in section ~~3(3)~~ **3(a)(3)** of this chapter; and
- (2) **the facility be equipped with a minimum amount of space, equipment, and supplies for the specific courses of study the beauty culture school is offering to allow for flexibility in spatial design and equipment needs when the beauty culture school's curriculum and instructional approach is taken into consideration.**

SECTION 9. IC 25-8-5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.6. **The board may adopt rules under IC 4-22-2 that will allow curriculum offered by a beauty culture school licensed under this chapter to be delivered within a distance learning environment. Instructors used in the distance learning environment must be licensed under IC 25-8-6.**

SECTION 10. IC 25-8-7-2, AS AMENDED BY P.L.170-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A person who wishes to obtain a beauty culture salon license must:

- (1) do one (1) or more of the following:
 - (A) Select a site for the salon which, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under ~~IC 25-8-3-23(b)~~; **IC 25-8-3-23(c)**;

(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the beauty culture salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the beauty culture salon will be under the personal supervision of a person who is licensed as a beauty culture professional before the application was submitted under this chapter.

SECTION 11. IC 25-8-9-3, AS AMENDED BY P.L.170-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) is at least ~~eighteen (18)~~ **seventeen (17)** years of age;

(2) has successfully completed the tenth grade or received the equivalent of tenth grade education;

(3) has graduated from a beauty culture school;

(4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for cosmetologist license applicants prescribed by the board;

(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and

(6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a license under this chapter.

SECTION 12. IC 25-8-12.5-4, AS AMENDED BY P.L.177-2009, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. To receive a license issued under this chapter, a person must:

(1) be at least ~~eighteen (18)~~ **seventeen (17)** years of age;

(2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;

(3) have graduated from an esthetics program in a ~~cosmetology~~

beauty culture school;

(4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;

(5) not have committed an act for which the person could be disciplined under IC 25-8-14; and

(6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.



P.L.159-2016

[H.1179. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

SECTION 1. IC 21-12-13-2, AS AMENDED BY P.L.2-2014, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) This section applies to the following scholarship, stipend, and fee remission statutes:

- (1) IC 21-12-3.
- (2) IC 21-12-4.
- (3) IC 21-12-6.
- (4) IC 21-12-8.
- (5) IC 21-12-9.
- (6) IC 21-13-2.
- (7) IC 21-13-7.
- (8) IC 21-13-8.
- (9) IC 21-13-4.
- (10) IC 21-14-5.
- (11) IC 21-14-6-2.

(b) Except as provided in section 3 of this chapter **and except for a stipend granted under IC 21-13-8 to an individual described in IC 21-13-8-1(b)(2)(B)**, a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed the number of terms that constitutes four (4) undergraduate academic years, as determined by the commission, and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

SECTION 2. IC 21-13-8-1, AS AMENDED BY HEA 1034-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a) The Earline S. Rogers student teaching stipend for minority students is established.**

(b) An individual may apply for a stipend under this chapter if the individual:

- (1) is a minority student enrolled in an eligible institution;
- (2) will participate in:
 - (A)** student teaching as part of the student's degree requirements; **or**
 - (B) a school administration internship as part of the student's graduate degree program;**
- (3) has earned a cumulative grade point average:
 - (A)** upon entering student teaching that:
 - ~~(A)~~ **(i)** is required by an eligible institution for admission to the eligible institution's school of education; or
 - ~~(B)~~ **(ii)** is at least a 2.0 on a 4.0 grading scale or its equivalent as determined by the eligible institution, if the eligible institution's school of education does not require a certain minimum cumulative grade point average; **or**
 - (B) upon beginning a school administration internship that is at least 3.0 on a 4.0 scale, or its equivalent as determined by the eligible institution;**
- (4) agrees, in writing, **in the case of an individual entering student teaching**, to apply for a teaching position at an accredited school in Indiana following the student's certification as a teacher, and, if hired, to teach for at least three (3) years; and
- (5) meets any other minimum criteria established by the commission.

SECTION 3. IC 21-13-8-2, AS AMENDED BY HEA 1034-2016,

SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A student who has applied for the stipend under section 1 of this chapter and has been approved by the commission may request payment of the stipend after demonstrating that the student will engage in student teaching **or a school administration internship** during the upcoming academic term. **The commission shall give priority to student teaching applicants when selecting applicants.**

(b) The stipend may not exceed four thousand dollars (\$4,000).

(c) The commission shall pay the stipend directly to the student.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **With the approval of the governor and the budget agency, the amount appropriated by HEA 1001-2015 for the DISTRESSED UNIT APPEALS BOARD, Total Operating Expense, for the 2015-2017 biennium, may be augmented from unexpended appropriations to the department of education in an amount specified by the budget agency, but not to exceed five hundred thousand dollars (\$500,000).**

(b) **A financial specialist selected under IC 6-1.1-20.3-6.9 for a school corporation may submit a request to the distressed unit appeal board for a grant to be provided to the school corporation under this SECTION to be used by the school corporation for capital improvements that are necessary to ensure that one (1) or more of the school corporation's school buildings remain open for educational instruction. The distressed unit appeal board shall specify the information that a school corporation must submit with the school corporation's request.**

(c) **If a financial specialist of a school corporation makes a request under subsection (b), the distressed unit appeal board may, after review by the budget committee, provide a grant to the school corporation for capital improvements described in subsection (b). The distressed unit appeal board shall specify the capital improvements described in subsection (b) for which the school corporation may spend the grant funds. A grant shall be paid from the amounts appropriated for the DISTRESSED UNIT APPEALS BOARD, Total Operating Expense, for the 2015-2017 biennium, as augmented under subsection (a). The amount of the grant may not exceed the amount by which the appropriation for the DISTRESSED UNIT APPEALS BOARD, Total Operating**

Expense, for the 2015-2017 biennium, is augmented under subsection (a).

(d) If the distressed unit appeal board provides a grant under this SECTION to a school corporation, the financial specialist for the school corporation shall after the end of each calendar quarter submit to the distressed unit appeal board the information requested by the distressed unit appeal board concerning the expenditure of the grant funds.

(e) This SECTION expires June 30, 2017.

SECTION 5. An emergency is declared for this act.

P.L.160-2016

[H.1209. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-32-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12. (a) Beginning with the 2017-2018 school year, a student who successfully completes Spanish language courses that include the elements set forth in subsection (b) is eligible to receive a functional and practicable workplace Spanish designation on the student's transcript for each course described in subsection (b).**

(b) The department shall develop Spanish language courses under this section that include:

- (1) one (1) year of basic grammar and vocabulary, with a focus on the present tense and appropriate greetings; and**
- (2) one (1) year of additional vocabulary and conversation, with a focus on vocabulary that is necessary for various types of work environments.**

(c) A school corporation may use the courses developed by the

department or any other courses that include the elements set forth in subsection (b) to allow a student to receive a functional and practicable workplace Spanish designation on the student's transcript.

P.L.161-2016

[H.1218. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-2-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. (a) As used in this section, "franchisor" has the meaning set forth in 16 CFR 436.1(k).**

(b) As used in this section, "franchisee" has the meaning set forth in 16 CFR 436.1(i).

(c) For purposes of this chapter, a franchisor is not considered to be an employer or co-employer of:

(1) a franchisee; or

(2) an employee of a franchisee;

unless the franchisor agrees, in writing, to assume the role of an employer or co-employer of the franchisee or the employee of a franchisee.

P.L.162-2016

[H.1219. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 37. (a) A high school operated by a school corporation shall offer the high school's students the opportunity to earn any type of state diploma approved by the state board.**

(b) Notwithstanding IC 20-32-4-1, IC 20-32-4-4(5), and IC 20-32-4-5(b)(2)(E), a school corporation shall not require a student with a disability to complete locally required credits that exceed state credit requirements to receive a diploma unless otherwise required as part of the student's individualized education program under IC 20-35.

SECTION 2. IC 20-51-4-1, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

(1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or

a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick ~~Douglas~~ **Douglass's** speech at Rochester, New York, on July 5, 1852, entitled "What to a the Slave is the Fourth of July?".
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document

listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

(1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.

(2) May not punish the student in any way, including a reduction in grade, for using the reference.

(3) Display the United States flag in each classroom.

(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds.

A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

(A) the student chooses to not participate; or

(B) the student's parent chooses to have the student not participate.

(5) Provide instruction on the constitutions of:

(A) Indiana; and

(B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

(A) the system of government in Indiana and in the United States;

(B) methods of voting;

(C) party structures;

(D) election laws; and

(E) the responsibilities of citizen participation in government and in elections.

(7) Require that each teacher employed by the eligible school present instruction with special emphasis on:

(A) honesty;

(B) morality;

(C) courtesy;

(D) obedience to law;

(E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;

(F) respect for parents and the home;

(G) the dignity and necessity of honest labor; and

- (H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.
- (8) Provide good citizenship instruction that stresses the nature and importance of the following:
- (A) Being honest and truthful.
 - (B) Respecting authority.
 - (C) Respecting the property of others.
 - (D) Always doing the student's personal best.
 - (E) Not stealing.
 - (F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
 - (G) Taking personal responsibility for obligations to family and community.
 - (H) Taking personal responsibility for earning a livelihood.
 - (I) Treating others the way the student would want to be treated.
 - (J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
 - (K) Respecting the student's parents and home.
 - (L) Respecting the student's self.
 - (M) Respecting the rights of others to have their own views and religious beliefs.
- (9) Provide instruction in the following studies:
- (A) Language arts, including:
 - (i) English;
 - (ii) grammar;
 - (iii) composition;
 - (iv) speech; and
 - (v) second languages.
 - (B) Mathematics.
 - (C) Social studies and citizenship, including the:
 - (i) constitutions;
 - (ii) governmental systems; and
 - (iii) histories;of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United

States history course.

(D) Sciences.

(E) Fine arts, including music and art.

(F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(g) An eligible school, charter school, or public school shall not teach the violent overthrow of the government of the United States.

(h) Nothing in this section shall be construed to limit the requirements of IC 20-30-5.



P.L.163-2016

[H.1220. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-14-48-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. If the perpetual care fund of a cemetery is established as a trust, the trustee of the trust may, to the extent allowed by section 2 of this chapter, withdraw funds from it in amounts the trustee considers necessary to pay the cost of perpetual care of the cemetery, notwithstanding any provision in the terms of the trust that would restrict withdrawals from the trust for perpetual care of the cemetery to less than the amounts allowed by section 2 of this chapter.**

SECTION 2. IC 30-4-3-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.2. The trustee of a trust established as the**

perpetual care fund of a cemetery under IC 23-14-48-2 may, under IC 23-14-48-2.2, without court authorization, withdraw from the trust the amounts allowed by IC 23-14-48-2 to pay the cost of perpetual care of the cemetery, notwithstanding any provision in the terms of the trust that would restrict withdrawals from the trust to less than the withdrawals allowed by IC 23-14-48-2.

SECTION 3. An emergency is declared for this act.

P.L.164-2016

[H.1222. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 32-25-7-7, AS ADDED BY P.L.141-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The declaration must contain a provision allowing the co-owners to amend the declaration at any time, from time to time, subject to the following:

- (1) The declarant's consent to an amendment may be required if:
 - (A) the declarant owns one (1) or more units within the condominium; and
 - (B) not more than seven (7) years have passed since the original governing documents were declaration was first recorded.
- (2) The consent of the co-owners to the amendment has been obtained as evidenced by either of the following:
 - (A) The vote of the co-owners at a meeting called for the purpose of considering the amendment.
 - (B) A written instrument signed by the co-owners.

The declaration may not require that the consent of more than

seventy-five percent (75%) of the co-owners is required for consent under this subdivision.

(3) ~~If the consent of the eligible first mortgage holders as defined in the governing documents is required, only first mortgage holders that provide an address to the secretary of the board must be notified.~~ The consent of ~~an eligible a~~ first mortgage holder must be indicated in a written instrument signed by the mortgage holder. However, a mortgage holder is considered to have consented to a proposed amendment if the mortgage holder does not respond to a written request for consent within thirty (30) days after the mortgage holder receives the request. The governing documents may not require that the consent of more than seventy-five percent (75%) of ~~the eligible first~~ mortgage holders **eligible to receive notice** is required for consent under this subdivision.

(4) Notwithstanding subdivisions (1) through (3), the declaration may require the approval of at least ninety-five percent (95%) of the co-owners to convey common areas or to dissolve the condominium.

SECTION 2. IC 32-25-8-2.5, AS ADDED BY P.L.141-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. **(a) A co-owner of the condominium is entitled to attend any meeting of the board of directors of the condominium, including the annual meeting. However, the board of directors may meet in private to discuss delinquent assessments. The board of directors may also meet in private with legal counsel to discuss the initiation of litigation, or to discuss litigation that either is pending or has been threatened specifically in writing. As used in this subsection, "litigation" includes any judicial action or administrative law proceeding under state or federal law.**

(b) The minutes of meetings of the board of directors of a condominium, including the annual meeting, must be made available to a co-owner of the condominium for inspection upon request. The requesting co-owner may make a request to inspect the minutes:

- (1) in person;
- (2) in writing; or
- (3) by electronic mail.

The association of co-owners may charge the requesting co-owner a

reasonable copying fee if the co-owner requests a written copy of the minutes.

SECTION 3. IC 32-25-8.5-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 9: The condominium instruments must include grievance resolution procedures that apply to all members of the association of co-owners and the board.~~

SECTION 4. IC 32-25.5-1-1, AS AMENDED BY P.L.148-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Subject to subsection (b)**, this article applies to the following:

- (1) A homeowners association established after June 30, 2009, that is authorized to impose mandatory dues on the homeowners association's members.
- (2) A homeowners association established before July 1, 2009:
 - (A) if a majority of the members of the homeowners association elect to be governed by this article; or
 - (B) if the number of members required by the homeowners association's governing documents elect to be governed by this article if a different number of members other than the number established in clause (A) is required by the governing documents.

(b) The following apply to all homeowners associations, **including a homeowners association described in subsection (a)(2), regardless of whether the members of the homeowners association have elected under subsection (a)(2)(A) or (a)(2)(B) to be governed by this article:**

- (1) IC 32-25.5-3-3(g) through IC 32-25.5-3-3(m).
- (2) IC 32-25.5-3-9.
- (3) IC 32-25.5-3-10.
- (4) IC 32-25.5-4.
- (5) IC 32-25.5-5.

SECTION 5. IC 32-25.5-3-3, AS AMENDED BY P.L.141-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A homeowners association shall prepare an annual budget.

- (b) The annual budget must reflect:
- (1) the estimated revenues and expenses for the budget year; and
 - (2) the estimated surplus or deficit as of the end of the current

budget year.

(c) The homeowners association shall provide each member of the homeowners association with:

(1) a:

(A) copy of the proposed annual budget; or

(B) written notice that a copy of the proposed annual budget is available upon request at no charge to the member; and

(2) a written notice of the amount of any increase or decrease in a regular annual assessment paid by the members that would occur if the proposed annual budget is approved;

before the homeowners association meeting held under subsection (d).

(d) Subject to subsection (f), a homeowners association budget must be approved at a meeting of the homeowners association members by a majority of the members of the homeowners association in attendance at a meeting called and conducted in accordance with the requirements of the homeowners association's governing documents.

(e) For purposes of this section, a member of a homeowners association is considered to be in attendance at a meeting if the member attends:

(1) in person;

(2) by proxy; or

(3) by any other means allowed under:

(A) state law; or

(B) the governing documents of the homeowners association.

(f) If the number of members of the homeowners association in attendance at a meeting held under subsection (d) does not constitute a quorum as defined in the governing documents of the homeowners association, the board may adopt an annual budget for the homeowners association for the ensuing year in an amount that does not exceed one hundred percent (100%) of the amount of the last approved homeowners association annual budget. However, the board may adopt an annual budget for the homeowners association for the ensuing year in an amount that does not exceed one hundred ten percent (110%) of the amount of the last approved homeowners association annual budget if the governing documents of the homeowners association allow the board to adopt an annual budget under this subsection for the ensuing year in an amount that does not exceed one hundred ten percent (110%) of the amount of the last approved homeowners association

annual budget.

(g) Subject to subsection (k):

(1) the financial records, including all contracts, invoices, bills, receipts, and bank records, of a homeowners association must be available for inspection by each member of the homeowners association upon written request; and

(2) the minutes of meetings of the homeowners association board, including the annual meeting, must be available to a member of the homeowners association for inspection upon the homeowners association member's request, which may be submitted:

(A) in person;

(B) in writing; or

(C) by electronic mail.

In addition to the right to inspect the meeting minutes of the homeowners association board, a member of a homeowners association has the right to attend any meeting of the homeowners association board, including an annual meeting of the board. However, the board of directors may meet in private to discuss delinquent assessments. The board of directors may also meet in private with legal counsel to discuss the initiation of litigation, or to discuss litigation that either is pending or has been threatened specifically in writing. As used in this subsection, "litigation" includes any judicial action or administrative law proceeding under state or federal law.

A written request for inspection must identify with reasonable particularity the information being requested. A member's ability to inspect records under this section shall not be unreasonably denied or conditioned upon provision of an appropriate purpose for the request. The homeowners association may charge a reasonable fee for the copying of a record requested under this subsection if the homeowners association member requests a written copy of the record.

(h) Subject to subsections (j) and (k), if there is a dispute between a homeowner and a homeowners association, the officers of the homeowners association must make all communications concerning the dispute available to the homeowner.

(i) Subject to subsections (j) and (k), the following apply:

(1) A homeowners association shall make all communications and

information concerning a lot available to the owner of the lot or a home on the lot.

(2) If a homeowners association initiates communication with any member about another member's lot, the homeowners association must give a copy of that communication to the other member whose lot is the subject of the communication. **However, this subdivision does not apply if the communication concerns suspected criminal activity, or activity that is the subject of a law enforcement investigation, involving the member whose lot is the subject of the communication.**

(j) A homeowners association is not required to make:

- (1) communications between the homeowners association and the legal counsel of the homeowners association; and
- (2) other communications or attorney work product prepared in anticipation of litigation;

available to the owner of a lot or home.

(k) A homeowners association is not required to make available to a member for inspection any of the following:

- (1) Unexecuted contracts.
- (2) Records regarding contract negotiations.
- (3) Information regarding an individual member's association account to a person who is not a named party on the account.
- (4) Any information that is prohibited from release under state or federal law.
- (5) Any records that were created more than two (2) years before the request.

(6) Information that:

(A) is provided by a member of the homeowners association about another member of the homeowners association; and

(B) concerns suspected criminal activity involving the other member.

Except as otherwise provided in this article (including subsection (j) and this subsection), other applicable law, or the governing documents of the homeowners association, a homeowners association is not required to retain a record of a written or electronic communication for any specific period of time. However, a homeowners association or a member of the board of a homeowners association shall retain for at

least two (2) years after receipt, and during that period shall make available to a member of the homeowners association at the member's request, any written or electronic communication received by the homeowners association or board member that relates to a financial transaction of the homeowners association and that is not otherwise excepted from disclosure under this article or other applicable law.

(l) Nothing in this chapter:

- (1) abrogates or eliminates provisions in homeowners association agreements that permit or require additional disclosure or inspection rights not required by this chapter; or
- (2) prevents a homeowners association from agreeing to make disclosures or to provide inspection rights not required by this chapter.

(m) A homeowners association may not charge a fee for the first hour required to search for a record in response to a written request submitted under this chapter. A homeowners association may charge a search fee for any time that exceeds one (1) hour. The following provisions apply if a homeowners association charges a search fee:

- (1) The homeowners association shall charge an hourly fee that does not exceed thirty-five dollars (\$35) per hour.
- (2) The homeowners association may charge the fee only for time that the person making the search actually spends in searching for the record.
- (3) The homeowners association shall prorate the fee to reflect any search time of less than one (1) hour.
- (4) The total amount of the fee charged by the homeowners association for a search may not exceed two hundred dollars (\$200).

SECTION 6. IC 32-25.5-3-9, AS ADDED BY P.L.141-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The governing documents must contain a provision allowing the owners to amend the governing documents at any time, from time to time, subject to the following:

- (1) The declarant's consent to an amendment may be required if:
 - (A) the declarant owns one (1) or more units within the subdivision; and
 - (B) not more than seven (7) years have passed since the original governing documents were first recorded.

(2) The consent of the owners to the amendment has been obtained as evidenced by either of the following:

(A) The vote of the owners at a meeting duly called for the purpose of considering the amendment.

(B) A written instrument signed by the owners.

The governing documents may not require that the consent of more than seventy-five percent (75%) of the owners is required for consent under this subdivision.

(3) **If the consent of the eligible first mortgage holders as defined in the governing documents is required, only first mortgage holders that provide an address to the secretary of the board must be notified.** The consent of **an eligible a first mortgage holder** must be indicated in a written instrument signed by the mortgage holder. However, a mortgage holder is considered to have consented to a proposed amendment if the mortgage holder does not respond to a written request for consent within thirty (30) days after the mortgage holder receives the request. The governing documents may not require that the consent of more than seventy-five percent (75%) of **the eligible first mortgage holders eligible to receive notice** is required for consent under this subdivision.

(4) Notwithstanding subdivisions (1) through (3), the governing documents may require the approval of at least ninety-five percent (95%) of the owners to convey common areas or to dissolve the plan of governance for the homeowners association.

SECTION 7. IC 32-25.5-4-1, AS ADDED BY P.L.141-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The attorney general may bring an action against a board of a homeowners association or an individual member of a board of a homeowners association if the attorney general finds that any of the following apply:

(1) The association's funds have been knowingly or intentionally misappropriated or diverted by a board member.

(2) A board member has knowingly or intentionally used the board member's position on the board to commit fraud or a criminal act against the association or the association's members.

(3) A proxy was exercised, **or was allowed to be exercised**, in violation of IC 32-25.5-3-10.

(4) A violation of IC 32-25.5-3-3 has occurred.

SECTION 8. IC 32-25.5-4-2, AS ADDED BY P.L.141-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A court in which an action is brought under this chapter may do the following:

(1) Issue an injunction.

(2) Order the board member to make restitution to the homeowners association or to a member of the homeowners association.

(3) Order a board member to be removed from the board.

(4) Order a board member to reimburse the state for the reasonable costs of the attorney general's investigation and prosecution of the violation.

(5) Impose a civil penalty on a member of the board of a homeowners association **or on another individual, as appropriate**, determined by the court to have taken an action described in section 1(1), ~~or 1(2)~~, **or 1(3)** of this chapter.

(b) A civil penalty imposed under subsection (a)(5) may not exceed five hundred dollars (\$500) for each action described in section 1(1), ~~or 1(2)~~, **or 1(3)** of this chapter that the board member is determined by the court to have taken. The proceeds of a civil penalty imposed under subsection (a)(5) shall be deposited in the state general fund.

SECTION 9. IC 32-25.5-5-2, AS ADDED BY P.L.141-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this chapter, "claim" refers to any of the following:

(1) A claim arising out of or relating to the interpretation, application, or enforcement of the governing documents.

(2) A claim relating to the rights or duties of the **homeowners** association ~~of co-owners~~ or the board under the governing documents.

(3) A claim relating to the maintenance of the subdivision.

(4) Any other claim, grievance, or dispute among the parties involving the subdivision or the homeowners association.

(b) The term does not include an exempt claim.

SECTION 10. IC 32-25.5-5-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 8. The governing documents must include grievance~~

resolution procedures that apply to all members of the homeowners association and the board:

SECTION 11. An emergency is declared for this act.

P.L.165-2016

[H.1248. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-12-1.7-2, AS ADDED BY P.L.281-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a) This subsection expires June 30, 2017.** For purposes of this chapter, "accelerated progress" means successfully completing

- (1) at least thirty-nine (39) credit hours or the equivalent by the end of the student's first academic year; or
- (2) at least seventy-eight (78) credit hours or the equivalent by the end of the student's second academic year.

(b) This subsection applies to an academic year beginning after August 31, 2017. For purposes of this chapter, "accelerated progress" means successfully completing at least thirty-nine (39) credit hours or the equivalent during the student's first academic year or second academic year.

SECTION 2. IC 21-12-1.7-3, AS AMENDED BY P.L.2-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to an academic year beginning after August 31, 2014. The commission shall publish annually a schedule of award amounts for the higher education award and freedom of choice grant issued under this article. The schedule must provide award amounts on the basis of the recipient's expected

family contribution. The expected family contribution shall be derived from information submitted on the recipient's financial aid application form. The commission shall determine award amounts separately for:

- (1) recipients attending approved public state educational institutions (except Ivy Tech Community College);
- (2) Ivy Tech Community College;
- (3) recipients attending a nonprofit college or university listed in IC 21-7-13-6(a)(1)(C); and
- (4) recipients attending approved postsecondary credit bearing proprietary institutions.

(b) **This subsection expires June 30, 2017.** The schedule of award amounts published under subsection (a) shall offer a larger award to a recipient who, as of the student's most recently concluded academic year, has successfully completed:

- (1) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;
- (2) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; or
- (3) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years.

(c) **This subsection applies to an academic year beginning after August 31, 2017. The schedule of award amounts published under subsection (a) must offer a larger award to first time and prior recipients who successfully completed:**

- (1) **at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid; or**
- (2) **at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in a postsecondary educational institution.**

(d) **In determining eligibility under subsection (c), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (c)(1) or (c)(2):**

- (1) **Credits earned from dual credit, advanced placement, and**

international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

~~(c)~~ (e) The schedule of award amounts shall set forth an amount for recipients described in subsection (a)(1) that is equal to fifty percent (50%) of the amount for recipients described in subsection (a)(3).

~~(d)~~ (f) This subsection expires September 1, 2016. A student that initially enrolls in an eligible institution for an academic year beginning before September 1, 2013, is eligible for the larger award determined under subsection (b) regardless of the student's credit completion.

SECTION 3. IC 21-12-1.7-4, AS ADDED BY P.L.281-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~(a)~~ This section applies to a student who initially enrolls in an eligible institution for an academic year beginning after August 31, 2013:

~~(b)~~ (a) The commission shall offer an additional award to a recipient who:

- (1) is an academic honors student;
- (2) received an associate degree before enrolling in a baccalaureate degree program; or
- (3) made accelerated progress during the recipient's most recently concluded academic year.

~~(c)~~ (b) The commission may establish one (1) or more student performance incentives in addition to those listed under subsection ~~(b)~~: (a).

~~(d)~~ (c) The commission shall determine the amount of each incentive bonus annually, based on the available appropriation.

SECTION 4. IC 21-12-1.7-5, AS AMENDED BY P.L.234-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. ~~(a)~~ If the sum of awards under sections 3 and 4 of this chapter exceeds the appropriation in a given year, the commission shall reduce the level of awards offered under section 4 of this chapter as necessary so that the sum of awards under sections 3 and 4 of this chapter does not exceed the appropriation.

~~(b)~~ The commission may increase, but shall not decrease, the amounts of awards published under section 3 of this chapter from the

~~amount offered the previous academic year.~~

SECTION 5. IC 21-12-3-1, AS AMENDED BY P.L.217-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An applicant is eligible for a first year higher education award under this chapter if the student meets the following requirements:

- (1) The applicant is a resident of Indiana, as defined by the commission.
- (2) The applicant:
 - (A) has successfully completed the program of instruction at an approved secondary school;
 - (B) has been granted a:
 - (i) high school equivalency certificate before July 1, 1995; or
 - (ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or
 - (C) is a student in good standing at an approved secondary school and is engaged in a program that in due course will be completed by the end of the current academic year.
- (3) The financial resources reasonably available to the applicant, as defined by the commission, are such that, in the absence of a higher education award under this chapter, the applicant would be deterred from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant. In determining the financial resources reasonably available to an applicant to whom IC 21-18.5-4-8 applies, the commission must consider the financial resources of the applicant's legal parent.
- (4) The applicant will use the award initially at that approved postsecondary educational institution.
- (5) ~~If~~ The student is ~~already~~ enrolled **full time** in an approved postsecondary educational institution ~~the applicant must be a full-time student and~~ be making satisfactory **academic** progress, as determined by the ~~commission; postsecondary educational institution,~~ toward a first baccalaureate degree.
- (6) The student declares, in writing, a specific educational objective or course of study and enrolls in:

- (A) courses that apply toward the requirements for completion of that objective or course of study; or
 - (B) courses designed to help the student develop the basic skills that the student needs to successfully achieve that objective or continue in that course of study.
- (7) The student is not eligible to receive a twenty-first century scholarship under IC 21-12-6.
- (8) The student is not eligible to receive a:
- (A) National Guard tuition supplement grant under IC 21-13-4; or
 - (B) scholarship under the National Guard scholarship extension program under IC 21-13-5.
- (b) This subsection applies to an individual who:
- (1) meets the requirements set forth in subsection (a); and
 - (2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:
 - (A) a foster family home;
 - (B) the home of a relative or other unlicensed caretaker;
 - (C) a child caring institution; or
 - (D) a group home.

The commission shall consider an individual to whom this subsection applies as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 6. IC 21-12-3-4, AS AMENDED BY P.L.107-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A student who:

- (1) participates in:
 - (A) a nursing diploma program that is accredited by the Indiana state board of nursing and operated by a hospital;
 - (B) a technical certificate or associate degree program at Ivy Tech Community College; ~~or~~
 - (C) a technical certificate or associate degree program at Vincennes University; or**
 - ~~(D)~~ **(D)** an associate degree program at a postsecondary credit bearing proprietary educational institution that qualifies as an

approved postsecondary educational institution; and
 (2) meets the requirements in sections 1 and 2 of this chapter for a first year higher education award except the requirement of satisfactory progress toward a first baccalaureate degree;
 is eligible to receive a state higher education award under this chapter. However, the student must make satisfactory progress toward obtaining the diploma, technical certificate, or associate degree to remain eligible for the award.

SECTION 7. IC 21-12-3-9, AS AMENDED BY P.L.281-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. **(a)** A higher education award for a student in a program leading to a baccalaureate degree may be renewed for a total of three (3) undergraduate academic years following the academic year of the first award or until an earlier time as the student receives a degree normally obtained in four (4) undergraduate academic years. A higher education award for a student in a program leading to a technical certificate or an undergraduate associate degree may be renewed for the number of academic years normally required to obtain a certificate or degree in the student's program. The commission may grant a renewal only upon application and only upon its finding that:

- (1) the applicant has successfully completed the work of a preceding year;
- (2) the applicant remains domiciled in Indiana;
- (3) the recipient's financial situation continues to warrant an award, based on the financial requirements set forth in section (1)(a)(3) of this chapter;
- (4) the applicant is eligible under section 2 of this chapter;
- (5) ~~if the student initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012; the student maintains at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress, and as determined by the eligible institution;~~
- (6) beginning in an academic year beginning after August 31, 2017, the student successfully completes:**
 - (A) at least twenty-four (24) credit hours or the equivalent during the last academic year in which the student received state financial aid; or**
 - (B) at least twenty-four (24) credit hours or the equivalent**

during the last academic year in which the student was enrolled in a postsecondary educational institution; and
~~(6)~~ **(7)** if the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:

- (A) at least twenty-four (24) credit hours or the equivalent by the end of the student's first academic year;
- (B) at least forty-eight (48) credit hours or the equivalent by the end of the student's second academic year; and
- (C) at least seventy-two (72) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may regain eligibility for an award in subsequent academic years if the recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. **This subdivision expires June 30, 2017.**

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

- (1) Credits earned from dual credit, advanced placement, and international baccalaureate courses.**
- (2) College credits earned during high school.**
- (3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.**

SECTION 8. IC 21-12-3-19, AS AMENDED BY P.L.234-2015,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) The auditor of state shall create a separate and segregated higher education award fund distinct from the freedom of choice grant fund.

(b) All money disbursed from the higher education award fund shall be in accordance with this chapter.

(c) The expense of administering the fund may be paid from money in the fund.

(d) Money remaining in the higher education award fund at the end of any fiscal year does not revert to the state general fund but remains available to be used for making higher education awards under this chapter, or it may be transferred to another fund under this article as directed by the commission under IC 21-12-1.2-2.

SECTION 9. IC 21-12-4-5, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The auditor of the state shall create a separate and segregated freedom of choice grant fund distinct from the higher education award fund.

(b) The expense of administering the fund may be paid from money in the fund.

SECTION 10. IC 21-12-6-5, AS AMENDED BY P.L.281-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) **Unless a student qualifies under subsection (b)**, to qualify to participate in the program, a student must meet the following requirements:

(1) Be a resident of Indiana.

(2) Be:

(A) enrolled in grade 7 or 8 at a:

(i) public school; or

(ii) nonpublic school that is accredited either by the state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2; or

(B) otherwise qualified under the rules of the commission that are adopted under IC 21-18.5-4-9(2) to include students who are in grades other than grade 8 as eligible students.

(3) Be a member of a household with an annual income of not more than the amount required for the individual to qualify for

free or reduced priced lunches under the national school lunch program, as determined for the immediately preceding taxable year for the household **for which the student was claimed as a dependent.**

(4) Agree, in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or an infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) timely apply, when the eligible student is a senior in high school:

(i) for admission to an eligible institution; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an eligible institution;

(F) achieve a cumulative grade point average upon graduation of:

(i) at least 2.0, if the student graduates from high school before July 1, 2014; and

(ii) at least 2.5, if the student graduates from high school after June 30, 2014;

on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12; and

(G) ~~participate in~~ **complete** an academic success program required under the rules adopted by the commission, if the student initially enrolls in high school after June 30, 2013.

(b) A student ~~is also qualified~~ **qualifies** to participate in the program if the student:

(1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by

a child placing agency in:

- (A) a foster family home;
- (B) the home of a relative or other unlicensed caretaker;
- (C) a child caring institution; or
- (D) a group home;

(2) meets the requirements in subsection (a)(1) through (a)(2); and

~~(2)~~ **(3) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11) or legal guardian, to the conditions set forth in subsection (a)(4). and**

~~(3) except as provided in subdivision (2); otherwise meets the requirements of subsection (a).~~

(c) The commission may require that an applicant apply electronically to participate in the program using an online Internet application on the commission's web site.

SECTION 11. IC 21-12-6-6, AS AMENDED BY P.L.234-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A student may apply to the commission for a scholarship. To qualify for a scholarship, the student must meet the following requirements:

- (1) Be an eligible student who qualified to participate in the program under section 5 of this chapter.
- (2) Be a resident of Indiana.
- (3) Be a graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution and have achieved a cumulative grade point average in high school of:
 - (A) at least 2.0 on a 4.0 grading scale, if the student is expected to graduate from high school before July 1, 2014; and
 - (B) at least 2.5 on a 4.0 grading scale, if the student is expected to graduate from high school after June 30, 2014.
- (4) Have applied to attend and be accepted to attend as a full-time student an eligible institution.
- (5) Certify in writing that before the student's graduation from high school the student:
 - (A) did not illegally use controlled substances (as defined in IC 35-48-1-9);
 - (B) did not illegally consume alcoholic beverages;
 - (C) did not commit any other crime or a delinquent act (as

described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(D) timely filed an application for other types of financial assistance available to the student from the state or federal government; and

(E) ~~participated in~~ **completed** an academic success program required under the rules adopted by the commission.

(6) Submit to the commission all the information and evidence required by the commission to determine eligibility as a scholarship applicant.

(7) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply for a scholarship. Have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.

(8) Meet any other minimum criteria established by the commission.

(b) This section applies to an individual who graduates from high school after December 31, 2011. To be eligible for a scholarship under this section, a student must initially attend ~~the~~ **an** eligible institution described in subsection (a)(4) not later than the fall semester (or its equivalent, as determined by the commission) in the year immediately following the year in which the student graduates from high school.

SECTION 12. IC 21-12-6-7, AS AMENDED BY P.L.281-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a)** Subject to IC 21-12-13-2, a scholarship awarded under section 6 of this chapter or this section may be renewed. To qualify for a scholarship renewal, a scholarship recipient must do the following:

(1) Submit to the commission a renewal application that contains

all the information and evidence required by the commission to determine eligibility for the scholarship renewal.

(2) Continue to be enrolled as a full-time student in good standing at an eligible institution.

(3) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply to renew a scholarship. Continue to have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.

(4) ~~If the student initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012,~~ Maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress, **as determined by the eligible institution.**

(5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;

(B) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; and

(C) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may become eligible for an award in subsequent academic years if that recipient meets the aggregate credit hour requirements commensurate with the recipient's academic

standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. **This subdivision expires June 30, 2017.**

(6) Beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid; or

(B) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in postsecondary education.

~~(6)~~ (7) Continue to meet any other minimum criteria established by the commission.

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

(c) The commission may allow a student who is otherwise ineligible under subsection (a)(6) for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements under subsection (a)(6).

SECTION 13. IC 21-12-8-1, AS AMENDED BY P.L.234-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The adult student grant fund is established

to make awards authorized under this chapter to eligible applicants.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.
- (3) Amounts transferred to the fund as directed by the commission under IC 21-12-1.2-2.

(c) The fund shall be administered by the commission.

(d) The expenses of administering the fund shall be paid from money in the fund.

~~(d)~~ (e) The fund must be separate and distinct from other funds administered by the commission.

~~(e)~~ (f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested.

~~(f)~~ (g) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for adult student grants under this chapter, or it may be transferred to another fund under this article as directed by the commission under IC 21-12-1.2-2.

SECTION 14. IC 21-12-8-3, AS AMENDED BY P.L.234-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An applicant is eligible to receive an adult student grant if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by the commission.

(2) The applicant:

(A) has received a diploma of graduation from an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995;
or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or

(C) is a student in good standing who is completing a final year of study at an approved secondary school and will be eligible upon graduation to attend an approved institution of

higher learning.

(3) The applicant declares, in writing, a specific educational objective or course of study and enrolls in:

(A) a course that applies toward the requirements for completion of that objective or course of study; or

(B) a course designed to help the applicant develop the basic skills the applicant needs to successfully achieve that objective or continue in that course of study.

(4) The applicant enrolls in at least six (6) credit hours in any academic term.

(5) The commission or an approved postsecondary educational institution acting as the commission's agent determines that the financial resources available to the applicant are such that in the absence of a grant under this chapter the applicant would be deterred from beginning or completing the applicant's declared educational objective or course of study.

(6) The applicant has not received a Frank O'Bannon grant for the maximum number of academic terms.

(7) The applicant is identified as financially independent from the applicant's parents as determined by the Free Application for Federal Student Aid (FAFSA).

(8) The applicant maintains satisfactory academic progress, as determined by the eligible institution.

(b) The commission may reduce an award offered under this section by the amount the applicant is eligible to receive in tuition reimbursement from an employer or another outside source.

SECTION 15. IC 21-12-8-5, AS AMENDED BY P.L.234-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Subject to this chapter, a student's adult student grant may be renewed if the student does the following:

(1) Successfully completes at least eighteen (18) credit hours or their equivalent toward a certificate, nursing diploma, associate degree, or baccalaureate degree in the previous academic year.

(2) Demonstrates continuing financial need.

~~(3) Maintains at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress.~~

SECTION 16. IC 21-12-10-3, AS AMENDED BY P.L.233-2015, SECTION 314, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 3. An individual is eligible for a Mitch Daniels early graduation scholarship if the individual:

- (1) is a resident of Indiana, as defined by the commission;
- (2) attended a publicly supported school on a full-time equivalency basis for at least the last two (2) semesters before the individual graduated from high school;
- (3) had legal settlement (as defined in IC 20-18-2-11) in Indiana for at least the last two (2) semesters before the individual graduated from high school;
- (4) ~~met at least the minimum requirements set by the Indiana state board of education for granting a~~ **received a Core 40** high school diploma by the end of grade 11 (including any summer school courses completed before July 1 of a year) ~~and was awarded after December 31, 2010, a high school diploma by the~~ **from the** publicly supported school that the individual last attended for course credits; ~~earned before the end of grade 11;~~
- (5) was not enrolled in a publicly supported school for any part of grade 12;
- (6) applies to the commission for a Mitch Daniels early graduation scholarship in the manner specified by the commission; and
- (7) ~~within five (5) months after graduating from high school:~~
 - (A) ~~becomes a student in good standing at an approved postsecondary educational institution whose students are eligible to receive, before September 1, 2014, a higher education award (IC 21-12-3-11) or a freedom of choice grant (IC 21-12-4-4); or, after August 31, 2014, a higher education award or freedom of choice grant published under IC 21-12-1.7-3; and~~
 - (B) ~~is engaged in a program that will lead to an approved postsecondary degree or credential.~~
- (7) enrolls as a full-time student at an eligible institution not later than the fall semester (or its equivalent, as determined by the commission) in the academic year immediately following the year in which the student graduates from high school.**

SECTION 17. IC 21-16-1-8, AS AMENDED BY P.L.217-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 8. "Eligible student" means a student who:

- (1) is enrolled as a full-time student **or is eligible to receive an adult student grant (as defined in IC 21-12-1-4.5)** at an approved institution of higher education in Indiana;
- (2) completes a Free Application for Federal Student Aid;
- (3) meets financial eligibility requirements based on the student's financial aid application, regardless of the date on which the application is filed; and
- (4) meets any other criteria established by the commission.

SECTION 18. IC 21-35-1-4, AS ADDED BY P.L.2-2007, SECTION 276, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. "Facilities", for purposes of IC 21-35-7, means buildings and equipment located on or immediately adjacent to a university campus, the primary purpose of which is to make available or provide:

- (1) offstreet parking;
- (2) alternative transportation systems;
- (3) office space;
- (4) convenience, retail, and service establishments;
- (5) bookstores;
- (6) research;
- (7) outpatient and extended care;
- (8) food service;
- (9) temporary lodging quarters or similar structures used by:
 - (A) students;
 - (B) faculty;
 - (C) staff;
 - (D) patients; or
 - (E) visitors;
- (10) housing used by students in connection with:
 - (A) hospitals; ~~or~~
 - (B) health care units; ~~or~~
 - (C) dormitories; or**
 - (D) other residence facilities;**
 - (11) academic instruction; or**
 - ~~(11)~~ **(12)** any combination of the buildings and services listed in this section.

The term does not include undergraduate dormitories.

SECTION 19. IC 21-35-7-2, AS AMENDED BY P.L.205-2013, SECTION 332, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. This chapter applies to buildings and equipment located on or immediately adjacent to a campus of a state educational institution, the primary purpose of which is to make available or provide:

- (1) offstreet parking;
- (2) alternative transportation systems;
- (3) office space;
- (4) convenience, retail, and service establishments;
- (5) bookstores;
- (6) research;
- (7) outpatient and extended care;
- (8) food service;
- (9) temporary lodging quarters or similar structures used by students, faculty, staff, patients, or visitors; or
- (10) housing used by students in connection with hospitals, health care units, or hospitality facilities, **dormitories, or other residence facilities.**

The term does not include undergraduate dormitories.

SECTION 20. IC 21-35-7-7, AS AMENDED BY P.L.205-2013, SECTION 333, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. If the management and operation of the property are to be by a developer or user, the specifications for the property must require that the property will be generally available ~~to:~~ **to its occupants and visitors**

- (1) ~~the students, faculty, staff, patients in hospitals or health care units;~~
- (2) ~~visitors to hospitals or health care units; and~~
- (3) ~~students, faculty, staff, or visitors to a hospitality facility;~~

without discrimination and at reasonable charges. These charges shall be reviewed and revised periodically by the board of trustees of the state educational institution to assure that the charges are at all times nondiscriminatory and reasonable.

P.L.166-2016

[H.1254. Approved March 23, 2016.]

AN ACT concerning the general assembly.

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

SECTION 1. [EFFECTIVE JULY 1, 2016] (a) **The general assembly urges the legislative council to assign to an appropriate interim study committee for study during the 2016 legislative interim the topic of new motor vehicle dealer and manufacturer licenses, including additional licensing requirements for a manufacturer that engages in the direct sale to consumers of new motor vehicles of the manufacturer.**

(b) This SECTION expires November 1, 2016.

P.L.167-2016

[H.1259. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-32-13-15, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) It is an unfair practice for a manufacturer or distributor to fail to compensate a dealer ~~at the posted labor~~ **dealer's retail** rate for the work and services the dealer is required to perform

in connection with the dealer's delivery and preparation obligations under any franchise, or fail to compensate a dealer **anything less than the posted hourly labor dealer's retail** rate for labor and **other expenses incurred by the dealer parts** under the manufacturer's warranty agreements as long as the **posted dealer's retail** rate is reasonable. Judgment of the reasonableness includes consideration of charges for similar repairs by ~~comparable~~ **similarly situated** repair facilities in ~~the local area as well as mechanic's wages and fringe benefits.~~ **Indiana.**

(b) This section does not authorize a manufacturer or distributor and its franchisees in Indiana to establish a uniform hourly labor reimbursement rate effective for the entire state.

(c) This section does not apply to manufacturers or distributors of manufactured housing, heavy duty vocational vehicles (as defined in 49 CFR 523.8), or recreational vehicles.

SECTION 2. IC 9-32-13-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.5. (a) This section does not apply to manufacturers or distributors of manufactured housing, heavy duty vocational vehicles (as defined in 49 CFR 523.8), or recreational vehicles.**

(b) Unless otherwise agreed, it is an unfair practice for a manufacturer or distributor to fail to compensate a dealer anything less than the dealer's retail rates for parts and labor the dealer uses in performing the warranty services of the manufacturer or distributor, or for a manufacturer or distributor of a separate vehicle component or major vehicle assembly that is warranted independently of the motor vehicle to fail to compensate a dealer anything less than the dealer's retail rate for the parts and labor the dealer uses in performing the warranty services of the manufacturer or distributor. The dealer's retail rate for parts must be a percentage determined by dividing the total charges for parts used in warranty like repairs by the dealer's total cost for those parts minus one (1) in the lesser of one hundred (100) customer paid sequential repair orders or ninety (90) consecutive days of customer paid repair orders. The dealer's retail rate for labor shall be determined by dividing the total labor sales for warranty like repairs by the number of hours that generated those sales in one hundred (100) customer paid sequential repair orders or ninety

(90) consecutive days of customer paid repair orders. A retail rate may be calculated only based upon customer paid repair orders charged within one hundred eighty (180) days before the date the dealer submits the declaration.

(c) The dealer's submission for retail rates must include a declaration of the dealer's retail rates for parts and labor along with the supporting service repair orders paid by customers. A manufacturer or distributor may challenge the dealer's declaration by submitting a rebuttal not later than sixty (60) days after the date the declaration was received. If the manufacturer or distributor does not send a timely rebuttal to the dealer, the retail rate is established as reasonable and goes into effect automatically.

(d) If a rebuttal in subsection (c) is timely sent, the rebuttal must substantiate how the dealer's declaration is unreasonable or materially inaccurate. The rebuttal must propose an adjusted retail rate and provide written support for the proposed adjustments. If the dealer does not agree with the adjusted retail rate, the dealer may file a complaint with the dealer services division within the office of the secretary of state.

(e) A complaint filed under subsection (d) must be filed not later than thirty (30) days after the dealer receives the manufacturer's or distributor's rebuttal. On or before filing a complaint, a dealer must serve a demand for mediation upon the manufacturer or distributor.

(f) When calculating the retail rate customarily charged by the dealer for parts and labor under this section, the following work may not be included:

- (1) Repairs for manufacturer or distributor special events, specials, or promotional discounts for retail customer repairs.**
- (2) Parts sold at wholesale.**
- (3) Routine maintenance not covered under a retail customer warranty, such as fluids, filters, and belts not provided in the course of repairs.**
- (4) Nuts, bolts, fasteners, and similar items that do not have an individual part number.**
- (5) Vehicle reconditioning.**

(g) If a manufacturer or distributor furnishes a part or component to a dealer at no cost to use in performing repairs under a recall, campaign service, or warranty repair, the

manufacturer or distributor shall compensate the dealer for the part or component in the same manner as warranty parts compensation under this section by compensating the dealer the average markup on the cost for the part or component as listed in the manufacturer's or distributor's initial or original price schedule minus the cost for the part or component.

(h) A manufacturer or distributor may not require a dealer to establish the retail rate customarily charged by the dealer for parts and labor by an unduly burdensome or time consuming method or by requiring information that is unduly burdensome or time consuming to provide, including part by part or transaction by transaction calculations. A dealer may not declare an average percentage parts markup or average labor rate more than once in a twelve (12) month period. A manufacturer or distributor may perform annual audits to verify that a dealer's effective rates have not decreased. If a dealer's effective rates have decreased, a manufacturer or distributor may reduce the warranty reimbursement rate prospectively. A dealer may elect to revert to the nonretail rate reimbursement for parts and labor not more than once in a twelve (12) month period.

(i) A manufacturer or distributor is permitted to recover its costs, as defined under this section, only from a dealer that receives retail reimbursement for parts or labor, or both parts and labor. This subsection does not prohibit a manufacturer or distributor from increasing the wholesale price of a vehicle or part in the ordinary course of business.

(j) If a dealer files a complaint with the dealer services division within the office of the secretary of state, the warranty reimbursement rate in effect before any mediation or complaint remains in effect until thirty (30) days after:

- (1) a final decision has been issued by a court with jurisdiction; and
- (2) all appeals have been exhausted.

SECTION 3. IC 9-32-13-17, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) It is an unfair practice for a manufacturer or distributor to:

- (1) fail to pay a claim made by a dealer for compensation for:
 - (A) delivery and preparation work;

- (B) warranty work; and
 - (C) incentive payments;
- not later than thirty (30) days after the claim is approved;
- (2) fail to approve or disapprove a claim not later than thirty (30) days after receipt of the claim; or
 - (3) disapprove a claim without notice to the dealer in writing of the grounds for disapproval.
- (b) A manufacturer or distributor may:
- (1) audit a claim made by a dealer; or
 - (2) charge back to a dealer any amounts paid on a false or unsubstantiated claim;

for up to one (1) year after the date on which the claim is paid. However, the limitations of this subsection do not apply if the manufacturer or distributor can prove fraud on a claim. A manufacturer or distributor shall not discriminate among dealers with regard to auditing or charging back claims.

(c) If the motor vehicle dealer has properly submitted the claim in accordance with the manufacturer's or distributor's warranty or incentive program guidelines, a manufacturer or distributor may not deny a claim based solely on a motor vehicle dealer's incidental failure to comply with a specific claim processing requirement, including a clerical error or other administrative technicality that does not call into question the legitimacy of a claim. A motor vehicle dealer may submit an amended or supplemental claim within the time and manner required by the manufacturer for:

- (1) sales incentives;**
- (2) service incentives;**
- (3) rebates; or**
- (4) other forms of incentive compensation;**

for up to sixty (60) days from the date on which such a claim was submitted, could have been submitted, or was charged back. For purposes of this section, a failure to obtain a required signature may not be considered to be a clerical error or administrative technicality.

SECTION 4. IC 9-32-13-23, AS AMENDED BY P.L.2-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) It is an unfair practice for a manufacturer,

distributor, officer, or agent to do any of the following:

(1) Require, coerce, or attempt to coerce a new motor vehicle dealer in Indiana to:

(A) change the location of the dealership;

(B) make any substantial alterations to the use of franchises;
or

(C) make any substantial alterations to the dealership premises
or facilities;

if to do so would be unreasonable or would not be justified by current economic conditions or reasonable business considerations. This subdivision does not prevent a manufacturer or distributor from establishing and enforcing reasonable facility requirements. However, a motor vehicle dealer may elect to use for the facility alteration locally sourced materials or supplies that are substantially similar to those required by the manufacturer or distributor, subject to the approval of the manufacturer or distributor, **which may not be unreasonably withheld.**

(2) Require, coerce, or attempt to coerce a new motor vehicle dealer in Indiana to divest ownership of or management in another line or make of motor vehicles that the dealer has established in its dealership facilities with the prior written approval of the manufacturer or distributor.

(3) Establish or acquire wholly or partially a franchisor owned outlet engaged wholly or partially in a substantially identical business to that of the franchisee within the exclusive territory granted the franchisee by the franchise agreement or, if no exclusive territory is designated, competing unfairly with the franchisee within a reasonable market area. A franchisor is not considered to be competing unfairly if operating:

(A) a business for less than two (2) years;

(B) in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price; or

(C) in a bona fide relationship in which an independent person has made a significant investment subject to loss in the business operation and can reasonably expect to acquire majority ownership or managerial control of the business on reasonable terms and conditions.

(4) Require a dealer, as a condition of granting or continuing a

franchise, approving the transfer of ownership or assets of a new motor vehicle dealer, or approving a successor to a new motor vehicle dealer to:

- (A) construct a new dealership facility;
 - (B) modify or change the location of an existing dealership; or
 - (C) grant the manufacturer or distributor control rights over any real property owned, leased, controlled, or occupied by the dealer.
- (5) Prohibit a dealer from representing more than one (1) line make of motor vehicles from the same or a modified facility if:
- (A) reasonable facilities exist for the combined operations;
 - (B) the dealer meets reasonable capitalization requirements for the original line make and complies with the reasonable facilities requirements of the manufacturer or distributor; and
 - (C) the prohibition is not justified by the reasonable business considerations of the manufacturer or distributor.

Subdivisions (3) through (5) do not apply to recreational vehicle manufacturer franchisors.

(b) This section does not prohibit the enforcement of a voluntary agreement between the manufacturer or distributor and the franchisee where separate and valuable consideration has been offered and accepted.

P.L.168-2016

[H.1272. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-1-4-3, AS AMENDED BY HEA 1360-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board, **after which the board will forward the sworn statement to the agency (established by IC 25-1-5-3).**

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board **or agency (established by IC 25-1-5-3)** with copies of the certificates of completion upon the board's **or agency's** request for a compliance audit.

(b) This subsection does not apply to an individual licensed under IC 25-34.1. Following every license renewal period, the **agency with consultation from the board shall may** randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

(c) This subsection applies only to individuals licensed under IC 25-34.1. Following every license renewal period for a broker's

license issued under IC 25-34.1, the agency in consultation with the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 2. IC 25-1-4-3.2, AS AMENDED BY P.L.2-2008, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. **(a)** A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists, and dentists.

(b) An individual who is called to active duty (as defined by IC 25-1-12-2) must be allowed to fulfill all continuing education requirements for professional or occupational licenses administered through the Indiana professional licensing agency by distance learning methods.

SECTION 3. IC 25-1-7-10, AS AMENDED BY P.L.227-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Except as provided in section 3(b) or 3(c) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general, ~~or any of the boards,~~ **the Indiana professional licensing agency,** or any person not a party to the complaint may not disclose or further a disclosure of information concerning the complaint unless the disclosure is:

- (1) required under law;
- (2) required for the advancement of an investigation; or
- (3) made to a law enforcement agency that has jurisdiction or is reasonably believed to have jurisdiction over a person or matter involved in the complaint.

SECTION 4. IC 25-1-16-7, AS AMENDED BY P.L.112-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The committee consists of the following individuals:

- (1) The executive director of the agency or the executive director's

designee. The executive director or the executive director's designee shall serve as chairperson of the committee.

(2) The director of the office or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members. ~~as a nonvoting member~~. The member serves at the pleasure of the governor.

(5) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(6) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(5) or (a)(6) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

(d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection (a)(5) or (a)(6) expires on July 1, 2014.

SECTION 5. IC 25-2.1-5-8, AS AMENDED BY P.L.197-2011, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The board shall adopt rules that require as a condition to renew a permit under this chapter, that an applicant undergo, not more than once every three (3) years, a ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ conducted in a manner the board specifies.

(b) The rules adopted under subsection (a) must:

(1) be adopted reasonably in advance of the time when a ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ first becomes effective;

(2) include reasonable provision for compliance by an applicant showing that the applicant has in the preceding three (3) years undergone a ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ that is a satisfactory equivalent to the ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~

required under this section;

(3) require the firm to submit a copy of the results of its most recently accepted peer review to the board either directly or through the administering entity;

~~(3)~~ **(4)** require, with respect to ~~quality reviews (before July 1, 2012)~~ or peer reviews ~~(after June 30, 2012)~~ under subdivision (2), that the ~~quality review (before July 1, 2012)~~ or peer review ~~(after June 30, 2012)~~ be subject to review by an oversight body established or sanctioned by the board that shall:

(A) comply with IC 25-2.1-9-4; and

(B) periodically report to the board on the effectiveness of the review program and provide to the board a listing of firms that have participated in a ~~quality review (before July 1, 2012)~~ or peer review ~~(after June 30, 2012)~~ program; and

~~(4)~~ **(5)** subject to section 9 of this chapter and IC 25-2.1-9-4, require, with respect to ~~quality reviews (before July 1, 2012)~~ or peer reviews ~~(after June 30, 2012)~~ under subdivision (2), that:

(A) the proceedings, records, and work papers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence in a civil action, arbitration, administrative proceeding, or Indiana board of accountancy proceeding; and
(B) a member of the review committee or individual who was involved in the ~~quality review (before July 1, 2012)~~ or peer review ~~(after June 30, 2012)~~ process is not permitted or required to testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

(i) produced, presented, disclosed or discussed during, or in connection with, the ~~quality review (before July 1, 2012)~~ or peer review ~~(after June 30, 2012)~~ process; or

(ii) that involve findings, recommendations, evaluations, opinions, or other actions of the committee or a committee member.

SECTION 6. IC 25-2.1-5-9, AS AMENDED BY P.L.197-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Notwithstanding section ~~8(b)(4)(B)~~ **8(b)(5)(B)** of this chapter, information, documents, or records that are publicly available are not immune from discovery or use in any civil

action, arbitration, administrative proceeding, or board proceeding merely because they were presented or considered in connection with the ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ process.

(b) Any:

(1) materials prepared in connection with a particular engagement merely because they happen to subsequently be presented or considered as part of the ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ process; or

(2) dispute between review committees and individuals or firms subject to a ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ arising from the performance of the ~~quality review (before July 1, 2012) or peer review; (after June 30, 2012);~~

are not privileged.

SECTION 7. IC 25-22.5-13.2-1, AS ADDED BY P.L.126-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A facility that performs a mammography examination shall, if the patient is determined by the facility to have an amount of breast and connective tissue in comparison to fat in the breast, ~~that would require follow up care or testing;~~ notify the patient of the determination. The notice required under this section must be included with a summary of the written mammography report.

SECTION 8. IC 25-27.5-5-2, AS AMENDED BY P.L.197-2011, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform, under the supervision of the supervising physician, the duties and responsibilities that are delegated by the supervising physician and that are within the supervising physician's scope of practice, including prescribing and dispensing drugs and medical devices. A patient may elect to be seen, examined, and treated by the supervising physician.

(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the supervising physician or physician designee.

(c) If a physician assistant notifies the supervising physician that the physician should examine a patient, the supervising physician shall:

(1) schedule an examination of the patient in a timely manner

unless the patient declines; or

(2) arrange for another physician to examine the patient.

(d) If a patient is subsequently examined by the supervising physician or another physician because of circumstances described in subsection (b) or (c), the visit must be considered as part of the same encounter except for in the instance of a medically appropriate referral.

(e) A supervising physician or physician assistant who does not comply with subsections (b) through (d) is subject to discipline under IC 25-1-9.

(f) A physician assistant's supervisory agreement with a supervising physician must:

(1) be in writing;

(2) include all the tasks delegated to the physician assistant by the supervising physician;

(3) set forth the supervisory plans for the physician assistant, including the emergency procedures that the physician assistant must follow; and

(4) specify the ~~name of the drug or drug classification being delegated to the physician assistant and the~~ protocol the physician assistant shall follow in prescribing a drug.

(g) The physician shall submit the supervisory agreement to the board. The physician assistant may prescribe a drug under the supervisory agreement unless the board denies the supervisory agreement. Any amendment to the supervisory agreement must be resubmitted to the board, and the physician assistant may operate under any new prescriptive authority under the amended supervisory agreement unless the agreement has been denied by the board.

(h) A physician or a physician assistant who violates the supervisory agreement described in this section may be disciplined under IC 25-1-9.

SECTION 9. IC 25-35.6-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) There is established the speech-language pathology and audiology board.

(b) The board shall be comprised of six (6) members, who shall be appointed by the governor. Five (5) board members shall have been residents of this state for at least one (1) year immediately preceding their appointment and shall have been engaged in rendering services to the public, teaching, or research in speech-language pathology or

audiology for at least five (5) years immediately preceding their appointment. At least two (2) board members shall be speech-language pathologists and at least two (2) shall be audiologists, with the fifth member being either a speech-language pathologist or audiologist. At least one (1) of these five (5) members must be engaged in an active private practice of speech-language pathology or audiology. The sixth member of the board, to represent the general public, shall be a resident of this state who has never been associated with speech-language pathology or audiology in any way other than as a consumer. Except for the member representing the general public, all board members shall at all times be holders of active and valid licenses for the practice of speech-language pathology or audiology in this state.

(c) The governor shall also appoint one (1) nonvoting advisor, who must be a licensed physician and board certified in otolaryngology, to serve a four (4) year term of office on the board.

(d) Appointments shall be for three (3) year terms, with no person being eligible to serve more than two (2) full consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year, except for the first appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this subsection. Any member of the board may serve until the member's successor is appointed and qualified under this chapter.

(e) The governor may consider, but shall not be bound to accept, recommendations for board membership made by a statewide association for speech-language and hearing. A statewide association for speech-language and hearing may submit to the governor its recommendations for board membership not less than sixty (60) days before the end of each calendar year. In the event of a mid-term vacancy, such association may make recommendations for filling such vacancy.

(f) ~~The board shall meet during the first month of each calendar year to select a chairman and for other appropriate purposes. At least one (1) additional meeting shall be held before the end of each calendar year.~~ **At the first meeting of the board each year, members shall elect a chairperson for the subsequent twelve (12) month period.** Further meetings may be convened at the call of the ~~chairman~~ **chairperson** or the written request of any two (2) board members. All meetings of the

board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade, or administer examinations or, upon request of an applicant who fails an examination, to prepare a response indicating any reason for ~~his~~ **the applicant's** failure. All meetings of the board must be held in Indiana.

(g) Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

SECTION 10. IC 35-31.5-2-321, AS AMENDED BY P.L.196-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 321. "Synthetic drug" means:

(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:

- (A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
- (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
- (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
- (D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
- (E) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).
- (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
- (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
- (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
- (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
- (M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
- (N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).

- (O) CP 55,940
(2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.
- (Q) WIN 55212-2
(R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-naphthalenylmethanone).
- (R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).
- (S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).
- (T) 4-Methylmethcathinone. Other name: mephedrone.
- (U) 3,4-Methylenedioxymethcathinone. Other name: methylone.
- (V) Fluoromethcathinone.
- (W) 4-Methoxymethcathinone. Other name: methedrone.
- (X) 4-Ethylmethcathinone (4-EMC).
- (Y) Methylenedioxyprovalerone. Other name: MDPV.
- (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
- (AA) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
- (BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
- (CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
- (DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.
- (EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
- (FF) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- (GG) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.

- (HH) Dimethylheptylpyran, or DMHP.
- (II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
- (JJ) 6-APB [6-(2-aminopropyl)benzofuran].
- (LL) 7-hydroxymitragynine.
- (MM) α -PPP [α -pyrrolidinopropiophenone].
- (NN) α -PVP (desmethylpyrovalerone).
- (OO) AM-251.
- (PP) AM-1241.
- (QQ) AM-2201.
- (RR) AM-2233.
- (SS) Buphedrone.
- (TT) Butylone.
- (UU) CP-47,497-C7.
- (VV) CP-47,497-C8.
- (WW) Desoxypipradol.
- (XX) Ethylone.
- (YY) Eutylone.
- (ZZ) Flephedrone.
- (AAA) JWH-011.
- (BBB) JWH-020.
- (CCC) JWH-022.
- (DDD) JWH-030.
- (EEE) JWH-182.
- (FFF) JWH-302.
- (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
- (HHH) Mitragynine.
- (III) Naphyrone.
- (JJJ) Pentedrone.
- (LLL) Pentylone.
- (MMM) Methoxetamine
[2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].
- (NNN) A796,260 [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-
(2,2,3,3-tetramethylcyclopropyl)methanone].
- (OOO) AB-001[(1s,3s)-adamantan-1-yl]
(1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-
(1-adamantoyl)indole].
- (PPP) AM-356 [Methanandamide].
- (QQQ) AM 1248 [1-[(1-methyl-2-piperidinyl) methyl]-

1H-indol-3-yl] tricyclo[3.3.1.1^{3,7}] dec-1-yl-methanone]or
 [(1-[(N-methylpiperidin-2-yl)
 Methyl]-3-(Adamant-1-oyl)indole].
 (RRR) AM 2233 Azepane isomer [(2-iodophenyl)
 (1-(1-methylazepan-3-yl)- 1H-indol-3-yl)methanone].
 (SSS) CB-13 [1-Naphthalenyl
 [4-(pentyoxy)- 1-naphthalenyl]methanone].
 (TTT) UR-144 [(1-pentyl-1H-indol-3-yl)
 (2,2,3,3-tetramethylcyclopropyl)-methanone].
 (UUU) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-
 cyclohexylcarbamate].
 (VVV) URB602 [[1,1'-biphenyl]- 3-yl-carbamic acid,
 cyclohexyl ester].
 (WWW) URB 754 [6-methyl-2-[(4-methylphenyl)
 amino]-1-benzoxazin-4-one].
 (XXX) XLR-11 or 5-fluoro UR-144
 (1-(5-fluoropentyl)-1H-indol-3-yl)
 (2,2,3,3-tetramethylcyclopropyl)methanone].
 (YYY) AKB48 (Other names include:
 N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide;
 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-
 carboxamide).
 (ZZZ) 25I-NBOMe (Other names include:
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-
 benzeneethanamine);
 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
 methyl]ethanamine).
 (AAAA) 2C-C-NBOMe (Other names include: 25C-NBOMe;
 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
 methyl]ethanamine;
 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)
 phenethylamine).
 (BBBB) 2NE-1 (Other names include: 1-Pentyl-3-
 (1-adamantylamido)indole).
 (CCCC) STS-135 (Other names include:
 N-Adamantyl-1-fluoropentylindole-3- carboxamide
 (1-5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
 indole-3-carboxamide).

- (DDDD) PB-22 (Other names include: 1-Pentyl-8-quinolinyl ester-1H-indole-2-carboxylic acid).
- (EEEE) 5-Fluoro-PB-22 (Other names include: 1-(5-Fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid).
- (FFFF) Benocyclidine (Other names include: BCP, BTCP, and Benzothiophenylcyclohexylpiperidine).
- (GGGG) 25B-NBOMe (Other names include: 2C-B-NBOMe and 4-Bromo-2,5-dimethoxy-N-[(2-Methoxyphenyl)methyl]benzeneethanamine).
- (HHHH) APB (Other names include; (2-Aminopropyl) Benzofuran).
- (III) AB-PINACA
(N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide).
- (JJJJ) AB-FUBINACA
(N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide).
- (KKKK) ADB-PINACA
(N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide).
- (LLLL) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-(fluoropentyl)-1H-indole-3-carboxamide).
- (MMMM) APDB (Other names include: -EMA, -Desoxy-MDA, and (2-Aminopropyl)-2,3-dihydrobenzofuran).
- (NNNN) THJ-2201 (Other names include: AM2201 indazole analog, Fluoropentyl-JWH-018 indazole, and 5-Fluoro-THJ-018).
- (OOOO) AM 2201 benzimidazole analog (Other names include: FUBIMINA, FTHJ, and (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalene-1-yl)methanone).
- (PPPP) MN-25 (Other names include: 7-methoxy-1-[2-(4-morpholinyl)ethyl]-N-[1S, 2S, 4R]-1,3,3-trimethylbicyclo[2.2.1]hept-2-yl)-1H-indole-3-carboxamide and UR-12).
- (QQQQ) FUB-PB-22 (Other names include:

Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate).
(RRRR) FUD-PB-22 (Other names include:
Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxy
late).

(SSSS) 5-Fluoro-AB-PINACA (Other names include:
AB-PINACA 5-fluoro analog and N-(1-amino-3-methyl-
oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carbox
amide).

(TTTT) 4-MePPP (Other names include:
4-methyl-alpha-pyrrolidinopropiophenone).

(UUUU) alpha-PBP (Other names include:
Alpha-pyrrolidinobutiophenone).

(VVVV) AB-CHMINACA (Other names include:
(N-[1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylme
thyl)-1H-indazole-3-carboxamide).

(WWWW) Acetyl fentanyl (Other names include:
N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).

(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(3) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,

cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:

(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring

system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound structurally derived from 3-tetramethyl cyclopropanoylindole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent.

(10) Any compound containing a N-(1-adamantyl)-1H-indazole-3-carboxamide structure with substitution at the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indazole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AKB48.

(11) Any compound containing a N-(1-adamantyl)-1H-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted

in the indole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes STS-135.

(12) Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AM-1248.

(13) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.

SECTION 11. IC 35-48-2-4, AS AMENDED BY P.L.283-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) (9815)

Acetylmethadol (9601)

Allylprodine (9602)

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)

Alphacetylmethadol (9603)

Alphameprodine (9604)

Alphamethadol (9605)

Alphamethylfentanyl (9814)

Benzethidine (9606)

Beta-hydroxy-3-methylfentanyl (9831). Other name:
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide

Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-

phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
Betacetylmethadol (9607)
Betameprodine (9608)
Betamethadol (9609)
Betaprodine (9611)
Clonitazene (9612)
Dextromoramide (9613)
Diampromide (9615)
Diethylthiambutene (9616)
Difenoxin (9168)
Dimenoxadol (9617)
Dimepheptanol (9618)
Dimethylthiambutene (9619)
Dioxaphetyl butyrate (9621)
Dipipanone (9622)
Ethylmethylthiambutene (9623)
Etonitazene (9624)
Etoxidine (9625)
Furethidine (9626)
Hydroxypethidine (9627)
Ketobemidone (9628)
Levomoramide (9629)
Levophenacetylmorphan (9631)
3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanimide](9813)
3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide) (9833)
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
Morpheridine (9632)
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), including any isomers, salts, or salts of isomers (9818)
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), including any isomers, salts, or salts of isomers (9834)
Noracymethadol (9633)
Norlevorphanol (9634)
Normethadone (9635)
Norpipanone (9636)

Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny] propanamide (9812)
Phenadoxone (9637)
Phenampramide (9638)
Phenomorphin (9647)
Phenoperidine (9641)
PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
Piritramide (9642)
Proheptazine (9643)
Propiridine (9644)
Propiram (9649)
Racemoramide (9645)
Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide) (9835)
Tilidine (9750)
Trimeperidine (9646)

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)
Acetyldihydrocodeine (9051)
Benzylmorphine (9052)
Codeine methylbromide (9070)
Codeine-N-Oxide (9053)
Cyprenorphine (9054)
Desomorphine (9055)
Dihydromorphine (9145)
Drotebanol (9335)
Etorphine (except hydrochloride salt) (9056)
Heroin (9200)
Hydromorphinol (9301)
Methyldesorphine (9302)
Methyldihydromorphine (9304)
Morphine methylbromide (9305)
Morphine methylsulfonate (9306)
Morphine-N-Oxide (9307)

Myrophine (9308)
 Nicocodeine (9309)
 Nicomorphine (9312)
 Normorphine (9313)
 Pholcodine (9314)
 Thebacon (9315)

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):

- (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name: TCPy.
- (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.
- (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade or other names:
 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 alpha-desmethyl DOB; 2C-B, Nexus.
- (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name: DOET.
- (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348). Other name: 2C-T-7.
- (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
- (7) 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.
- (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MMDA.
- (9) 5-Methoxy-N, N-diisopropyltryptamine, including any isomers, salts, or salts of isomers (7439). Other name: 5-MeO-DIPT.
- (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade

- and other names: 4-methyl-2, 5-dimethoxy- α -methylphenethylamine; DOM; and STP.
- (11) 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.
- (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other names: N-ethyl- α -methyl-3,4(methylenedioxy) phenethylamine; N-ethyl MDA; MDE; and MDEA.
- (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
- (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
- (15) Alpha-ethyltryptamine (7249). Some trade and other names: Etryptamine; Monase; [α]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [α]-ET; and AET.
- (16) Alpha-methyltryptamine (7432). Other name: AMT.
- (17) Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
- (18) Diethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.
- (19) Dimethyltryptamine (7435). Some trade or other names: DMT.
- (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
- (21) Lysergic acid diethylamide (7315). Other name: LSD.
- (22) Marijuana (7360).
- (23) Mescaline (7381).
- (24) Parahexyl (7374). Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6, 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
- (25) Peyote (7415), including:
- (A) all parts of the plant that are classified botanically as *lophophora williamsii lemaire*, whether growing or not;
 - (B) the seeds thereof;
 - (C) any extract from any part of the plant; and
 - (D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.
- (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.

(27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other names: N-hydroxy-alpha-methyl-3,4

(methylenedioxy)phenethylamine; and N-hydroxy MDA.

(28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.

(29) Psilocybin (7437).

(30) Psilocyn (7438).

(31) Tetrahydrocannabinols (7370), including synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

(A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;

(B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and

(C) $\pi^{3,4}$ cis or trans tetrahydrocannabinol, and their optical isomers.

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. Other name: THC.

(32) Ethylamine analog of phencyclidine (7455). Some trade or other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.

(33) Pyrrolidine analog of phencyclidine (7458). Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.

(34) Thiophene analog of phencyclidine (7470). Some trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.

~~(35) Synthetic drugs (as defined in IC 35-31.5-2-321).~~

~~(36)~~ **(35)** Salvia divinorum or salvinorin A, including:

(A) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;

(B) the seeds of the plant;

(C) any extract from any part of the plant; and

(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

~~(37)~~ **(36)** 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole; 5-MeO-DMT.

~~(38)~~ **(37)** 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

~~(39)~~ **(38)** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

~~(40)~~ **(39)** 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).

~~(41)~~ **(40)** 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).

~~(42)~~ **(41)** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).

~~(43)~~ **(42)** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4).

~~(44)~~ **(43)** 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).

~~(45)~~ **(44)** 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).

~~(46)~~ **(45)** 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

Aminorex (1585). Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.

Cathinone (1235). Some trade or other names:

2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone.

Fenethylamine (1503).

N-Benzylpiperazine (7493). Other names: BZP; and 1-benzylpiperazine.

N-ethylamphetamine (1475).

Methcathinone (1237). Some other trade names: 2-Methylamino-1-Phenylpropan-1-one; Ephedrone; Monomethylpropion; UR 1431.

N, N-dimethylamphetamine (1480). Other names: N, N-alpha-trimethyl-benzeneethanamine; and N, N-alpha-trimethylphenethylamine.

(g) Synthetic drugs as defined in IC 35-31.5-2-321.

P.L.169-2016

[H.1330. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 12-17.2-7.2-2, AS ADDED BY P.L.202-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "eligible provider" refers to a provider that satisfies the following conditions:

(1) The provider is:

(A) a:

- (i) public school, including a charter school;
- (ii) child care center licensed under IC 12-17.2-4;
- (iii) child care home licensed under IC 12-17.2-5; or
- (iv) child care ministry registered under IC 12-17.2-6;

that meets the standards of quality recognized by a Level 3 or

Level 4 paths to QUALITY program rating; ~~or~~

(B) a school that is accredited by the state board of education or a national or regional accreditation agency that is recognized by the state board of education; **or**

(C) a school that is accredited to provide qualified early education services by an accrediting agency approved by the office of the secretary.

(2) The provider provides qualified early education services to eligible children.

(3) The provider is located in a county in which the pilot program is implemented.

SECTION 2. IC 20-19-3-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. (a) As used in this section, "school corporation" includes:**

(1) any local public school corporation established under Indiana law;

(2) a charter school; and

(3) an eligible school (as defined in IC 20-51-1-4.7);

that are otherwise entitled to receive federal funds under federal and state law.

(b) If, by any act of Congress, funds are provided as federal aid to education to the several states and the disposition of the funds is not otherwise provided for by or under the act of Congress or by or under any Indiana law, the apportionment and distribution of those funds to school corporations shall, insofar as consistent with the requirements prescribed by the federal law and implementing rules and regulations, be governed by the standards set forth in this section.

(c) Except as otherwise provided in this title, the department is responsible for the general administration of federal grant programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended.

(d) The department shall make timely application for any federal funds made available for school corporations in Indiana, and shall, under the federal law and this section, direct the allocation and apportionment of the federal funds received fairly, equitably, and in a timely manner to all school corporations in

accordance with federal law and this section. The department must ensure that sufficient personnel are assigned to its federal grants program to enable the department to comply with subsection (c).

(e) Whenever the department provides federal formula grant funding to a school corporation, the department must also provide to the school corporation the formula and the data used to calculate the funding amount.

SECTION 3. IC 20-29-3-2, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Before July 1, 2016**, the board consists of three (3) members appointed by the governor. ~~to serve at the governor's pleasure.~~

(b) After June 30, 2016, the board consists of five (5) members, as follows:

(1) Three (3) members appointed by the governor.

(2) One (1) member appointed by the speaker of the house of representatives who is not a member of the general assembly.

(3) One (1) member appointed by the president pro tempore of the senate who is not a member of the general assembly.

(c) Each member of the board is appointed for a term of four (4) years.

(d) A member appointed to fill a vacancy is appointed for the unexpired term of the member whom the appointed member is to succeed. A member may be removed by the member's appointing authority for just cause. A member appointed under this subsection serves the remainder of the unexpired term.

SECTION 4. IC 20-29-3-3, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as provided in subsection (b), this subsection applies before July 1, 2016.** The governor shall designate one (1) member of the board to serve as chairperson.

(b) The member serving as chairperson of the board on June 30, 2016, shall serve as chairperson of the board until a chairperson is elected under subsection (c) at the first meeting of the board after June 30, 2016. This subsection expires January 1, 2017.

(c) After June 30, 2016, the board shall annually elect a chairperson from the members of the board. A member elected as chairperson shall serve as chairperson from July 1 through June

30 of the following year.

SECTION 5. IC 20-29-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) Subject to subsection (b), the board shall appoint an executive director to carry out the duties and daily operations of the board. The executive director may be removed by the board for just cause.**

(b) Notwithstanding subsection (a), not later than July 1, 2016, the governor shall appoint the initial executive director for the board. This subsection expires July 1, 2017.

(c) The executive director's duties include the following:

- (1) To establish a principal office in Indianapolis.**
- (2) To conduct any administrative function on behalf of the board with respect to any hearing, investigation, inquiry, election, or review, including designating a staff person or ad hoc panel member to serve as an agent of the board for any of the following:**
 - (A) Hearing examiner.**
 - (B) Hearing officer.**
 - (C) Factfinder.**
 - (D) Compliance officer.**
 - (E) Financial consultant.**

The executive director may conduct additional related administrative functions under this subdivision.

(3) To hire and appoint staff and attorneys as necessary to ensure efficient and effective operation of the board. The attorneys appointed under this subdivision may, at the direction of the board, appear for and represent the board in court.

(4) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.

(5) To request from any public agency the assistance, services, and data that will enable the board to properly carry out the board's functions and powers.

(6) To publish and report in full an opinion in every case decided by the board.

(7) To declare impasse under IC 20-29-6-13.

(d) The executive director has financial and signatory powers necessary to ensure efficient and effective board operations. In

addition, the board may authorize the executive director to carry out any or all of the board's powers under section 11 of this chapter unless otherwise prohibited by statute.

SECTION 6. IC 20-29-3-4, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. Not more than ~~two (2)~~ **three (3)** members of the board may be members of the same political party.

SECTION 7. IC 20-29-3-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 5: Each member of the board is appointed for a term of ~~four (4)~~ years. A member appointed to fill a vacancy is appointed for the unexpired term of the member whom the appointed member is to succeed.

SECTION 8. IC 20-29-3-6, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Members may not:

~~(1)~~ hold:

~~(A)~~ another public office; or

~~(B)~~ employment by the state, a public agency, or a public employer;

(1) hold another public office;

(2) be an officer or employee of a school employer;

~~(2)~~ **(3)** be an officer or employee of a school employee organization or any affiliate of an organization; or

~~(3)~~ **(4)** represent a:

(A) school employer; or

(B) school employee organization, or an organization's affiliates.

SECTION 9. IC 20-29-3-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: Section 6 of this chapter does not apply to an individual on the teaching staff of a university who is knowledgeable in public administration or labor law if the individual is not actively engaged, other than as a member, with any labor or employee organization. This section shall be construed liberally to effectuate the intent of the general assembly.

SECTION 10. IC 20-29-3-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: The chairperson of the board shall give full time to the chairperson's duties and may not engage in any other business, vocation, or employment.

SECTION 11. IC 20-29-3-9, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. ~~The members~~ **Each member** of the board (other than the chairperson) **who is not a state employee is entitled to receive as compensation payment** equal to that of the ~~chairperson;~~ **board's executive director**, computed on a daily rate and paid for every day actually spent serving on the board.

SECTION 12. IC 20-29-3-10, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. ~~Two (2)~~ **Three (3)** members of the board constitute a quorum.

SECTION 13. IC 20-29-3-11, AS AMENDED BY P.L.213-2015, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The board has the following powers:

- (1) To adopt an official seal and prescribe the purposes for which the seal may be used.
- (2) To hold hearings and make inquiries as the board considers necessary to carry out properly the board's functions and powers.
- ~~(3) To establish a principal office in Indianapolis.~~
- ~~(4) (3)~~ (3) To meet and exercise the board's powers at any other place in Indiana.
- ~~(5) (4)~~ (4) To conduct in any part of Indiana a proceeding, a hearing, an investigation, an inquiry, or an election necessary to the performance of the board's functions. ~~For this purpose, the board may designate one (1) member, or an agent or agents, as hearing examiners. The board may use voluntary and uncompensated services as needed.~~
- ~~(6) To appoint staff and attorneys as the board finds necessary for the proper performance of its duties. The attorneys appointed under this section may, at the direction of the board, appear for and represent the board in court.~~
- ~~(7) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.~~
- ~~(8) (5)~~ (5) To subpoena witnesses and issue subpoenas requiring the production of books, papers, records, and documents that may be needed as evidence in any matter under inquiry, and to administer oaths and affirmations. In cases of neglect or refusal to obey a

subpoena issued to a person, the circuit or superior court of the county in which the investigations or the public hearings are taking place, upon application by the board, shall issue an order requiring the person to:

(A) appear before the board; and

(B) produce evidence about the matter under investigation.

A failure to obey the order may be punished by the court as a contempt. A subpoena, notice of hearing, or other process of the board issued under this chapter shall be served in the manner prescribed by the Indiana Rules of Trial Procedure.

~~(9)~~ **(6)** To adopt, amend, or rescind rules the board considers necessary and administratively feasible to carry out this chapter under IC 4-22-2.

~~(10)~~ **(7)** To request from any public agency the assistance, services, and data that will enable the board properly to carry out the board's functions and powers.

~~(11)~~ **To publish and report in full an opinion in every case decided by the board.**

~~(12)~~ **(8)** To review a collective bargaining agreement under IC 20-29-6-6.1.

(9) To direct the activities of the executive director of the board.

SECTION 14. IC 20-29-3-14, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. **(a)** The board's ~~research division must be organized to provide:~~ **executive director shall collect on behalf of the board:**

(1) statistical data on the resources of each school corporation;

(2) the substance of any agreements reached by each school corporation; and

(3) other relevant data **as determined by the board or the board's executive director.**

(b) Parties to a collective bargaining agreement shall comply with the board's requests for information necessary to comply with subsection (a).

SECTION 15. IC 20-31-1-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This article applies only to the following:

(1) **Except as provided in IC 20-31-4-1.1**, public schools.

(2) Except as provided in IC 20-31-7 and IC 20-31-9, nonpublic schools that voluntarily become accredited under IC 20-19-2-8.

SECTION 16. IC 20-31-4-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. Other than sections 1, 2, 3, 4, and 17 of this chapter, this chapter does not apply to a charter school.**

SECTION 17. IC 20-33-2-12, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A school that is:

- (1) nonpublic;
- (2) nonaccredited; and
- (3) not otherwise approved by the state board;

is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public, nonpublic, or state board approved nonpublic school if:

- (1) the governing body or superintendent, in the case of the accredited public school; or
- (2) the administrative authority, in the case of the accredited or state board approved nonpublic school;

approves the enrollment or participation by the student.

(c) A student who attends a school described in subsection (a) who also enrolls in a particular educational program or initiative as permitted under subsection (b) may be offered the opportunity to participate in state standardized assessments, but such participation is not required.

SECTION 18. IC 20-43-4-6, AS AMENDED BY P.L.205-2013, SECTION 278, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) In determining ADM, each pupil enrolled in a public school, **including a charter school**, and a nonpublic school is to be counted on a full-time equivalency basis if the pupil:

- (1) is enrolled in a public school and a nonpublic school;
- (2) has legal settlement in a school corporation; and
- (3) receives instructional services from the school corporation.

(b) For purposes of this section, full-time equivalency is calculated as follows:

STEP ONE: Determine the result of:

- (A) the number of days instructional services will be provided to the pupil, not to exceed one hundred eighty (180); divided by
- (B) one hundred eighty (180).

STEP TWO: Determine the result of:

- (A) the pupil's public school instructional time (as defined in IC 20-30-2-1); divided by
- (B) the actual public school regular instructional day (as defined in IC 20-30-2-2).

STEP THREE: Determine the result of:

- (A) the STEP ONE result; multiplied by
- (B) the STEP TWO result.

STEP FOUR: Determine the lesser of one (1) or the result of:

- (A) the STEP THREE result; multiplied by
- (B) one and five hundredths (1.05).

However, the state board may, by rules adopted under IC 4-22-2, specify an equivalent formula if the state board determines that the equivalent formula would more accurately reflect the instructional services provided by a school corporation during a period that a particular ADM count is in effect for the school corporation.

SECTION 19. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20-29-2 apply throughout this SECTION.

(b) The terms of members serving on the board appointed by the governor under IC 20-29-3-2, before its amendment by this act, remain in effect as provided in IC 20-29-3-5, before its repeal by this act.

(c) The term of members appointed under IC 20-29-3-2(b)(2) through IC 20-29-3-2(b)(3), both as added by this act, begins on June 1, 2016.

(d) This SECTION expires January 1, 2020.

SECTION 20. An emergency is declared for this act.

P.L.170-2016

[H.1336. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-1-18-1, AS AMENDED BY P.L.40-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A document must satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to filing by the secretary of state.

(b) This article must require or permit filing the document in the office of the secretary of state.

(c) The document must contain the information required by this article. It may contain other information as well.

(d) The document must be legible, typewritten or printed or, if electronically transmitted, in a format that can be retrieved in a reproduced or typewritten form, and otherwise suitable for processing.

(e) The document must be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

(f) The document must be signed:

- (1) by the chairman of the board of directors of the domestic or foreign corporation or by any of its officers;
- (2) if directors have not been selected or the corporation has not been formed, by an incorporator;
- (3) if the corporation is in the hands of a receiver, trustee, or other court appointed fiduciary, by that fiduciary; or
- (4) for purpose of annual or biennial reports, by:
 - (A) a registered agent;

(B) a certified public accountant; or

(C) an attorney;

employed or retained by the business entity.

(g) Except as provided in subsection (m), the person signing the document shall sign it and state beneath or opposite the signature the person's name and the capacity in which the document is signed. A signature on a document authorized to be filed under this article may be:

(1) a facsimile; or

(2) made by an attorney in fact.

(h) A power of attorney relating to the signing of a document authorized to be filed under this article by an attorney in fact may but is not required to be:

(1) sworn to, verified, or acknowledged;

(2) signed in the presence of a notary public;

(3) filed with the secretary of state; or

(4) included in another written agreement.

However, the power of attorney must be retained in the records of the corporation.

(i) A document authorized to be filed under this article may but is not required to contain:

(1) the corporate seal;

(2) an attestation by the secretary or an assistant secretary; and

(3) an acknowledgment, verification, or proof.

(j) If the secretary of state has prescribed a mandatory form for the document under section 2 of this chapter, the document must be in or on the prescribed form.

(k) The document must be delivered to the office of the secretary of state for filing as described in section 1.1 of this chapter and the correct filing fee must be paid in the manner and form required by the secretary of state.

(l) The secretary of state may accept payment of the correct filing fee by credit card, debit card, charge card, or similar method. However, if the filing fee is paid by credit card, debit card, charge card, or similar method, the liability is not finally discharged until the secretary of state receives payment or credit from the institution responsible for making the payment or credit. The secretary of state may contract with a bank or credit card vendor for acceptance of bank or credit cards. However,

if there is a vendor transaction charge or discount fee, whether billed to the secretary of state or charged directly to the secretary of state's account, the secretary of state or the credit card vendor may collect from the person using the bank or credit card a fee that may not exceed the highest transaction charge or discount fee charged to the secretary of state by the bank or credit card vendor during the most recent collection period. This fee may be collected regardless of any agreement between the bank and a credit card vendor or regardless of any internal policy of the credit card vendor that may prohibit this type of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(m) A signature on a document that is transmitted and filed electronically is sufficient if the person transmitting and filing the document:

- (1) has the intent to file the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and
- (2) enters the filing party's name on the electronic form in a signature box or other place indicated by the secretary of state.

(n) As used in this subsection, "filed document" means a document filed with the secretary of state under any provision of this title except for IC 23-1-49 or IC 23-1-53-3. As used in this subsection, "plan" means a plan of domestication, nonprofit conversion, entity conversion, merger, or share exchange. Whenever a provision under this article permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, the following apply:

- (1) The manner in which the facts will operate upon the terms of the plan or filed document:
 - (A) shall be set forth in the plan or filed document; and
 - (B) shall state the manner in which the facts shall become operative.
- (2) The facts may include, but are not limited to:
 - (A) any of the following that is available in a nationally recognized news or information medium either in print or electronically:
 - (i) Statistical or market indices;
 - (ii) Market prices of any security or group of securities;
 - (iii) Interest rates;

- (iv) Currency exchange rates.
 - (v) Similar economic or financial data;
 - (B) a determination or action by any person or body, including the corporation or any other party to a plan or filed document;
 - or
 - (C) the terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.
- (3) The following provisions of a plan or filed document may not be made dependent on facts outside the plan or filed document:
- (A) The name and address of any person required in a filed document.
 - (B) The registered office of any entity required in a filed document.
 - (C) The registered agent of any entity required in a filed document.
 - (D) The number of authorized shares and designation of each class or series of shares.
 - (E) The effective date of a filed document.
 - (F) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.
- (4) If a provision of a plan or filed document is made dependent on a fact ascertainable outside the plan or filed document, and that fact is not ascertainable by reference to a source described in subdivision (2)(A) or a document that is a matter of public record; or the affected shareholders have not received notice of the fact from the corporation; the corporation shall file with the secretary of state articles of amendment setting forth the fact promptly after the time the fact referred to is first ascertainable or changes. Articles of amendment under this subdivision:
- (A) are considered to be authorized by the authorization of the original plan or filed document or plan to which the articles of amendment relate; and
 - (B) may be filed by the corporation without further action by the board of directors or the shareholders.

SECTION 2. IC 23-1-18-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: **Sec. 1.2. (a) The following definitions apply to this section:**

(1) "Filed document" means a document filed with the secretary of state under any provision of this article, except for IC 23-1-49 or IC 23-1-53-3.

(2) "Plan" means a plan of domestication, nonprofit conversion, entity conversion, merger, or share exchange.

(b) If a:

(1) provision under this article permits any of the terms of a plan or filed document to be dependent on facts objectively ascertainable outside the plan or filed document; and

(2) plan or filed document includes terms that are dependent on facts described in subdivision (1);

the manner in which the facts will operate upon the terms of the plan or filed document and the manner in which the facts will become operative must be set forth in the plan or filed document.

(c) The facts described under subsection (b) may include, but are not limited to, any of the following:

(1) Any of the following that are available in a nationally recognized news or information medium either in print or electronically:

(A) Statistical or market indices.

(B) Market prices of any security or group of securities.

(C) Interest rates.

(D) Currency exchange rates.

(E) Similar economic or financial data.

(2) A determination or action by any person or body, including the corporation or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

(d) The following provisions of a plan or filed document may not be made dependent on facts outside the plan or filed document:

(1) The name and address of any person required in a filed document.

(2) The registered office of any entity required in a filed document.

(3) The registered agent of any entity required in a filed document.

- (4) The number of authorized shares and designation of each class or series of shares.**
- (5) The effective date of a filed document.**
- (6) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.**
- (e) If a provision of a plan or filed document is made dependent on a fact ascertainable outside the plan or filed document, and:**
- (1) the fact is not ascertainable by reference to a:**
- (A) source described in subsection (c)(1); or**
- (B) document that is a matter of public record; and**
- (2) the affected shareholders have not received notice of the fact from the corporation;**
- the corporation shall file with the secretary of state articles of amendment setting forth the fact promptly after the time the fact referred to is first ascertainable or changes.**
- (f) Articles of amendment under subsection (e):**
- (1) are considered to be authorized by the:**
- (A) authorization of the original plan or filed document; or**
- (B) plan to which the articles of amendment relate; and**
- (2) may be filed by the corporation without further action by the board of directors or shareholders.**

SECTION 3. IC 23-1-18-3, AS AMENDED BY P.L.213-2015, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This subsection applies before July 1, 2016. The secretary of state shall collect the following fees when the documents described in this subsection are delivered to the secretary of state for filing:

	Document	Electronic Filing Fee	Fee (Other than electronic filing)
(1)	Articles of incorporation	\$75	\$90
(2)	Application for use of indistinguishable name	\$10	\$20
(3)	Application for reserved name	\$10	\$20
(4)	Application for renewal of reservation	\$10	\$20

(5)	Notice of transfer of reserved name	\$10	\$20
(6)	Corporation's statement of change of registered agent or registered office or both	No Fee	No Fee
(7)	Agent's statement of change of registered office for each affected corporation	No Fee	No Fee
(8)	Agent's statement of resignation	No Fee	No Fee
(9)	Amendment of articles of incorporation	\$20	\$30
(10)	Restatement of articles of incorporation	\$20	\$30
	with amendment of articles	\$20	\$30
(11)	Articles of merger or share exchange	\$75	\$90
(12)	Articles of dissolution	\$20	\$30
(13)	Articles of revocation of dissolution	\$20	\$30
(14)	Certificate of administrative dissolution	No Fee	No Fee
(15)	Application for reinstatement following administrative dissolution	\$20	\$30
(16)	Certificate of reinstatement	No Fee	No Fee
(17)	Certificate of judicial dissolution	No Fee	No Fee
(18)	Application for certificate of authority	\$75	\$90
(19)	Application for amended certificate of authority	\$20	\$30
(20)	Application for certificate of withdrawal	\$20	\$30
(21)	Certificate of revocation of authority to transact business	No Fee	No Fee
(22)	Biennial report	\$20	\$30
(23)	Articles of correction	\$20	\$30

(24)	Application for certificate of existence or authorization	\$15	\$15
(25)	Annual benefit report	\$10	\$15
(26)	Any other document required or permitted to be filed by this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without an additional fee in connection with particular filings) and a request for other facts of record under section 9(b)(7) of this chapter	\$20	\$30

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(b) This subsection applies after June 30, 2016. The secretary of state shall collect the following fees when the documents described in this subsection are delivered to the secretary of state for filing:

	Document	Electronic Filing Fee	Fee (Other than electronic filing)
(1)	Articles of incorporation	\$75	\$100
(2)	Application for use of indistinguishable name	\$10	\$20
(3)	Application for reserved name	\$10	\$20
(4)	Application for renewal of reservation	\$10	\$20
(5)	Notice of transfer of reserved name	\$10	\$20
(6)	Corporation's statement of		

	change of registered agent or registered office or both	No Fee	No Fee
(7)	Agent's statement of change of registered office for each affected corporation	No Fee	No Fee
(8)	Agent's statement of resignation	No Fee	No Fee
(9)	Amendment of articles of incorporation	\$20	\$30
(10)	Restatement of articles of incorporation with amendment of articles	\$20	\$30
(11)	Articles of merger or share exchange	\$75	\$90
(12)	Articles of dissolution	\$20	\$30
(13)	Articles of revocation of dissolution	\$20	\$30
(14)	Certificate of administrative dissolution	No Fee	No Fee
(15)	Application for reinstatement following administrative dissolution	\$20	\$30
(16)	Certificate of reinstatement	No Fee	No Fee
(17)	Certificate of judicial dissolution	No Fee	No Fee
(18)	Application for certificate of authority	\$75	\$125
(19)	Application for amended certificate of authority	\$20	\$30
(20)	Application for certificate of withdrawal	\$20	\$30
(21)	Certificate of revocation of authority to transact business	No Fee	No Fee
(22)	Biennial report	\$20	\$50
(23)	Articles of correction	\$20	\$30
(24)	Application for certificate of existence or authorization	\$15	\$30

(25)	Annual benefit report	\$10	\$15
(26)	Any other document required or permitted to be filed by this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without an additional fee in connection with particular filings) and a request for other facts of record under section 9(b)(7) of this chapter	\$20	\$30

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(c) This subsection applies before July 1, 2016. The fee set forth in subsection (a)(22) for filing a biennial report is:

- (1) fifteen dollars (\$15) per year, for a filing in writing; and
- (2) ten dollars (\$10) per year, for a filing by electronic means;

to be paid biennially.

(d) This subsection applies after June 30, 2016. The fee set forth in subsection (b)(22) for filing a biennial report is:

- (1) twenty-five dollars (\$25) per year, for a filing in writing; and
- (2) ten dollars (\$10) per year, for a filing by electronic means;

to be paid biennially.

(e) The secretary of state shall collect a fee of ten dollars (\$10) each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, then that party is entitled to recover this fee as costs from the nonprevailing party.

(f) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) Per page for copying \$ 1

- (2) For a certification stamp \$15

The fees under this subsection do not apply to any copies or certifications that are processed on the secretary of state's Internet web site.

SECTION 4. IC 23-1-23-2, AS AMENDED BY P.L.119-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person may reserve the exclusive right to the use of a name by delivering an **electronic** application to the secretary of state for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the name applied for is available, the secretary of state shall reserve the name for the applicant's exclusive use for renewable one hundred twenty (120) day periods.

(b) The owner of a reserved name may transfer the reservation to another person by delivering to the secretary of state, **electronically**, a signed notice of the transfer that states the name and address of the transferee.

SECTION 5. IC 23-4-1-45.3, AS AMENDED BY P.L.119-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45.3. (a) A person may reserve the exclusive right to the use of a name by delivering an **electronic** application to the secretary of state for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the name is available, the secretary of state shall reserve the name for the exclusive use of the applicant for renewable one hundred twenty (120) day periods.

(b) The owner of a reserved name may transfer the reservation to another person by delivering to the secretary of state, **electronically**, a signed notice of the transfer that states the name and address of the transferee.

SECTION 6. IC 23-4-1-45.5, AS AMENDED BY P.L.119-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45.5. The secretary of state shall collect the following fees when the documents described in this chapter are delivered to the secretary of state for filing:

- (1) **Electronic** application for reservation of name ~~\$20~~ **\$10**
- (2) **Electronic** application for renewal of reservation ~~\$20~~ **\$10**
- (3) **Electronic** notice of transfer of reserved name ~~\$20~~ **\$10**.

SECTION 7. IC 23-4-1-45.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 45.7. (a) The following definitions apply to this section:

(1) "Filed document" means a document filed with the secretary of state under any provision of this article, except for IC 23-4-1-49.

(2) "Plan" means a plan of entity conversion or merger.

(b) If a:

(1) provision under this article permits any of the terms of a plan or filed document to be dependent on facts objectively ascertainable outside the plan or filed document; and

(2) plan or filed document includes terms that are dependent on facts described in subdivision (1);

the manner in which the facts will operate upon the terms of the plan or filed document and the manner in which the facts will become operative must be set forth in the plan or filed document.

(c) The facts described in subsection (b) may include, but are not limited to, any of the following:

(1) Any of the following that are available in a nationally recognized news or information medium either in print or electronically:

(A) Statistical or market indices.

(B) Market prices of any security or group of securities.

(C) Interest rates.

(D) Currency exchange rates.

(E) Similar economic or financial data.

(2) A determination or action by any person or body, including the limited liability partnership or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the limited liability partnership is a party, or any other agreement or document.

(d) The following provisions of a plan or filed document may not be made dependent on facts outside the plan or filed document:

(1) The name and address of any person required in a filed document.

(2) The registered office of any entity required in a filed document.

- (3) The registered agent of any entity required in a filed document.**
- (4) The effective date of a filed document.**
- (5) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.**
- (e) If a provision of a plan or filed document is made dependent on a fact ascertainable outside the plan or filed document, and:
 - (1) the fact is not ascertainable by reference to a:
 - (A) source described in subsection (c)(1); or**
 - (B) document that is a matter of public record; and****
 - (2) the affected partners have not received notice of the fact from the limited liability partnership;****the limited liability partnership shall file with the secretary of state a certificate of amendment setting forth the fact promptly after the time the fact referred to is first ascertainable or changes.****
- (f) Certificates of amendment under subsection (e):
 - (1) are considered to be authorized by the:
 - (A) authorization of the original plan or filed document; or**
 - (B) plan to which the certificate of amendment relates; and****
 - (2) may be filed by the limited liability partnership without further partnership action.****

SECTION 8. IC 23-15-9-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. Notwithstanding any law that requires that a case must be filed in a specific court, a case, if otherwise eligible, may also be filed in or transferred to a business or commercial court or docket established or designated by law or supreme court rule.**

SECTION 9. IC 23-16-2-2, AS AMENDED BY P.L.119-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) A person may reserve the exclusive right to the use of a name by delivering an **electronic** application to the secretary of state for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the name is available, the secretary of state shall reserve the name for the exclusive use of the applicant for renewable one hundred twenty (120) day periods.**

(b) The owner of a reserved name may transfer to another person by delivering to the secretary of state, **electronically**, a signed notice of the transfer that states the name and address of the transferee.

SECTION 10. IC 23-16-3-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.2. (a) The following definitions apply to this section:**

(1) **"Filed document"** means a document filed with the secretary of state under any provision of this article, except for IC 23-16-10.

(2) **"Plan"** means a plan of entity conversion or merger.

(b) If a:

(1) provision under this article permits any of the terms of a plan or filed document to be dependent on facts objectively ascertainable outside the plan or filed document; and

(2) plan or filed document includes terms that are dependent on facts described in subdivision (1);

the manner in which the facts will operate upon the terms of the plan or filed document and the manner in which the facts will become operative must be set forth in the plan or filed document.

(c) The facts described under subsection (b) may include, but are not limited to, any of the following:

(1) Any of the following that are available in a nationally recognized news or information medium either in print or electronically:

(A) Statistical or market indices.

(B) Market prices of any security or group of securities.

(C) Interest rates.

(D) Currency exchange rates.

(E) Similar economic or financial data.

(2) A determination or action by any person or body, including the limited partnership or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the limited partnership is a party, or any other agreement or document.

(d) The following provisions of a plan or filed document may not be made dependent on facts outside the plan or filed document:

(1) The name and address of any person required in a filed

document.

(2) The registered office of any entity required in a filed document.

(3) The registered agent of any entity required in a filed document.

(4) The effective date of a filed document.

(5) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

(e) If a provision of a plan or filed document is made dependent on a fact ascertainable outside the plan or filed document, and:

(1) the fact is not ascertainable by reference to a:

(A) source described in subsection (c)(1); or

(B) document that is a matter of public record; and

(2) the affected partners have not received notice of the fact from the limited partnership;

the limited partnership shall file with the secretary of state a certificate of amendment setting forth the fact promptly after the time the fact referred to is first ascertainable or changes.

(f) Certificates of amendment under subsection (e):

(1) are considered to be authorized by the:

(A) authorization of the original plan or filed document; or

(B) plan to which the certificates of amendment relate; and

(2) may be filed by the limited partnership without further partnership action.

SECTION 11. IC 23-16-12-4, AS AMENDED BY P.L.213-2015, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection applies before July 1, 2016. The secretary of state shall collect the following fees when the documents described in this section are delivered by a domestic or foreign limited partnership to the secretary of state for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Application for		

	reservation of name	\$10	\$20
(2)	Application for use of indistinguishable name	\$10	\$20
(3)	Application for renewal of reservation	\$10	\$20
(4)	Notice of transfer of reserved name	\$10	\$20
(5)	Certificate of change of registered agent's business address	No fee	No fee
(6)	Certificate of resignation of agent	No fee	No fee
(7)	Certificate of limited partnership	\$75	\$90
(8)	Certificate of amendment	\$20	\$30
(9)	Certificate of cancellation	\$75	\$90
(10)	Restated certificate of limited partnership or registration	\$20	\$30
(11)	Restated certificate of limited partnership or registration with amendments	\$20	\$30
(12)	Application for registration	\$75	\$90
(13)	Certificate of change of application	\$20	\$30
(14)	Certificate of cancellation of registration	\$20	\$30
(15)	Certificate of change of registered agent	No fee	No fee
(16)	Application for certificate of existence or authorization	\$15	\$15
(17)	Any other document required or permitted to be filed under this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without an additional fee in connection with particular filings)	\$20	\$30

The secretary of state shall prescribe the electronic means of filing

documents to which the electronic filing fees set forth in this section apply.

(b) This subsection applies after June 30, 2016. The secretary of state shall collect the following fees when the documents described in this section are delivered by a domestic or foreign limited partnership to the secretary of state for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Application for reservation of name	\$10	\$20
(2) Application for use of indistinguishable name	\$10	\$20
(3) Application for renewal of reservation	\$10	\$20
(4) Notice of transfer of reserved name	\$10	\$20
(5) Certificate of change of registered agent's business address	No fee	No fee
(6) Certificate of resignation of agent	No fee	No fee
(7) Certificate of limited partnership	\$75	\$100
(8) Certificate of amendment	\$20	\$30
(9) Certificate of cancellation	\$75	\$90
(10) Restated certificate of limited partnership or registration	\$20	\$30
(11) Restated certificate of limited partnership or registration with amendments	\$20	\$30
(12) Application for registration	\$75	\$125
(13) Certificate of change of application	\$20	\$30
(14) Certificate of cancellation of registration	\$20	\$30
(15) Certificate of change of registered agent	No fee	No fee
(16) Application for certificate of existence or authorization	\$15	\$30

- (17) Any other document required or permitted to be filed under this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without **an** additional fee in connection with particular filings) \$20 \$30

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(c) The secretary of state shall collect a fee of ten dollars (\$10) each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, then that party is entitled to recover this fee as costs from the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign limited partnership:

- | | |
|-------------------------------|------|
| (1) Per page for copying | \$ 1 |
| (2) For a certification stamp | \$15 |

The fees under this subsection do not apply to any copies or certifications that are processed on the secretary of state's Internet web site.

SECTION 12. IC 23-17-5-2, AS AMENDED BY P.L.119-2015, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person may reserve the exclusive use of a name by delivering an **electronic** application to the secretary of state for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the name applied for is available, the secretary of state shall reserve the name for the applicant's exclusive use for a one hundred twenty (120) day period.

(b) The owner of a reserved name may transfer the reservation to another person by delivering to the secretary of state, **electronically**, a signed notice of the transfer that states the name and address of the

transferee.

SECTION 13. IC 23-17-29-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.2. (a) The following definitions apply to this section:**

(1) "Filed document" means a document filed with the secretary of state under any provision of this article, except for IC 23-17-26 or IC 23-17-27-8.

(2) "Plan" means a plan of domestication or merger.

(b) If a:

(1) provision under this article permits any of the terms of a plan or filed document to be dependent on facts objectively ascertainable outside the plan or filed document; and

(2) plan or filed document includes terms that are dependent on facts described in subdivision (1);

the manner in which the facts will operate upon the terms of the plan or filed document and the manner in which the facts will become operative must be set forth in the plan or filed document.

(c) The facts described in subsection (b) may include, but are not limited to, any of the following:

(1) Any of the following that are available in a nationally recognized news or information medium either in print or electronically:

(A) Statistical or market indices.

(B) Market prices of any security or group of securities.

(C) Interest rates.

(D) Currency exchange rates.

(E) Similar economic or financial data.

(2) A determination or action by any person or body, including the corporation or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

(d) The following provisions of a plan or filed document may not be made dependent on facts outside the plan or filed document:

(1) The name and address of any person required in a filed document.

(2) The registered office of any entity required in a filed

document.

(3) The registered agent of any entity required in a filed document.

(4) The number of members or class of members.

(5) The effective date of a filed document.

(6) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

(e) If a provision of a plan or filed document is made dependent on a fact ascertainable outside the plan or filed document, and:

(1) the fact is not ascertainable by reference to a:

(A) source described in subsection (c)(1); or

(B) document that is a matter of public record; and

(2) the affected members have not received notice of the fact from the corporation;

the corporation shall file with the secretary of state articles of amendment setting forth the fact promptly after the time the fact referred to is first ascertainable or changes.

(f) Articles of amendment under subsection (e):

(1) are considered to be authorized by the:

(A) authorization of the original plan or filed document; or

(B) plan to which the articles of amendment relate; and

(2) may be filed by the corporation without further action by the board of directors or the members.

SECTION 14. IC 23-17-29-3, AS AMENDED BY P.L.213-2015, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This subsection applies before July 1, 2016. The secretary of state shall collect the following fees when the following documents are delivered for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Articles of Incorporation	\$20	\$30
(2) Application for use of indistinguishable name	\$10	\$20
(3) Application for reserved name	\$10	\$20

(4)	Notice of transfer of reserved name	\$10	\$20
(5)	Application for renewal of reservation	\$10	\$20
(6)	Corporation's statement of change of registered agent or registered office or both	no fee	no fee
(7)	Agent's statement of change of registered office for each affected corporation	no fee	no fee
(8)	Agent's statement of resignation	no fee	no fee
(9)	Amendment of articles of incorporation	\$20	\$30
(10)	Restatement of articles of incorporation with amendments	\$20	\$30
(11)	Articles of merger	\$20	\$30
(12)	Articles of dissolution	\$20	\$30
(13)	Articles of revocation of dissolution	\$20	\$30
(14)	Certificate of administrative dissolution	no fee	no fee
(15)	Application for reinstatement following administrative dissolution	\$20	\$30
(16)	Certificate of reinstatement	no fee	no fee
(17)	Certificate of judicial dissolution	no fee	no fee
(18)	Application for certificate of authority	\$20	\$30
(19)	Application for amended certificate of authority	\$20	\$30
(20)	Application for certificate of withdrawal	\$20	\$30
(21)	Certificate of revocation of authority to transact business	no fee	no fee
(22)	Annual report	\$5	\$10
(23)	Certificate of existence	\$15	\$15
(24)	Any other document		

required or permitted to be
filed by this article \$20 \$30

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(b) This subsection applies after June 30, 2016. The secretary of state shall collect the following fees when the following documents are delivered for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Articles of incorporation	\$20	\$50
(2) Application for use of indistinguishable name	\$10	\$20
(3) Application for reserved name	\$10	\$20
(4) Notice of transfer of reserved name	\$10	\$20
(5) Application for renewal of reservation	\$10	\$20
(6) Corporation's statement of change of registered agent or registered office or both	No fee	No fee
(7) Agent's statement of change of registered office for each affected corporation	No fee	No fee
(8) Agent's statement of resignation	No fee	No fee
(9) Amendment of articles of incorporation	\$20	\$30
(10) Restatement of articles of incorporation with amendments	\$20	\$30
(11) Articles of merger	\$20	\$30
(12) Articles of dissolution	\$20	\$30
(13) Articles of revocation of dissolution	\$20	\$30
(14) Certificate of administrative dissolution	No fee	No fee

(15) Application for reinstatement following administrative dissolution	\$20	\$30
(16) Certificate of reinstatement	No fee	No fee
(17) Certificate of judicial dissolution	No fee	No fee
(18) Application for certificate of authority	\$20	\$75
(19) Application for amended certificate of authority	\$20	\$30
(20) Application for certificate of withdrawal	\$20	\$30
(21) Certificate of revocation of authority to transact business	No fee	No fee
(22) Annual report	\$5	\$10
(23) Certificate of existence	\$15	\$30
(24) Biennial report	\$10	\$20
(25) Any other document required or permitted to be filed by this article	\$20	\$30

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(c) The secretary of state shall collect a fee of ten dollars (\$10) upon being served with process under this article. The party to a proceeding causing service of process may recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

(1) One dollar (\$1) a page for copying.

(2) Fifteen dollars (\$15) for the certification stamp.

The fees under this subsection do not apply to any copies or certifications that are processed on the secretary of state's Internet web site.

SECTION 15. IC 23-18-2-8, AS AMENDED BY P.L.119-2015, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The name of each limited liability company

as set forth in its articles of organization:

(1) must contain the words "limited liability company" or either of the following abbreviations:

(A) "L.L.C."; or

(B) "LLC";

(2) may contain the name of a member or manager; and

(3) except as provided in subsection (b), must be such as to distinguish the name upon the records of the office of the secretary of state from the name of any limited liability company or other business entity reserved or organized under the laws of Indiana or ~~qualified authorized~~ to transact business as a ~~foreign limited liability company~~ in Indiana.

(b) A limited liability company may apply to the secretary of state to use a name that is not distinguishable upon the secretary of state's records from one (1) or more of the names described in subsection (a).

The secretary of state shall authorize the use of the name applied for if:

(1) the other domestic or foreign limited liability company or other business entity files its written consent to the use of its name; or

(2) the applicant delivers to the secretary of state a certified copy of a final court judgment from a circuit or superior court in the state of Indiana establishing the applicant's right to use the name applied for in Indiana.

SECTION 16. IC 23-18-2-9, AS AMENDED BY P.L.119-2015, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A person may reserve the exclusive right to the use of a name by delivering an **electronic** application to the secretary of state. The application must set forth the name and address of the applicant and the name to be reserved. If the secretary of state finds that the name is available, the secretary of state shall reserve the name for the exclusive use of the applicant for renewable one hundred twenty (120) day periods.

(b) The owner of a reserved name may transfer the reservation to another person by delivering to the office of the secretary of state, **electronically**, a signed notice of the transfer that states the name and address of the transferee.

SECTION 17. IC 23-18-12-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: **Sec. 1.2. (a) The following definitions apply to this section:**

(1) "Filed document" means a document filed with the secretary of state under any provision of this article, except for IC 23-18-11 and IC 23-18-12-11.

(2) "Plan" means a plan of entity conversion or merger.

(b) If a:

(1) provision under this article permits any of the terms of a plan or filed document to be dependent on facts objectively ascertainable outside the plan or filed document; and

(2) plan or filed document includes terms that are dependent on facts described in subdivision (1);

the manner in which the facts will operate upon the terms of the plan or filed document and the manner in which the facts will become operative must be set forth in the plan or filed document.

(c) The facts described under subsection (b) may include, but are not limited to, any of the following:

(1) Any of the following that are available in a nationally recognized news or information medium either in print or electronically:

(A) Statistical or market indices.

(B) Market prices of any security or group of securities.

(C) Interest rates.

(D) Currency exchange rates.

(E) Similar economic or financial data.

(2) A determination or action by any person or body, including the limited liability company or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the limited liability company is a party, or any other agreement or document.

(d) The following provisions of a plan or filed document may not be made dependent on facts outside the plan or filed document:

(1) The name and address of any person required in a filed document.

(2) The registered office of any entity required in a filed document.

(3) The registered agent of any entity required in a filed document.

(4) The number of authorized interests and designations of each class or series of interests.

(5) The effective date of a filed document.

(6) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

(e) If a provision of a plan or filed document is made dependent on a fact ascertainable outside the plan or filed document, and:

(1) the fact is not ascertainable by reference to a:

(A) source described in subsection (c)(1); or

(B) document that is a matter of public record; and

(2) the affected members have not received notice of the fact from the limited liability company;

the limited liability company shall file with the secretary of state articles of amendment setting forth the fact promptly after the time the fact referred to is first ascertainable or changes.

(f) Articles of amendment under subsection (e):

(1) are considered to be authorized by the:

(A) authorization of the original plan or filed document; or

(B) plan to which the articles of amendment relate; and

(2) may be filed by the limited liability company without further action by the managers, if any, or members.

SECTION 18. IC 23-18-12-3, AS AMENDED BY P.L.213-2015, SECTION 250, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This subsection applies before July 1, 2016. The secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Articles of organization	\$75	\$90
(2) Application for use of indistinguishable name	\$10	\$20
(3) Application for reservation of name	\$10	\$20
(4) Application for renewal of		

reservation	\$10	\$20
(5) Notice of transfer or cancellation of reservation	\$10	\$20
(6) Certificate of change of registered agent's business address	No Fee	No Fee
(7) Certificate of resignation of agent	No Fee	No Fee
(8) Articles of amendment	\$20	\$30
(9) Restatement of articles of organization	\$20	\$30
(10) Articles of dissolution	\$20	\$30
(11) Application for certificate of authority	\$75	\$90
(12) Application for amended certificate of authority	\$20	\$30
(13) Application for certificate of withdrawal	\$20	\$30
(14) Application for reinstatement following administrative dissolution	\$20	\$30
(15) Articles of correction	\$20	\$30
(16) Certificate of change of registered agent	No Fee	No Fee
(17) Application for certificate of existence or authorization	\$15	\$15
(18) Biennial report	\$20	\$30
(19) Articles of merger involving a domestic limited liability company	\$75	\$90
(20) Any other document required or permitted to be filed under this article	\$20	\$30
(21) Registration of intent to sell sexually explicit materials, products, or services		\$250

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(b) This subsection applies after June 30, 2016. The secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Limited liability company articles of organization	\$75	\$100
(2) Master limited liability company articles of organization	\$225	\$250
(2) (3) Application for use of indistinguishable name	\$10	\$20
(3) (4) Application for reservation of name	\$10	\$20
(4) (5) Application for renewal of reservation	\$10	\$20
(5) (6) Notice of transfer cancellation of reservation	\$10	\$20
(6) (7) Certificate of change of registered agent's business address	No Fee	No Fee
(7) (8) Certificate of resignation of agent	No Fee	No Fee
(8) (9) Articles of amendment	\$20	\$30
(9) (10) Restatement of articles of organization	\$20	\$30
(10) (11) Articles of dissolution	\$20	\$30
(11) (12) Application for certificate of authority	\$75	\$125
(13) Application for certificate of authority series	\$225	\$250
(12) (14) Application for amended certificate of authority	\$20	\$30
(13) (15) Application for certificate of withdrawal	\$20	\$30

(14) (16) Application for reinstatement following administrative dissolution	\$20	\$30
(15) (17) Articles of correction	\$20	\$30
(16) (18) Certificate of change of registered agent	No Fee	No Fee
(17) (19) Application for certificate of existence or authorization	\$15	\$30
(18) (20) Biennial report	\$20	\$50
(19) (21) Articles of merger involving a domestic limited liability company	\$75	\$90
(22) Articles of designation	\$20	\$30
(20) (23) Any other document required or permitted to be filed under this article	\$20	\$30
(21) Registration of intent to sell sexually explicit materials, products, or services		\$250

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(c) This subsection applies before July 1, 2016. The fee set forth in subsection (a)(18) for filing a biennial report is:

- (1) for an electronic filing, ten dollars (\$10) per year; or
- (2) for a filing other than an electronic filing, fifteen dollars (\$15) per year;

to be paid biennially.

(d) This subsection applies after June 30, 2016. The fee set forth in subsection ~~(b)(18)~~ **(b)(20)** for filing a biennial report is:

- (1) for an electronic filing, ten dollars (\$10) per year; or
- (2) for a filing other than an electronic filing, twenty-five dollars (\$25) per year;

to be paid biennially.

(e) The secretary of state shall collect a fee of \$10 each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, that party is entitled to recover this fee as costs from the nonprevailing

party.

(f) The secretary of state shall collect the following fees for copying and certifying the copy of any filed documents relating to a domestic or foreign limited liability company:

- (1) One dollar (\$1) per page for copying.
- (2) Fifteen dollars (\$15) for certification stamp.

The fees under this subsection do not apply to any copies or certifications that are processed on the secretary of state's Internet web site.

SECTION 19. IC 23-18.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

ARTICLE 18.1. SERIES LIMITED LIABILITY COMPANIES

Chapter 1. Application

Sec. 1. This article is applicable to all series limited liability companies.

Sec. 2. This article does not of itself create an implication that a contrary or different rule of law is applicable to a limited liability company that is not a series limited liability company.

Sec. 3. This article does not affect a statute or rule of law that is applicable to a limited liability company that is not a series limited liability company.

Sec. 4. Except as otherwise provided in this article, IC 23-18 is generally applicable to all series limited liability companies.

Sec. 5. The certificate of designation or operating agreement of a series limited liability company may not limit, be inconsistent with, or supersede this article.

Chapter 2. Definitions

Sec. 1. The definitions in IC 23-18-1 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Articles of designation" means:

- (1) the articles of designation described in IC 23-18.1-6-2; and
- (2) any amended or restated articles of designation.

Sec. 4. "Foreign master limited liability company" means a foreign limited liability company that:

- (1) has filed a certificate of authority under this article; and

(2) is organized under a law that allows for the designation of one (1) or more series.

Sec. 5. "Master limited liability company" means a limited liability company that is formed under this article whose articles of organization authorize the designation of one (1) or more series.

Sec. 6. "Operating agreement" means an operating agreement, as amended from time to time, adopted for the governance of a master limited liability company. The term includes an operating agreement that:

- (1) sets forth the governance of any series; or
- (2) refers to a separate series agreement.

Sec. 7. "Series", in the context of a series limited liability company, means a limited liability company series of interest established from time to time by the filing of articles of designation that:

- (1) has separate rights, powers, or duties with respect to specified property or obligations; and
- (2) to the extent provided for in an operating agreement, may have a separate business purpose or investment objective from that of:
 - (A) the master limited liability company; or
 - (B) any other series of the master limited liability company.

Sec. 8. "Series agreement" means an agreement, as amended from time to time, adopted for the governance of the series.

Sec. 9. "Series limited liability company" means a master limited liability company that has designated one (1) or more series.

Chapter 3. Series Limited Liability Status

Sec. 1. (a) A master limited liability company must be organized in accordance with IC 23-18-2 and its articles of organization must authorize the designation of one (1) or more series.

(b) A foreign master limited liability company must be:

- (1) authorized to transact business in Indiana in accordance with IC 23-18-11; and
- (2) organized under a law that allows for the designation of one (1) or more series.

Its articles of organization must authorize the designation of one (1) or more series.

Sec. 2. (a) Subject to subsection (b), an existing limited liability company may become a master limited liability company under this article by amending its articles of organization to contain, in addition to any content requirements for articles of organization under IC 23-18, a statement that the limited liability company is authorized to designate one (1) or more series.

(b) An amendment to the articles of organization under subsection (a) is not effective unless the amendment is adopted by unanimous consent of the members.

Sec. 3. (a) This section does not apply to a limited liability company that is a party to a merger if the members are not entitled to vote on the merger under IC 23-18-7.

(b) If:

(1) a domestic entity that is not a series limited liability company is a party to:

(A) a merger, consolidation, or conversion; or

(B) the exchanging entity in a share exchange; and

(2) the surviving entity in the merger, consolidation, conversion, or share exchange is to be a series limited liability company;

the plan of merger, consolidation, conversion, or share exchange must be adopted by the domestic entity by unanimous consent of the members, shareholders, or partners, as applicable.

Sec. 4. (a) Subject to subsection (b), a series limited liability company may terminate its status as a series limited liability company and cease to be subject to this article by amending its articles of organization to delete the statement in its articles of organization required under section 1 of this chapter. All associated series terminate upon the effective date of the amendment.

(b) An amendment to the articles of organization under subsection (a) is not effective unless the amendment is adopted by unanimous consent of the members.

Sec. 5. (a) This section does not apply to a limited liability company that is a party to a merger if the members of the limited liability company are not entitled to vote on the merger under IC 23-18-7.

(b) If a plan of merger, consolidation, conversion, or share exchange would have the effect of terminating the status of a

limited liability company as a series limited liability company, the plan must be adopted by unanimous consent of the members in order to be effective.

Sec. 6. A sale, lease, exchange, or other disposition of all or substantially all of the assets of a series limited liability company is not effective unless one (1) or more of the following apply:

- (1) The transaction is in the usual and regular course of business.
- (2) The transaction is approved by two-thirds (2/3) of the members, unless otherwise provided for in the operating agreement.

Chapter 4. Formation

Sec. 1. A master limited liability company must have an operating agreement.

Sec. 2. An operating agreement of a master limited liability company may establish or provide for the establishment of one (1) or more designated series of members, managers, or limited liability company interests that:

- (1) have separate rights, powers, or duties with respect to:
 - (A) specified property or obligations of the limited liability company; or
 - (B) profits and losses associated with specified property or obligations; and
- (2) to the extent provided in the operating agreement, may have a separate business purpose or investment objective.

Sec. 3. An operating agreement may also:

- (1) provide for classes or groups of members or managers associated with a series having relative rights, powers, and duties as the operating agreement may provide;
- (2) make provisions for the future creation of additional classes or groups of members or managers associated with the series having relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior to existing classes and groups of members or managers associated with the series; and
- (3) provide for the taking of an action, without the vote or approval of any member or manager or class or group of members or managers, including:
 - (A) the amendment of the operating agreement; or

(B) an action to create, under the provisions of the operating agreement, a class or group of the series of limited liability company interests that was not previously outstanding.

Sec. 4. (a) A series with limited liability must be treated as a separate entity to the extent set forth in the articles of organization of the master limited liability company.

(b) Each series with limited liability may, in its own name, do all the following:

- (1) Contract.**
- (2) Hold title to assets, including real, personal, and intangible property.**
- (3) Grant liens and security interests.**
- (4) Sue and be sued.**
- (5) Otherwise conduct business and exercise the powers of a limited liability company under this article.**

Sec. 5. In an operating agreement for a master limited liability company or in another written agreement, a member or manager may agree to be obligated personally for any or all of the debts, obligations, and liabilities of one (1) or more series.

Sec. 6. (a) A series may be managed, as provided in an operating agreement or series agreement, as applicable, by:

- (1) the member or members associated with the series; or**
- (2) a manager or managers chosen by the members of the series.**

(b) Unless otherwise provided in an operating agreement, the management of a series must be vested in the members associated with the series.

(c) If the operating agreement provides for a manager or managers, the manager or managers have the authority to manage the business or affairs of the series, except to the extent that the operating agreement reserves the authority to any members or class or group of members of the series.

Sec. 7. Except as otherwise provided in an operating agreement, any event under this article or in an operating agreement that causes a manager to cease to be a manager with respect to a series does not, in itself, cause the manager to cease to be a manager of the master limited liability company or with respect to any other series of the master limited liability company.

Sec. 8. (a) Unless otherwise provided in the operating agreement, a member ceases to:

- (1) be associated with a series; and**
- (2) have the power to exercise any rights or powers of a member with respect to the series;**

upon the assignment, transfer, or redemption of all the member's limited liability company interest with respect to the series.

(b) Except as otherwise provided in an operating agreement, any event under this article or an operating agreement that causes a member to cease to be associated with a series does not, in itself, cause the:

- (1) member to cease to be associated with any other series or terminate the continued membership of a member in the master limited liability company; or**
- (2) termination of the series, regardless of whether the member was the last remaining member associated with the series, unless the business of the series is not continued as provided for under IC 23-18-9-1.1(c).**

Sec. 9. (a) An operating agreement may grant to:

- (1) all or certain identified members or managers; or**
- (2) a specified class or group of members or managers;**

associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter.

(b) Voting by members or managers associated with a series may be on a per capita, number, financial interest, class, group, or any other basis.

(c) An operating agreement may provide that any member or class or group of members associated with a series has no voting rights.

Sec. 10. (a) A master limited liability company and any of its series may elect any of the following:

- (1) To consolidate their operations as a single taxpayer to the extent permitted under applicable law.**
 - (2) To work cooperatively.**
 - (3) To contract jointly.**
 - (4) To be treated as a single business for purposes of qualification to do business in Indiana or any other state.**
- (b) Any elections under subsection (a) do not affect the**

limitation of liability set forth in IC 23-18.1-5-1 except to the extent that two (2) or more series have specifically accepted joint or joint and several liability by contract.

Chapter 5. Limits on Liability

Sec. 1. (a) Notwithstanding any other law, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series are enforceable against the assets of the series only, and not against the assets of the master limited liability company generally or any other series of the master limited liability company if all the following apply:

- (1) The operating agreement so provides.
- (2) The operating agreement of the master limited liability company establishes or provides for the establishment of one (1) or more series.
- (3) The records maintained for the series account for the assets associated with the series separately from the other assets of the master limited liability company and any other series of the master limited liability company.
- (4) Notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the master limited liability company.
- (5) The master limited liability company has filed articles of designation for each series that is to have limited liability under this section.

(b) Unless otherwise specifically provided in the operating agreement, the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to:

- (1) the master limited liability company generally are not enforceable against the assets of a particular series; or
- (2) any series of the master limited liability company are not enforceable against the assets of any other series of the master limited liability company.

Sec. 2. (a) Assets associated with a series may be held directly or indirectly, including in the name of the series, in the name of the master limited liability company, through a nominee, or otherwise.

(b) Records maintained for a series that reasonably identify its assets, including by:

- (1) specific listing;
- (2) category;

- (3) type;
- (4) quantity;
- (5) computational or allocational formula or procedure, including a percentage or share of any asset or assets; or
- (6) any other method under which the identity of the assets is objectively determinable;

is considered to account for the assets associated with the series separately from the other assets of the master limited liability company or any other series of the master limited liability company.

Sec. 3. The fact that:

- (1) the articles of organization of a master limited liability company contain the notice of the limitation on liabilities of a series as required by section 1 of this chapter; and
- (2) articles of designation for the series are on file with the office of the secretary of state;

constitutes notice of the limitation on liabilities of a series.

Chapter 6. Filing Requirements, Fees, and Other Administrative Provisions

Sec. 1. A master limited liability company is formed by filing articles of organization with the office of the secretary of state. In addition to the requirements established in IC 23-18-2-4, a master limited liability company must state in its articles of organization that it is authorized to designate one (1) or more series.

Sec. 2. (a) Articles of designation shall be filed for each respective series.

(b) The articles of designation must contain the following:

- (1) The name of the series.
- (2) A statement as to whether the series is member or manager managed.

(c) The filing of the articles of designation with the secretary of state is conclusive evidence, except as against the state, that all conditions precedent required to be performed have been complied with and that the series has been or will be legally organized and formed under this article. The existence of the series begins upon the filing of the articles of designation with the secretary of state.

Sec. 3. (a) A series with limited liability may be amended by filing with the secretary of state articles of designation.

(b) The articles of designation must contain all the following to

amend the series:

- (1) The name of the series.
- (2) The date that the articles of designation forming the series were filed.
- (3) The amendment to the articles of designation.

(c) Articles of designation of a series may be amended at any time that the members determine if the articles of designation, as amended, contain only provisions that may be lawfully contained in articles of designation at the time the amendment is made.

Sec. 4. (a) A series with limited liability may be dissolved by filing with the secretary of state articles of designation. The articles of designation must contain all the following to dissolve the series:

- (1) The name of the series being dissolved.
- (2) The date the articles of designation forming the series were filed.
- (3) The date dissolution occurred.

(b) The master limited liability company and any series of the master limited liability company may be voluntarily or administratively dissolved in the same manner as provided for in IC 23-18-9 and IC 23-18-10.

(c) On application by or for a member or manager associated with a series, the circuit or superior court of the county in which the master limited liability company's:

- (1) principal office; or
- (2) if there is no principal office in Indiana, registered office;

is located, may decree dissolution of the series whenever it is not reasonably practicable to carry on the business of the series in conformity with the operating agreement of the master limited liability company.

(d) Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the master limited liability company or any other series of the master limited liability company. The dissolution of a series does not affect the limitation on liabilities of the series provided in IC 23-18.1-5.

(e) The dissolution of the master limited liability company shall cause the dissolution of any series of the master limited liability company.

Sec. 5. Articles of designation of a series may be executed by the

master limited liability company or any manager, person, or entity designated as an officer or authorized person or entity to execute contracts or certificates in the operating agreement for the master limited liability company.

Sec. 6. The fees established in IC 23-18-12-3 apply to any documents under this article delivered to the secretary of state for filing.

Sec. 7. (a) Except as otherwise provided in this section, the name requirements found in IC 23-18-2-8 are generally applicable to all series limited liability companies.

(b) The name of a master limited liability company must contain, in addition to the requirements of IC 23-18-2-8, "-S" after the corporate ending.

(c) Except in the case of a foreign limited liability company that has adopted a fictitious name under IC 23-18-11-7, the name of the series with limited liability must:

- (1)** contain the entire name of the master limited liability company;
- (2)** contain the word "series";
- (3)** be distinguishable from the names of the other series set forth in the articles of organization of the master limited liability company or the articles of designation filed for any other series of the master limited liability company; and
- (4)** be distinguishable from the names of any limited liability company or other business entity reserved or organized under the laws of Indiana or authorized to transact business in Indiana.

(d) In the case of a foreign limited liability company that has adopted a fictitious name under IC 23-18-11-7, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in Indiana.

Sec. 8. (a) A master limited liability company must continuously maintain a registered agent and a registered office in Indiana as required under IC 23-18-2-10.

(b) The registered agent and registered office of the master limited liability company serve as the agent and office for service of process in Indiana for each series of the master limited liability company.

Sec. 9. (a) The master limited liability company shall file a biennial report as required under IC 23-18-12-11.

(b) A biennial report of the master limited liability company serves as the biennial report for each series of the master limited liability company.

Chapter 7. Foreign Series Limited Liability Companies

Sec. 1. (a) A foreign master limited liability company, as permitted in the jurisdiction of its organization, that has:

(1) established one (1) or more series having separate rights, powers, or duties; and

(2) limited the liabilities of the series so that the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to:

(A) a particular series, are enforceable against the assets of the series only, and not against the assets of the master limited liability company generally or any other series of the master limited liability company; and

(B) the master limited liability company generally or any other series of the master limited liability company, are not enforceable against the assets of the series;

may, on behalf of itself or any of its series, register to do business in Indiana in accordance with IC 23-18-11-4.

(b) Any series of a foreign master limited liability company described in subsection (a) may, on behalf of the series, register to do business in Indiana in accordance with IC 23-18-11-4.

Sec. 2. (a) The limitation of liability under this chapter must be stated on the application for certificate of authority for a foreign master limited liability company.

(b) Articles of designation must be filed for each series being registered to do business in Indiana.

Sec. 3. Unless otherwise provided in the operating agreement and to the extent provided under the laws of the jurisdiction of organization of the foreign master limited liability company, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to:

(1) a particular series of a foreign master limited liability company, are enforceable against the assets of the series only, and not against the assets of the foreign master limited liability company generally or any other series of the foreign

master limited liability company;

(2) a foreign master limited liability company generally, are not enforceable against the assets of a particular series of the foreign master limited liability company; or

(3) any series of the foreign master limited liability company, are not enforceable against the assets of any other series of the foreign master limited liability company.

Sec. 4. If a master limited liability company with the ability to establish one (1) or more series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series of a master limited liability company may itself register in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

SECTION 20. An emergency is declared for this act.

P.L.171-2016

[H.1344. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-4-2-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3. "Board" means the unemployment insurance board established by this article.~~

SECTION 2. IC 22-4-2-34, AS AMENDED BY P.L.12-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) With respect to benefits for weeks of unemployment beginning after August 13, 1981, "extended benefit period" means a period which begins with the third week after a week for which there is a state "on" indicator and ends with the later of the following:

(1) The third week after the first week for which there is a state

"off" indicator.

(2) The thirteenth consecutive week of such period.

(b) However, no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(c) There is a state "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this article:

(1) equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years; and

(2) equaled or exceeded five percent (5%).

However, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if it did not contain subdivision (1) if the insured unemployment rate is at least six percent (6%). Any week for which there would otherwise be a state "on" indicator shall continue to be such a week and may not be determined to be a week for which there is a state "off" indicator.

(d) In addition to the test for a state "on" indicator under subsection (c), there is a state "on" indicator for this state for a week if:

(1) the average rate of total unemployment in Indiana, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three (3) months for which data for all states are published before the close of the week, equals or exceeds six and five-tenths percent (6.5%); and

(2) the average rate of total unemployment in Indiana, seasonally adjusted, as determined by the United States Secretary of Labor, for the three (3) month period referred to in subdivision (1) equals or exceeds one hundred ten percent (110%) of the average for either or both of the corresponding three (3) month periods ending in the two (2) preceding calendar years.

There is a state "off" indicator for a week if either of the requirements in subdivisions (1) and (2) are not satisfied. However, any week for which there would otherwise be a state "on" indicator under this section

continues to be subject to the "on" indicator and shall not be considered a week for which there is a state "off" indicator. This subsection expires on the later of December 5, 2009, or the week ending four (4) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed Workers and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

(e) There is a state "off" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the requirements of subsection (c) have not been met.

(f) With respect to benefits for weeks of unemployment beginning after August 13, 1981, "rate of insured unemployment," for purposes of subsection (c), means the percentage derived by dividing:

(1) the average weekly number of individuals filing claims for regular compensation in this state for weeks of unemployment with respect to the most recent 13 consecutive week period (as determined by the **board department** on the basis of this state's reports to the United States Secretary of Labor); by

(2) the average monthly employment covered under this article for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such 13-week period.

(g) "Regular benefits" means benefits payable to an individual under this article or under the law of any other state (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 8501 through 8525) other than extended benefits. "Additional benefits" means benefits other than extended benefits and which are totally financed by a state payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law. If extended compensation is payable to an individual by this state and additional compensation is payable to the individual for the same week by any state, the individual may elect which of the two (2) types of compensation to claim.

(h) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 8501 through 8525) payable to an individual under the provisions of this article for weeks of unemployment in the individual's

"eligibility period". Pursuant to Section 3304 of the Internal Revenue Code extended benefits are not payable to interstate claimants filing claims in an agent state which is not in an extended benefit period, against the liable state of Indiana when the state of Indiana is in an extended benefit period. This prohibition does not apply to the first two (2) weeks claimed that would, but for this prohibition, otherwise be payable. However, only one (1) such two (2) week period will be granted on an extended claim. Notwithstanding any other provisions of this chapter, with respect to benefits for weeks of unemployment beginning after October 31, 1981, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that the individual would, but for this clause, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero (0)) by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(i) "Eligibility period" of an individual means the period consisting of the weeks in the individual's benefit period which begin in an extended benefit period and, if the individual's benefit period ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period. For any weeks of unemployment beginning after February 17, 2009, and before January 1, 2012, an individual's eligibility period (as described in Section 203(c) of the Federal-State Unemployment Compensation Act of 1970) is, for purposes of any determination of eligibility for extended compensation under state law, considered to include any week that begins:

- (1) after the date as of which the individual exhausts all rights to emergency unemployment compensation; and
- (2) during an extended benefit period that began on or before the date described in subdivision (1).

(j) "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period:

- (1) has received, prior to such week, all of the regular benefits including dependent's allowances that were available to the individual under this article or under the law of any other state (including benefits payable to federal civilian employees and

ex-servicemen under 5 U.S.C. 8501 through 8525) in the individual's current benefit period that includes such week. However, for the purposes of this subsection, an individual shall be deemed to have received all of the regular benefits that were available to the individual although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's benefit period or although a nonmonetary decision denying benefits is pending, the individual may subsequently be determined to be entitled to added regular benefits;

(2) may be entitled to regular benefits with respect to future weeks of unemployment but such benefits are not payable with respect to such week of unemployment by reason of seasonal limitations in any state unemployment insurance law; or

(3) having had the individual's benefit period expire prior to such week, has no, or insufficient, wages on the basis of which the individual could establish a new benefit period that would include such week;

and has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Act of 1974, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor, and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law, the individual is considered an exhaustee.

(k) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code.

(l) With respect to compensation for weeks of unemployment beginning after March 1, 2011, and ending on the later of December 10, 2011, or the week ending four (4) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5), in addition to the tests for a state "on" indicator under subsections (c) and (d), there is a state "on" indicator for a week if:

- (1) the average rate of insured unemployment for the period consisting of the week and the immediately preceding twelve (12) weeks equals or exceeds five percent (5%); and
- (2) the average rate of insured unemployment for the period consisting of the week and the immediately preceding twelve (12) weeks equals or exceeds one hundred twenty percent (120%) of the average rates of insured unemployment for the corresponding thirteen (13) week period ending in each of the preceding three (3) calendar years.

(m) There is a state "off" indicator for a week based on the rate of insured unemployment only if the rate of insured unemployment for the period consisting of the week and the immediately preceding twelve (12) weeks does not result in an "on" indicator under subsection (c)(1).

(n) With respect to compensation for weeks of unemployment beginning after March 1, 2011, and ending on the later of December 10, 2011, or the week ending four (4) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5), in addition to the tests for a state "on" indicator under subsections (c), (d), and (l) there is a state "on" indicator for a week if:

- (1) the average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three (3) months for which data for all states are published before the close of the week equals or exceeds six and one-half percent (6.5%); and
- (2) the average rate of total unemployment in Indiana (seasonally adjusted), as determined by the United States Secretary of Labor, for the three (3) month period referred to in subdivision (1) equals or exceeds one hundred ten percent (110%) of the average for any or all of the corresponding three (3) month periods ending in the three (3) preceding calendar years.

(o) There is a state "off" indicator for a week based on the rate of total unemployment only if the rate of total unemployment for the period consisting of the most recent three (3) months for which data for all states are published before the close of the week does not result in an "on" indicator under subsection (d)(1).

SECTION 3. IC 22-4-4-1 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 1. "Remuneration" whenever used in this article, unless the context clearly denotes otherwise, means all compensation for personal services, including but not limited to commissions, bonuses, dismissal pay, vacation pay, sick pay (subject to the provisions of section 2(b)(2) of this chapter) payments in lieu of compensation for services, and cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash may be estimated and determined in accordance with rules prescribed by the ~~board~~ **department**. Such term shall not, however, include the value of meals, lodging, books, tuition, or educational facilities furnished to a student while such student is attending an established school, college, university, hospital, or training course for services performed within the regular school term or school year, including the customary vacation days or periods falling within such school term or school year.

SECTION 4. IC 22-4-7-1, AS AMENDED BY P.L.121-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Before January 1, 2015, "employer" means:

(1) any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or the preceding year, has or had in employment, and/or has incurred liability for wages payable to, one (1) or more individuals (irrespective of whether the same individual or individuals are or were employed in each such day);
or

(2) any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars (\$1,500) or more, except as provided in section 2(e), 2(h), and 2(i) of this chapter.

(b) After December 31, 2014, "employer" means either of the following:

(1) An employing unit that has incurred liability for wages payable to one (1) or more individuals.

(2) An employing unit that in any calendar quarter during the current or preceding calendar year paid for service in employment wages of one dollar (\$1) or more, except as provided in section

2(e), 2(h), and 2(i) of this chapter.

(c) For the purpose of this definition, if any week includes both December 31, and January 1, the days up to January 1 shall be deemed one (1) calendar week and the days beginning January 1 another such week.

(d) For purposes of this section, "employment" shall include services which would constitute employment but for the fact that such services are deemed to be performed entirely within another state pursuant to an election under an arrangement entered into by the ~~board~~ **department** (pursuant to IC 22-4-22) and an agency charged with the administration of any other state or federal unemployment compensation law.

SECTION 5. IC 22-4-8-3, AS AMENDED BY P.L.2-2007, SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. "Employment" shall not include the following:

(1) Except as provided in section 2(i) of this chapter, service performed prior to January 1, 1978, in the employ of this state, any other state, any town or city, or political subdivision, or any instrumentality of any of them, other than service performed in the employ of a municipally owned public utility as defined in this article; or service performed in the employ of the United States of America, or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this article, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation statute, all of the provisions of this article shall be applicable to such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. However, if this state shall not be certified for any year by the Secretary of Labor under Section 3304 of the Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in IC 22-4-32-19 with respect to contribution erroneously paid or wrongfully assessed.

(2) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; however, the department is authorized to enter into agreements with the proper agencies under such Act of Congress which agreements shall become effective ten (10) days after publication thereof, in accordance with rules adopted by the department under IC 4-22-2, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this article, acquired rights to unemployment compensation under such Act of Congress, or who have, after having acquired potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this article.

(3) "Agricultural labor" as provided in section 2(l)(1) of this chapter shall include only services performed:

(A) on a farm, in the employ of any person, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

(B) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(C) in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g)) as amended, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(D) in the employ of:

(i) the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for

transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is performed; or

(ii) a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in item (i), but only if such operators produce more than one-half (1/2) of the commodity with respect to which such service is performed; except the provisions of items (i) and (ii) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(E) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

(4) As used in subdivision (3), "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(5) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in section 2(m) of this chapter.

(6) Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

(7) Service performed by an individual in the employ of child or spouse, and service performed by a child under the age of twenty-one (21) in the employ of a parent.

(8) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars (\$50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such

service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

(A) on each of some of twenty-four (24) days during such quarter such individual performs such service for some portion of the day; or

(B) such individual was regularly employed (as determined under clause (A)) by such employing unit in the performance of such service during the preceding calendar quarter.

(9) Service performed by an individual in any calendar quarter in the employ of any organization exempt from income tax under Section 501 of the Internal Revenue Code (except those services included in sections 2(i) and 2(j) of this chapter if the remuneration for such service is less than fifty dollars (\$50)).

(10) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

(11) Service performed in the employ of a school or eligible postsecondary educational institution if the service is performed:

(A) by a student who is enrolled and is regularly attending classes at the school or eligible postsecondary educational institution; or

(B) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

(i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by the school or eligible postsecondary educational institution; and

(ii) such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such

service is an integral part of such program, and such institution has so certified to the employer, except that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a government foreign to the United States of America, including service as a consular or other officer or employee or a nondiplomatic representative.

(14) Service performed in the employ of an instrumentality wholly owned by a government foreign to that of the United States of America, if the service is of a character similar to that performed in foreign countries by employees of the United States of America or of an instrumentality thereof, and if the **board department** finds that the Secretary of State of the United States has certified to the Secretary of the Treasury of the United States that the government, foreign to the United States, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in such country by employees of the United States and of instrumentalities thereof.

(15) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four (4) year course in a medical school chartered or approved pursuant to state law.

(16) Service performed by an individual as an insurance producer or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(17) Service performed by an individual:

(A) under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(B) in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by the individual at a

fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual, whether or not the individual is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(18) Service performed in the employ of an international organization.

(19) Except as provided in IC 22-4-7-1, services covered by an election duly approved by the agency charged with the administration of any other state or federal unemployment compensation law in accordance with an arrangement pursuant to IC 22-4-22-1 through IC 22-4-22-5, during the effective period of such election.

(20) If the service performed during one-half (1/2) or more of any pay period by an individual for an employing unit constitutes employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any pay period by such an individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, "pay period" means a period of not more than thirty-one (31) consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit. This subsection shall not be applicable with respect to services performed in a pay period by any such individual where any such service is excepted by subdivision (2).

(21) Service performed by an inmate of a custodial or penal institution.

(22) Service performed as a precinct election officer (as defined in IC 3-5-2-40.1).

SECTION 6. IC 22-4-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Every employer subject to this article or who has ceased to be subject to this article pursuant to section 2 of this chapter shall post and maintain printed notices thereof on its premises of such design, in such numbers, and at such places as the ~~board~~ **department** may determine to be necessary to give such

notice to persons in its service and may furnish for such purposes. Such employer shall also cause to be distributed to employees any booklets, pamphlets, leaflets, or other literature or materials supplied and furnished to such employer by the department and which contain instructions to employees on the filing of claims or which relate to the rights of employees under this article and are deemed by the ~~board~~ **department** to promote the proper and efficient administration of this article.

SECTION 7. IC 22-4-11-2, AS AMENDED BY P.L.183-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in IC 22-4-10-6 and IC 22-4-11.5, the department shall for each year determine the contribution rate applicable to each employer.

(b) The balance shall include contributions with respect to the period ending on the computation date and actually paid on or before July 31 immediately following the computation date and benefits actually paid on or before the computation date and shall also include any voluntary payments made in accordance with IC 22-4-10-5 or IC 22-4-10-5.5 (repealed):

(1) for each calendar year, an employer's rate shall be determined in accordance with the rate schedules in section 3.3 or 3.5 of this chapter; and

(2) for each calendar year, an employer's rate shall be two and five-tenths percent (2.5%), except as otherwise provided in subsection (g) or IC 22-4-37-3, unless:

(A) the employer has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date;

(B) there has been some annual payroll in each of the three (3) twelve (12) month periods immediately preceding the computation date; and

(C) the employer has properly filed all required contribution and wage reports, and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors have been paid.

(c) In addition to the conditions and requirements set forth and provided in subsection (b)(2)(A), (b)(2)(B), and (b)(2)(C), an employer's rate is equal to the sum of the employer's contribution rate

determined or estimated by the department under this article plus two percent (2%) unless all required contributions and wage reports have been filed within thirty-one (31) days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessor for periods before and including the computation date have been paid:

- (1) within thirty-one (31) days following the computation date; or
- (2) within ten (10) days after the department has given the employer a written notice by registered mail to the employer's last known address of:
 - (A) the delinquency; or
 - (B) failure to file the reports;

whichever is the later date. The **board department** or the **board's department's** designee may waive the imposition of rates under this subsection if the **board department** finds the employer's failure to meet the deadlines was for excusable cause. The department shall give written notice to the employer before this additional condition or requirement shall apply. An employer's rate under this subsection may not exceed twelve percent (12%).

(d) However, if the employer is the state or a political subdivision of the state or any instrumentality of a state or a political subdivision, or any instrumentality which is wholly owned by the state and one (1) or more other states or political subdivisions, the employer may contribute at a rate of one and six-tenths percent (1.6%) until it has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date.

(e) On the computation date every employer who had taxable wages in the previous calendar year shall have the employer's experience account charged with the amount determined under the following formula:

STEP ONE: Divide:

- (A) the employer's taxable wages for the preceding calendar year; by
- (B) the total taxable wages for the preceding calendar year.

STEP TWO: Subtract:

- (A) the amount described in IC 22-4-10-4.5(e)(2), if any; from
- (B) the total amount of benefits charged to the fund under section 1 of this chapter.

STEP THREE: Multiply the quotient determined under STEP ONE by the difference determined under STEP TWO.

(f) One (1) percentage point of the rate imposed under subsection (c), or the amount of the employer's payment that is attributable to the increase in the contribution rate, whichever is less, shall be imposed as a penalty that is due and shall be deposited upon collection into the special employment and training services fund established under IC 22-4-25-1. The remainder of the contributions paid by an employer pursuant to the maximum rate shall be:

- (1) considered a contribution for the purposes of this article; and
- (2) deposited in the unemployment insurance benefit fund established under IC 22-4-26.

(g) Except as otherwise provided in IC 22-4-37-3, this subsection, instead of subsection (b)(2), applies to an employer in the construction industry. As used in the subsection, "construction industry" means business establishments whose proper primary classification in the current edition of the North American Industry Classification System Manual - United States, published by the National Technical Information Service of the United States Department of Commerce is 23 (construction). For each calendar year beginning after December 31, 2013, an employer's rate shall be equal to the lesser of four percent (4%) or the average of the contribution rates paid by all employers in the construction industry subject to this article during the twelve (12) months preceding the computation date, unless:

- (1) the employer has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date;
- (2) there has been some annual payroll in each of the three (3) twelve (12) month periods immediately preceding the computation date; and
- (3) the employer has properly filed all required contribution and wage reports, and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors have been paid.

SECTION 8. IC 22-4-12-4, AS AMENDED BY P.L.12-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Benefits shall be computed upon the basis of wage credits of an individual in the individual's base period.

Wage credits shall be reported by the employer and credited to the individual in the manner prescribed by the ~~board~~ **department**. With respect to initial claims filed for any week beginning on and after July 7, 1991, the maximum total amount of benefits payable to any eligible individual during any benefit period shall not exceed twenty-six (26) times the individual's weekly benefit, or twenty-eight percent (28%) of the individual's wage credits with respect to the individual's base period, whichever is less. If such maximum total amount of benefits is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1).

(b) Except as provided in subsection (d), the total extended benefit amount payable to any eligible individual with respect to the individual's applicable benefit period shall be fifty percent (50%) of the total amount of regular benefits (including dependents' allowances) which were payable to the individual under this article in the applicable benefit year, or thirteen (13) times the weekly benefit amount (including dependents' allowances) which was payable to the individual under this article for a week of total unemployment in the applicable benefit year, whichever is the lesser amount.

(c) This subsection applies to individuals who file a disaster unemployment claim or a state unemployment insurance claim after June 1, 1990, and before June 2, 1991, or during another time specified in another state statute. An individual is entitled to thirteen (13) weeks of additional benefits, as originally determined, if:

- (1) the individual has established:
 - (A) a disaster unemployment claim under the Stafford Disaster Relief and Emergency Assistance Act; or
 - (B) a state unemployment insurance claim as a direct result of a major disaster;
- (2) all regular benefits and all disaster unemployment assistance benefits:
 - (A) have been exhausted by the individual; or
 - (B) are no longer payable to the individual due to the expiration of the disaster assistance period; and
- (3) the individual remains unemployed as a direct result of the disaster.

(d) For purposes of this subsection, "high unemployment period" means a period during which an extended benefit period would be in

effect if IC 22-4-2-34(d)(1) were applied by substituting "eight percent (8%)" for "six and five-tenths percent (6.5%)". Effective with respect to weeks beginning in a high unemployment period, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year is equal to the least of the following amounts:

- (1) Eighty percent (80%) of the total amount of regular benefits that were payable to the eligible individual under this article in the applicable benefit year.
- (2) Twenty (20) times the weekly benefit amount that was payable to the eligible individual under this article for a week of total unemployment in the applicable benefit year.
- (3) Forty-six (46) times the weekly benefit amount that was payable to the eligible individual under this article for a week of total unemployment in the applicable benefit year, reduced by the regular unemployment compensation benefits paid (or deemed paid) during the benefit year.

This subsection expires on the later of December 5, 2009, or the week ending four (4) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed Workers and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

(e) For purposes of this subsection, "high unemployment period" means a period during which an extended benefit period would be in effect if IC 22-4-2-34(n)(1) were applied by substituting "eight percent (8%)" for "six and one-half percent (6.5%)". Effective with respect to weeks of unemployment beginning after March 1, 2011, and ending on the later of December 10, 2011, or the week ending four (4) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5), in a high unemployment period, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year is equal to the lesser of the following amounts:

- (1) Eighty percent (80%) of the total amount of regular benefits that were payable to the eligible individual under this article in the applicable benefit year.

(2) Twenty (20) times the weekly benefit amount that was payable to the eligible individual under this article for a week of total unemployment in the applicable benefit year.

SECTION 9. IC 22-4-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this section, the term "part-time worker" means an individual whose normal work is in an occupation in which ~~his~~ **the individual's** services are not required for the customary scheduled full-time hours prevailing in the establishment in which ~~he~~ **the individual** is employed, or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which ~~he~~ **the individual** is employed.

(b) The ~~board~~ **department** may prescribe rules applicable to part-time workers for determining their weekly benefit amount and the wage credits required to qualify such individuals for benefits. Such rules shall, with respect to such individuals, supersede any inconsistent provisions of this article, but, so far as practicable, shall secure results reasonably equivalent to those provided in the analogous provisions of this article.

SECTION 10. IC 22-4-14-2, AS AMENDED BY P.L.175-2009, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An unemployed individual is eligible to receive benefits with respect to any week only if the individual has:

- (1) registered for work at an employment office or branch thereof or other agency designated by the commissioner within the time limits that the department by rule adopts; and
- (2) subsequently reported with the frequency and in the manner, either in person or in writing, that the department by rule adopts.

(b) Failure to comply with subsection (a) shall be excused by the commissioner or the commissioner's authorized representative upon a showing of good cause therefor. The department shall waive or alter the requirements of this section as to such types of cases or situations that compliance with such requirements would be oppressive. ~~or would be inconsistent with the purposes of this article.~~

(c) The department shall provide job counseling or training to an individual who remains unemployed for at least four (4) weeks. The manner and duration of the counseling shall be determined by the department.

(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available.

(e) The department may waive the requirements of subsection (a) for a week only when one (1) of the following applies to an individual for that week:

- (1) The individual is attending training or retraining approved by the department.
- (2) The individual is a job-attached worker with a specific recall date that is not more than sixty (60) days after the individual's separation date.
- (3) The individual is using:
 - (A) a hiring service;
 - (B) a referral service; or
 - (C) another job placement service as determined by the department.
- ~~(4) Any other situation exists for which the department considers requiring compliance by the individual with this section to be inconsistent with the purposes of this article.~~

SECTION 11. IC 22-4-14-3, AS AMENDED BY P.L.195-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) may restrict the individual's availability because of the individual's need to address the physical, psychological, or legal effects of being a victim of domestic or family violence (as defined in IC 31-9-2-42).

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

- (1) is physically and mentally able to work;
- (2) is available for work;
- (3) is found by the department to be making an effort to secure full-time work; and
- (4) participates in reemployment services and reemployment and eligibility assessment activities **as required by section 3.2 of this chapter or** when directed by the department as provided under section 3.5 of this chapter, unless the department determines that:

- (A) the individual has completed the reemployment services;
- or
- (B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

The term "effort to secure full-time work" shall be defined by the department through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, if an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

- (1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment, or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;
- (2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;
- (3) that such individual is suspended for misconduct in connection with the individual's work; or
- (4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and is available for suitable full-time work with the individual's last employer, or is available for any other full-time employment deemed suitable.

(d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the approval of the department by reason of the application of the provisions of this section with respect to the availability for work or active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The department shall by rule prescribe the conditions under which approval of such training will be granted.

(e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an otherwise eligible individual shall not be denied benefits for any week or determined not able, available, and actively seeking work, because the individual is responding to a summons for jury service. The individual shall:

- (1) obtain from the court proof of the individual's jury service; and
- (2) provide to the department, in the manner the department prescribes by rule, proof of the individual's jury service.

SECTION 12. IC 22-4-14-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.2. (a) For purposes of section 3 of this chapter, not later than the fourth week after the week an individual begins receiving benefits, the individual must be scheduled to visit and receive an orientation to the services available through a one stop center (as defined by IC 22-4.1-1-5). The individual must appear when scheduled, but in any event, the individual's orientation must be completed not later than the sixth week after the week the individual begins receiving benefits.**

(b) The department may waive the requirements of subsection (a) only when one (1) of the following applies to an individual:

- (1) The individual is attending training or retraining approved by the department.**
- (2) The individual is a job-attached worker with a specific recall date that is not more than sixty (60) days after the individual's separation date.**
- (3) The individual is using:**

- (A) a hiring service;
- (B) a referral service; or
- (C) another job placement service as determined by the department.

(4) The individual is receiving a supplemental unemployment benefit under a contract or agreement.

SECTION 13. IC 22-4-14-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) For weeks of unemployment occurring after October 1, 1983, benefits may be paid to an individual on the basis of service performed in seasonal employment (as defined in IC 22-4-8-4) only if the claim is filed within the operating period of the seasonal employment. If the claim is filed outside the operating period of the seasonal employment, benefits may be paid on the basis of nonseasonal wages only.

(b) An employer shall file an application for a seasonal determination (as defined by IC 22-4-7-3) with the department of workforce development. A seasonal determination shall be made by the department within ninety (90) days after the filing of such an application. Until a seasonal determination by the department has been made in accordance with this section, no employer or worker may be considered seasonal.

(c) Any interested party may file an appeal regarding a seasonal determination within fifteen (15) calendar days after the determination by the department and obtain review of the determination in accordance with IC 22-4-32.

(d) Whenever an employer is determined to be a seasonal employer, the following provisions apply:

- (1) The seasonal determination becomes effective the first day of the calendar quarter commencing after the date of the seasonal determination.
- (2) The seasonal determination does not affect any benefit rights of seasonal workers with respect to employment before the effective date of the seasonal determination.

(e) If a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal operation during a period or periods of twenty-six (26) weeks or more in a calendar year, the employer shall be determined by the department to have lost its seasonal status with respect to that business or operation effective at

the end of the then current calendar quarter. The redetermination shall be reported in writing to the employer. Any interested party may file an appeal within fifteen (15) calendar days after the redetermination by the department and obtain review of the redetermination in accordance with IC 22-4-32.

(f) Seasonal employers shall keep account of wages paid to seasonal workers within the seasonal period as determined by the department and shall report these wages on a special seasonal quarterly report form provided by the department.

(g) The ~~board~~ **department** shall adopt rules applicable to seasonal employers for determining their normal seasonal period or periods.

SECTION 14. IC 22-4-17-5, AS AMENDED BY P.L.175-2009, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The governor shall appoint a review board composed of three (3) members, not more than two (2) of whom shall be members of the same political party, with salaries to be fixed by the governor. The review board shall consist of the chairman and the two (2) members who shall serve for terms of three (3) years. At least one (1) member must be admitted to the practice of law in Indiana.

(b) Any claim pending before an administrative law judge, and all proceedings therein, may be transferred to and determined by the review board upon its own motion, at any time before the administrative law judge announces a decision. ~~Any claim pending before either an administrative law judge or the review board may be transferred to the board for determination at the direction of the board.~~ If the review board considers it advisable to procure additional evidence, it may direct the taking of additional evidence within a time period it shall fix. An employer that is a party to a claim transferred to the review board ~~or the board~~ under this subsection is entitled to receive notice in accordance with section 6 of this chapter of the transfer or any other action to be taken under this section before a determination is made or other action concerning the claim is taken.

(c) Any proceeding so removed to the review board shall be heard by a quorum of the review board in accordance with the requirements of section 3 of this chapter. The review board shall notify the parties to any claim of its decision, together with its reasons for the decision.

(d) Members of the review board, when acting as administrative law judges, are subject to section 15 of this chapter.

(e) The review board may on the board's own motion affirm, modify, set aside, remand, or reverse the findings, conclusions, or orders of an administrative law judge on the basis of any of the following:

- (1) Evidence previously submitted to the administrative law judge.
- (2) The record of the proceeding after the taking of additional evidence as directed by the review board.
- (3) A procedural error by the administrative law judge.

SECTION 15. IC 22-4-17-7, AS AMENDED BY P.L.108-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. In the discharge of the duties imposed by this article, ~~any member of the board,~~ the department, the review board, ~~or~~ an administrative law judge, or any duly authorized representative of any of them, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue and serve subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the disputed claim or the administration of this article.

SECTION 16. IC 22-4-17-8, AS AMENDED BY P.L.108-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. In case of contumacy by, or refusal to obey a subpoena issued to, any person in the administration of this article, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by ~~the board,~~ the department, ~~or~~ the review board, or a duly authorized representative of ~~any~~ **either** of these, shall have jurisdiction to issue to such person an order requiring such person to appear before ~~the board,~~ the department, the review board, an administrative law judge, or the duly authorized representative of any of these, there to produce evidence if so ordered, or there to give testimony touching the matter in question or under investigation. Any failure to obey such order of the court may be punished by said court as a contempt thereof.

SECTION 17. IC 22-4-17-9, AS AMENDED BY P.L.108-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. No person shall be excused from attending

and testifying or from producing books, papers, correspondence, memoranda, and other records before ~~the board~~, the department, the review board, an administrative law judge, or the duly authorized representative of any of them, in obedience to the subpoena of any of them in any cause or proceeding before any of them on the ground that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture, but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled after having claimed the privilege against self-incrimination to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Any testimony or evidence submitted in due course before ~~the board~~, the department, the review board, an administrative law judge, or any duly authorized representative of any of them, shall be deemed a communication presumptively privileged with respect to any civil action except actions to enforce the provisions of this article.

SECTION 18. IC 22-4-17-14, AS AMENDED BY P.L.108-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to notices given under sections 2, 3, 11, and 12 of this chapter. This section does not apply to rules adopted by ~~the board~~ or the department, unless specifically provided.

(b) As used in this section, "notices" includes mailings of notices, determinations, decisions, orders, motions, or the filing of any document with the appellate division or review board.

(c) If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice.

(d) The filing of a document with the appellate division or review board is complete on the earliest of the following dates that apply to the filing:

- (1) The date on which the document is delivered to the appellate division or review board.
- (2) The date of the postmark on the envelope containing the document if the document is mailed to the appellate division or

review board by the United States Postal Service.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the appellate division or review board by a private carrier.

SECTION 19. IC 22-4-17-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) An administrative law judge may not preside over or otherwise participate in the hearing or disposition of an appeal in which the judge's impartiality might reasonably be questioned, including instances where the judge:

(1) has:

(A) personal bias or prejudice concerning a party; or

(B) personal knowledge of disputed evidentiary facts concerning the appeal;

(2) has served as a lawyer in the matter in controversy; or

(3) knows that the judge has any direct or indirect financial or other interest in the subject matter of an appeal or in a party to the appeal.

(b) Disqualification of an administrative law judge shall be in accordance with the rules adopted by the ~~Indiana unemployment insurance board~~. **department.**

(c) This subsection does not apply to the disposition of ex parte matters specifically authorized by statute or rule. An administrative law judge may not communicate, directly or indirectly, regarding any substantive issue in the appeal while the appeal is pending, with any party to the appeal, or with any individual who has a direct or indirect interest in the outcome of the appeal, without notice and opportunity for all parties to participate in the communication.

SECTION 20. IC 22-4-18-1, AS AMENDED BY P.L.69-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) There is created a department under IC 22-4.1-2-1 which shall be known as the department of workforce development.

(b) The department of workforce development may:

(1) Administer the unemployment insurance program.

(2) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related

to activities of the department under this article.

(3) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this article, including contracts for the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(c) The payment of unemployment insurance benefits must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

(e) The department of workforce development may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development shall do the following:

(1) Submit a report to the general assembly in an electronic format under IC 5-14-6 and to the governor before December 1 of each year concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

(B) Information regarding expenditures from the special employment and training services fund.

(C) Information regarding money released under IC 22-4-25-1(c).

(2) Make a presentation to the budget committee at each meeting of the budget committee held before November 1, 2016, concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

(B) Information regarding expenditures from the special employment and training services fund.

(C) Information regarding money released under IC 22-4-25-1(c).

(D) Any other information requested by the budget committee.

~~(e)~~ **(g)** In addition to the duties prescribed in subsections (a) through ~~(e)~~, **(f)**, the department of workforce development shall establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid and to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including using the staff of shelters for battered women in the presentation of the training. The initial training shall consist of instruction of not less than six (6) hours. Refresher training shall be required annually and shall consist of instruction of not less than three (3) hours.

SECTION 21. IC 22-4-18-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 2: ~~(a) The Indiana unemployment insurance board is created. The board is responsible for the oversight of the unemployment insurance program. The board shall report annually to the governor on the status of unemployment insurance together with recommendations for maintaining the solvency of the unemployment insurance benefit fund. The department staff shall provide support to the board. The unemployment insurance board shall consist of nine (9) members, who shall be appointed by the governor, as follows:~~

~~(1) Four (4) members shall be appointed as representatives of labor and its interests.~~

~~(2) One (1) member shall be appointed as a representative of the state and its interest and of the public at large.~~

~~(3) Two (2) members shall be appointed as representatives of the large employers of the state.~~

~~(4) Two (2) members shall be appointed as representatives of the independent merchants and small employers of the state.~~

All appointments shall be made for terms of four (4) years. All appointments to full terms or to fill vacancies shall be made so that all terms end on March 31.

(b) Every Indiana unemployment insurance board member so appointed shall serve until a successor shall have been appointed and qualified. Before entering upon the discharge of official duties, each member of the board shall take and subscribe to an oath of office, which shall be filed in the office of the secretary of state. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. The governor may, at any time, remove any member of the board for misconduct, incapacity, or neglect of duty. Each member of the board shall be entitled to receive as compensation for the member's services the sum of one hundred dollars (\$100) per month for each and every month which the member devotes to the actual performance of the member's duties, as prescribed in this article, but the total amount of such compensation shall not exceed the sum of twelve hundred dollars (\$1,200) per year. In addition to the compensation hereinbefore prescribed, each member of the board shall be entitled to receive the amount of traveling and other necessary expenses actually incurred while engaged in the performance of official duties.

(c) The board may hold one (1) regular meeting each month and such called meetings as may be deemed necessary by the commissioner or the board. The April meeting shall be known as the annual meeting. Five (5) members of the board constitute a quorum for the transaction of business. At its first meeting and at each annual meeting held thereafter, the board shall organize by the election of a president and vice president from its own number, each of whom, except those first elected, shall serve for a term of one (1) year and until a successor is elected.

SECTION 22. IC 22-4-18-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.4. (a) The Indiana unemployment insurance board and the department shall cooperate to provide for an orderly transition of the powers, duties, agreements, liabilities, records, property, and other assets as described in section 2.5 of this chapter on April 1, 2016.**

(b) This section expires January 1, 2017.

SECTION 23. IC 22-4-18-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) **The Indiana unemployment insurance board is abolished on April 1, 2016.**

(b) **On April 1, 2016, all powers, duties, agreements, and liabilities of the Indiana unemployment insurance board are transferred to the department.**

(c) **On April 1, 2016, all records and property of the Indiana unemployment insurance board, including appropriations or other funds under the control or supervision of the Indiana unemployment insurance board, are transferred to the department.**

(d) **After March 31, 2016, any amounts owed to the Indiana unemployment insurance board are considered to be owed to the department.**

(e) **After March 31, 2016, a reference to the Indiana unemployment insurance board in a statute, rule, or other document is considered a reference to the department.**

(f) **Rules that were adopted by the Indiana unemployment insurance board before April 1, 2016, shall be treated as though the rules were adopted by the department until the department adopts rules under IC 4-22-2 to administer this article.**

(g) **Proceedings that pertain to the unemployment insurance system pending before the Indiana unemployment insurance board on April 1, 2016, shall be transferred to the department and must be treated as if the department was the original party.**

(h) **This section expires January 1, 2017.**

SECTION 24. IC 22-4-19-1, AS AMENDED BY P.L.108-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The ~~board~~ **department** shall have the power and authority to adopt, amend, or rescind such rules and regulations to employ such persons, make such expenditures, require such reports, make such investigations and take such other action as it may deem necessary or suitable for the proper administration of this article. All rules and regulations issued under the provisions of this article shall be effective upon publication in the manner hereinafter provided and shall have the force and effect of law. The ~~board~~ **department** may prescribe the extent, if any, to which any rule or

regulation so issued or legal interpretation of this article shall be with or without retroactive effect. Whenever the ~~board~~ **department** believes that a change in contribution or benefit rates will become necessary to protect the solvency of the unemployment insurance benefit fund, ~~it~~ **the department** shall promptly so inform the governor and the general assembly, and make recommendations with respect thereto.

SECTION 25. IC 22-4-19-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4: Subject to the further provisions of this article, the board is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed as provided in this section. The board may authorize any such person so appointed to do any act or acts which would lawfully be done by the board and may, in its discretion, require suitable bond from any person charged with the custody of any money or securities.~~

SECTION 26. IC 22-4-19-7, AS AMENDED BY P.L.175-2009, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. In any case where an employing unit, or any officer, member, or agent thereof or any other person having possession of the records thereof, shall fail or refuse upon demand by ~~the board~~, the department, the review board, or an administrative law judge, or the duly authorized representative of any of them, to produce or permit the examination or copying of any book, paper, account, record, or other data pertaining to payrolls or employment or ownership of interests or stock in any employing unit, or bearing upon the correctness of any contribution report, or for the purpose of making a report as required by this article where none has been made, then and in that event ~~the board~~, the department, the review board, or the administrative law judge, or the duly authorized representative of any of them, may by issuance of a subpoena require the attendance of such employing unit, or any officer, member, or agent thereof or any other person having possession of the records thereof, and take testimony with respect to any such matter and may require any such person to produce any books or records specified in such subpoena.

SECTION 27. IC 22-4-19-8, AS AMENDED BY P.L.108-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~The board~~; The department, the review

board, or the administrative law judge, or the duly authorized representative of any of them, at any such hearing shall have power to administer oaths to any such person or persons. When any person called as a witness by such subpoena, duly signed, and served upon the witness by any duly authorized person or by the sheriff of the county of which such person is a resident, or wherein is located the principal office of such employing unit or wherein such records are located or kept, shall fail to obey such subpoena to appear before ~~the board~~, the department, the review board, or the administrative law judge, or the authorized representative of any of them, or shall refuse to testify or to answer any questions, or to produce any book, record, paper, or other data when notified and demanded so to do, such failure or refusal shall be reported to the attorney general for the state of ~~Indiana~~ who shall thereupon institute proceedings by the filing of a petition in the name of the state of ~~Indiana~~ on the relation of the ~~board~~, ~~department~~, in the circuit court or superior or other court of competent jurisdiction of the county where such witness resides, or wherein such records are located or kept, to compel obedience of and by such witness.

(b) Such petition shall set forth the facts and circumstances of the demand for and refusal or failure to permit the examination or copying of such records or the failure or refusal of such witness to testify in answer to such subpoena or to produce the records so required by such subpoena. Such court, upon the filing and docketing of such petition shall thereupon promptly issue an order to the defendants named in said petition, to produce forthwith in such court or at a place in such county designated in such order, for the examination or copying by ~~the board~~, the department, the review board, an administrative law judge, or the duly authorized representative of any of them, the records, books, or documents so described and to testify concerning matters described in such petition. Unless such defendants to such petition shall appear in said court upon a day specified in such order, which said day shall be not more than ten (10) days after the date of issuance of such order, and offer, under oath, good and sufficient reasons why such examination or copying should not be permitted, or why such subpoena should not be obeyed, such court shall thereupon deliver to ~~the board~~, the department, the review board, the administrative law judge, or representative of any of them, for examination or copying, the records, books and documents so described in said petition and so

produced in such court and shall order said defendants to appear in answer to the subpoena, and to testify concerning the subject matter of the inquiry. Any employing unit, or any officer, member, or agent ~~thereof, of the employing unit~~, or any other persons having possession of the records thereof who shall willfully disobey such order of the court after the same shall have been served upon ~~him; the employing unit, any officer, member, or agent of the employing unit, or any other person having possession of the records~~ shall be guilty of indirect contempt of such court from which such order shall have issued and may be adjudged in contempt of said court and punished therefor as provided by law.

SECTION 28. IC 22-4-19-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If the ~~board~~ **department** determines that Public Law 94-566 or the federal laws it amends have been adjudged unconstitutional or invalid in its application to, or have been stayed pendente lite as to, a state or a political subdivision or an instrumentality which is wholly owned by the state and one (1) or more other states or political subdivisions and its employees by any court of competent jurisdiction, the ~~board~~ **department** shall suspend the enforcement of this article with respect to these employers and employees to the extent of the adjudged unconstitutionality or inapplicability or of the stay.

SECTION 29. IC 22-4-20-1, AS AMENDED BY P.L.175-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Whenever the commissioner shall consider any account or claim for contributions against an employer, and any penalty or interest due thereon, or any part thereof, to be uncollectible, written notification containing appropriate information shall be furnished to the attorney general by the commissioner setting forth the reasons therefor and the extent to which collection proceedings have been taken. The attorney general may review such notice and may undertake additional investigation as to the facts relating thereto, and shall thereupon certify to the commissioner an opinion as to the collectibility of such account or claim. If the attorney general consents to the cancellation of such claim for delinquent contributions, and any interest or penalty due thereon, the board may then cancel all or any part of such claim.

(b) In addition to the procedure for cancellation of claims for

delinquent contributions set out in subsection (a), the ~~board~~ **department** may cancel all or any part of a claim for delinquent contributions against an employer if all of the following conditions are met:

(1) The employer's account has been delinquent for at least seven (7) years.

(2) The commissioner has determined that the account is uncollectible and has recommended that the ~~board~~ **department** cancel the claim for delinquent contributions.

(c) When any such claim or any part thereof is cancelled by the ~~board~~ **department**, there shall be placed in the files and records of the department, in the appropriate place for the same, a statement of the amount of contributions, any interest or penalty due thereon, and the action of the ~~board~~ **department** taken with relation thereto, together with the reasons therefor.

SECTION 30. IC 22-4-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. In the administration of this article the ~~board~~ **department** shall cooperate to the fullest extent consistent with the provisions of this article with the federal Department of Labor, shall make such reports in such form and containing such information as the federal Department of Labor may from time to time require and shall comply with such provisions as the federal Department of Labor may from time to time find necessary to insure the correctness and verification of such reports, and shall comply with the regulations prescribed by the Secretary of Labor governing the expenditures of such sums as may be allotted and paid to the state of Indiana under 42 U.S.C. 501 through 504 or any other federal statute for the purpose of assisting in the administration of this article.

SECTION 31. IC 22-4-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Upon request therefor the ~~board~~ **department** shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this article.

SECTION 32. IC 22-4-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The ~~board~~

department may afford reasonable cooperation with every agency of the United States of America, or with any state charged with the administration of any unemployment compensation law.

SECTION 33. IC 22-4-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The **board department** shall enter into arrangements with the appropriate agencies of other states or jurisdictions or the United States of America whereby individuals performing services in this and other states or jurisdictions for a single employing unit under circumstances not specifically provided for in ~~IC 1971, IC 22-4-8-2(b), of this article;~~ or under similar provisions in the unemployment compensation laws of such other states or jurisdictions, shall be deemed to be employment performed entirely within this state or within one (1) of such other states or jurisdictions, and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or jurisdictions, or under such a law of the United States of America, or both, may constitute the basis for the payment of benefits through a single appropriate agency under the terms which the **board department** finds will be fair and reasonable to all affected interests and will not result in substantial loss to the fund.

SECTION 34. IC 22-4-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The **board department** is authorized to enter into reciprocal arrangements with the appropriate agencies of other states or jurisdictions or the United States of America, adjusting the collection and payment of contributions by employers with respect to employment not localized within this state.

SECTION 35. IC 22-4-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The **board department** is authorized to enter into reciprocal agreements with the agencies of other states or jurisdictions administering unemployment compensation laws whereby the **board department** and such other agencies or jurisdictions may act as agents for each other for the purpose of accepting contributions on each other's behalf. Such contributions upon remittance to the state or jurisdiction on whose behalf such contributions were received, shall be deemed contributions required and paid into the unemployment compensation fund of such state or jurisdiction as of the date received by the agent, state or

jurisdiction.

SECTION 36. IC 22-4-22-5, AS AMENDED BY P.L.108-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In order that the administration of this article and the unemployment insurance laws of other states or jurisdictions or of the United States of America will be promoted by cooperation between this state and such other states or jurisdictions or the appropriate agencies of the United States in exchanging services and making available facilities and information, ~~the board and the department are~~ **is** authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided in this article with respect to the administration of this article as deemed necessary or appropriate to facilitate the administration of any unemployment insurance law and in like manner to accept and utilize information, services, and facilities made available to this state by the agency or jurisdiction charged with the administration of any such other unemployment insurance law.

SECTION 37. IC 22-4-25-1, AS AMENDED BY P.L.69-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the ~~board~~ **department** for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the

employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the ~~board~~ **department** directly, or by transfer by the ~~board~~ **department** of the required amount from the special employment and training services fund to the employment and training services administration fund. The ~~board~~ **department** shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the ~~board~~ **department** directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by ~~the board~~ **or** the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the ~~board~~ **department** for expenditures in accordance with the provisions of this section and for the prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments, and shall not lapse at any time or be transferred to any other fund, except as provided in this article. **After making the grants required under subsection (c), the department may expend an amount not to exceed five million dollars (\$5,000,000) in a state fiscal year for the purposes described in this subsection, unless an additional amount is approved by the budget committee.** Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) Whenever the balance in the special employment and training services fund exceeds eight million five hundred thousand dollars (\$8,500,000), the ~~board~~ **department** shall order payment of the amount that exceeds eight million five hundred thousand dollars (\$8,500,000) into the unemployment insurance benefit fund.

(c) Subject to ~~the approval of the board;~~ and the availability of

funds, on July 1 each year the commissioner shall release:

(1) one million dollars (\$1,000,000) to the state educational institution established under IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

(2) four million dollars (\$4,000,000) to the state educational institution instituted and incorporated under IC 21-22-2-1 for training provided to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

(3) two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2);

(4) four hundred thousand dollars (\$400,000) annually for training and counseling assistance:

(A) provided by Hometown Plans under 41 CFR 60-4.5; and

(B) approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000); and

(5) three hundred thousand dollars (\$300,000) annually for training and counseling assistance provided by the state institution established under IC 21-25-2-1 to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000) for the purpose of enabling those individuals to apply for admission to apprenticeship programs offered by providers approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(d) Each state educational institution described in subsection (c) is entitled to keep ten percent (10%) of the funds released under subsection (c) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds released under subsection (c) not used by the state educational institutions under subsection (c) shall be returned to the special employment and training services fund.

SECTION 38. IC 22-4-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is established a special fund to be known as the unemployment insurance benefit fund which shall be administered separate and apart from all public money or funds of the state. This fund shall consist of:

- (1) all contributions, all payments in lieu of contributions, all money received from the federal government as reimbursements pursuant to section 204 of the Federal-State Extended Compensation Act of 1970, and all money paid into and received by it as provided in this article;
- (2) any property or securities and the earnings thereof acquired through the use of money belonging to the fund;
- (3) all other money received for the fund from any other source;
- (4) all money credited to this state's account in the unemployment trust fund pursuant to 42 U.S.C. 1103, as amended; and
- (5) interest earned from all money in the fund.

Subject to the provisions of this article, the **board department** is vested with full power, authority, and jurisdiction over the fund, including all money and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated in this article which are necessary or convenient in the administration thereof consistent with the provisions of this article and the Depository Act. The money in this fund shall be used only for the payment of unemployment compensation benefits.

SECTION 39. IC 22-4-26-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The treasurer of state shall be ex officio treasurer and custodian of the fund and shall administer the fund in accordance with the provisions of this article and the directions of the commissioner and shall pay all warrants drawn upon it in accordance with such rules as the **board department** may prescribe. All contributions provided for in this article shall be paid to and collected by the department. All contributions and other money payable to the fund as provided in this article upon receipt thereof by the department shall be paid to and deposited with the treasurer of state to the credit of the unemployment insurance benefit fund. The commissioner shall immediately order the auditor of state to issue the auditor's warrant on the treasurer of state immediately to forward such money and deposit it, together with any money earned thereby while in

the treasurer's custody and any other money received by the treasurer for the payment of benefits from any source other than the unemployment trust fund, with the Secretary of the Treasury of the United States of America to the credit of the unemployment trust fund. All money belonging to the unemployment insurance benefit fund and not otherwise deposited, invested, or paid over pursuant to the provisions of this article may be deposited by the treasurer of state under the direction of the commissioner in any banks or public depositories in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of money in the unemployment insurance benefit fund, any other provisions of law to the contrary notwithstanding. The treasurer of state shall, if required by the Social Security Administration, give a separate bond conditioned upon the faithful performance of the treasurer's duties as custodian of the fund in an amount and with such sureties as shall be fixed and approved by the governor. Premiums for the said bond shall be paid as provided in IC 22-4-24.

SECTION 40. IC 22-4-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. If any money received after June 30, 1941, from the Social Security Administration under 42 U.S.C. 501 through 504, or any unencumbered balances in the employment and training services administration fund as of June 30, 1941, or any money granted after June 30, 1941 to this state under 29 U.S.C. 49 et seq. or any money made available by this state or its political subdivisions and matched by such money granted to this state under 29 U.S.C. 49 et seq. is found by the Secretary of Labor because of any action or contingency to have been lost or been expended for purposes other than or in amounts in excess of those found necessary by the Secretary of Labor for the proper administration of this article, it is the policy of this state that upon receipt of notice of such a finding by the Secretary of Labor the ~~board~~ **department** shall promptly report the amount required for such replacement to the governor, and the governor shall at the earliest opportunity submit to the general assembly a request for the appropriation of such amount. This section shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, under 49 U.S.C. 501 through 504.

SECTION 41. IC 22-4-29-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Contributions unpaid on the date on which they are due and payable, as prescribed by the commissioner, shall bear interest at the rate of one percent (1%) per month or fraction thereof from and after such date until payment, plus accrued interest, is received by the department. The ~~board~~ **department** may prescribe fair and reasonable regulations pursuant to which such interest shall not accrue.

(b) If the failure to pay any part or all of the delinquent contributions is due to negligence or intentional disregard of authorized rules, regulations, or notices, but without intent to defraud, there shall be added, as a penalty, ten percent (10%) of the total amount of contributions unpaid, which penalty shall become due and payable upon notice and demand by the commissioner.

(c) If the commissioner finds that the failure to pay any part or all of delinquent contributions is due to fraud with intent to evade the payment of contributions, there shall be added, as a penalty, fifty percent (50%) of the total amount of delinquent contributions, which penalty shall become due and payable upon notice and demand by the commissioner.

(d) Interest and penalties collected pursuant to this section shall be paid into the special employment and training services fund.

SECTION 42. IC 22-4-29-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Unless an assessment is paid in full within seven (7) days after it becomes final, the commissioner or the commissioner's representative may file with the clerk of the circuit court of any county in the state a warrant in duplicate, directed to the sheriff of such county, commanding the sheriff to levy upon and sell the property, real and personal, tangible and intangible, of the employing unit against whom the assessment has been made, in sufficient quantity to satisfy the amount thereof, plus damages to the amount of ten percent (10%) of such assessment, which shall be in addition to the penalties prescribed in this article for delinquent payment, and in addition to the interest at the rate of one percent (1%) per month upon the unpaid contribution from the date it was due, to the date of payment of the warrant, and in addition to all costs incident to the recording and execution thereof. The remedies by garnishment and proceedings supplementary to execution as provided by law shall be available to the ~~board~~ **department** to effectuate the

purposes of this chapter. Within five (5) days after receipt of a warrant under this section, the clerk shall:

- (1) retain the duplicate copy of the warrant;
- (2) enter in the judgment record in the column for judgment debtors the name of the employing unit stated in the warrant, or if the employing unit is a partnership, the names of the partners;
- (3) enter the amount sought by the warrant;
- (4) enter the date the warrant was received; and
- (5) certify the original warrant and return it to the department.

(b) Five (5) days after the clerk receives a warrant under subsection (a), the amount sought in the warrant, the damages to an amount of ten percent (10%) of the assessment as provided in subsection (a), penalties, and interest described in subsection (a) become a lien upon the title to and interest in the real and personal property of the employing unit.

SECTION 43. IC 22-4-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The collection of the whole or any part of the amount of such assessment may be stayed for not exceeding sixty (60) days, by filing with the ~~board~~ **department** a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the ~~board~~ **department** considers necessary, conditioned upon payment of the amount which may finally be found to be due after notice and opportunity to be heard as herein provided.

SECTION 44. IC 22-4-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Upon receipt of such protest in writing, the commissioner promptly shall refer the written protest to the liability administrative law judge who shall set a date for a hearing before the liability administrative law judge and notify the interested parties thereof by registered mail. Unless such written protest is withdrawn, the liability administrative law judge, after affording the parties a reasonable opportunity for a fair hearing, shall make findings and conclusions, and, on the basis thereof, affirm, modify, or reverse the initial determination of the ~~board~~ **department**.

SECTION 45. IC 22-4-32-23, AS AMENDED BY P.L.42-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) As used in this section:

- (1) "Dissolution" refers to dissolution of a corporation under

IC 23-1-45 through IC 23-1-48 or dissolution under Indiana law of an association, a joint venture, an estate, a partnership, a limited liability partnership, a limited liability company, a joint stock company, or an insurance company (referred to as a "noncorporate entity" in this section).

(2) "Liquidation" means the operation or act of winding up a corporation's or entity's affairs, when normal business activities have ceased, by settling its debts and realizing upon and distributing its assets.

(3) "Withdrawal" refers to the withdrawal of a foreign corporation from Indiana under IC 23-1-50.

(b) The officers and directors of a corporation effecting dissolution, liquidation, or withdrawal or the appropriate individuals of a noncorporate entity shall do the following:

(1) File all necessary documents with the department in a timely manner as required by this article.

(2) Make all payments of contributions to the department in a timely manner as required by this article.

(3) File with the department a form of notification within thirty (30) days of the adoption of a resolution or plan. The form of notification shall be prescribed by the department and may require information concerning:

(A) the corporation's or noncorporate entity's assets;

(B) the corporation's or noncorporate entity's liabilities;

(C) details of the plan or resolution;

(D) the names and addresses of corporate officers, directors, and shareholders or the noncorporate entity's owners, members, or trustees;

(E) a copy of the minutes of the shareholders' meeting or the noncorporate entity's meeting at which the plan or resolution was formally adopted; and

(F) such other information as the ~~board~~ **department** may require.

The commissioner may accept, in lieu of the department's form of notification, a copy of Form 966 that the corporation filed with the Internal Revenue Service.

(c) Unless a clearance is issued under subsection (g), for a period of one (1) year following the filing of the form of notification with the

department, the corporate officers and directors of a corporation and the chief executive of a noncorporate entity remain personally liable, subject to IC 23-1-35-1(e), for any acts or omissions that result in the distribution of corporate or noncorporate entity assets in violation of the interests of the state. An officer or director of a corporation or a chief executive of a noncorporate entity held liable for an unlawful distribution under this subsection is entitled to contribution:

- (1) from every other director who voted for or assented to the distribution, subject to IC 23-1-35-1(e); and
- (2) from each shareholder, owner, member, or trustee for the amount the shareholder, owner, member, or trustee accepted.

(d) The corporation's officers' and directors' and the noncorporate entity's chief executive's personal liability includes all contributions, penalties, interest, and fees associated with the collection of the liability due the department. In addition to the penalties provided elsewhere in this article, a penalty of up to thirty percent (30%) of the unpaid contributions may be imposed on the corporate officers and directors and the noncorporate entity's chief executive for failure to take reasonable steps to set aside corporate assets to meet the liability due the department.

(e) If the department fails to begin a collection action against a corporate officer or director or a noncorporate entity's chief executive within one (1) year after the filing of a completed form of notification with the department, the personal liability of the corporate officer or director or noncorporate entity's chief executive expires. The filing of a substantially blank form of notification or a form containing misrepresentation of material facts does not constitute filing a form of notification for the purpose of determining the period of personal liability of the officers and directors of the corporation or the chief executive of the noncorporate entity.

(f) In addition to the remedies contained in this section, the department is entitled to pursue corporate assets that have been distributed to shareholders or noncorporate entity assets that have been distributed to owners, members, or beneficiaries, in violation of the interests of the state. The election to pursue one (1) remedy does not foreclose the state's option to pursue other legal remedies.

(g) The department may issue a clearance to a corporation or noncorporate entity effecting dissolution, liquidation, or withdrawal if:

(1) the:

(A) officers and directors of the corporation have; or

(B) chief executive of the noncorporate entity has;
met the requirements of subsection (b); and

(2) request for the clearance is made in writing by the officers and directors of the corporation or chief executive of the noncorporate entity within thirty (30) days after the filing of the form of notification with the department.

(h) The issuance of a clearance by the department under subsection (g) releases the officers and directors of a corporation and the chief executive of a noncorporate entity from personal liability under this section.

SECTION 46. IC 22-4-33-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except for fees charged under IC 22-4-17-12, no individual claiming benefits may be charged fees of any kind in a proceeding by ~~the board~~; the review board, an administrative law judge, or the representative of **any either** of them or by any court or any officer thereof.

(b) An individual claiming benefits in a proceeding before ~~the board~~; the review board, an administrative law judge, or a court may be represented by counsel or other authorized agent, but no counsel or agent may charge or receive for **his the counsel's or agent's** service more than an amount approved by the ~~board or~~ review board.

SECTION 47. IC 22-4-34-5, AS AMENDED BY P.L.108-2006, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A person who knowingly fails to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, in obedience to a subpoena of ~~the board~~; the department, the review board, an administrative law judge, or any duly authorized representative of any of them, commits a Class C misdemeanor. Each day a violation continues constitutes a separate offense.

SECTION 48. IC 22-4-35-1, AS AMENDED BY P.L.161-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. In any civil action to enforce the provisions of this article, the department, commissioner, state workforce innovation council, ~~unemployment insurance board~~, unemployment insurance review board, and the state may be represented by any

qualified attorney who is a regular salaried employee of the department and is designated by it for this purpose or, at the director's request, by the attorney general of the state. In case the governor designates special counsel to defend, on behalf of the state, the validity of this article, the expenses and compensation of such special counsel and of any experts employed by the commissioner in connection with such proceedings may be charged to the employment and training services administration fund.

SECTION 49. IC 22-4-37-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If at any time the governor of Indiana shall find that the tax imposed by 42 U.S.C. 1101 through 1109, as amended, has been amended or repealed by Congress or has been held unconstitutional by the Supreme Court of the United States with the result that no portion of the contributions required by this article may be credited against such tax, or if this article is declared inoperative by the supreme court of Indiana, the governor of Indiana shall publicly so proclaim, and upon the date of such proclamation the provisions of this article requiring the payment of contributions and benefits shall be suspended for a period ending not later than the last day of the next following regular or special session of the general assembly of the state of Indiana. The ~~board~~ **department** shall thereupon requisition from the unemployment trust fund all moneys therein standing to its credit and shall direct the treasurer of state of Indiana to deposit such moneys, together with any other moneys in the fund, as a special fund in any banks or public depositories in this state in which general funds of the state may be deposited.

(b) Unless prior to the expiration of such period, the general assembly of the state of Indiana has made provision for an employment security law in this state and has directed that the funds so deposited shall be used for the payment of benefits in this state, the provisions of this article shall cease to be operative, and the ~~board~~ **department** shall, under rules prescribed by it; ~~the department~~, refund without interest to each person by whom contributions have been paid ~~its~~ **the person's** pro rata share of the total contributions paid under this article.

SECTION 50. IC 22-4.1-2-2, AS AMENDED BY P.L.69-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The department includes the following

entities:

- (+) ~~The unemployment insurance board.~~
- (2) ~~(1)~~ The unemployment insurance review board.
- (3) ~~(2)~~ State workforce innovation council established by IC 22-4.1-22-3.

SECTION 51. IC 22-4.1-4-8, AS ADDED BY P.L.69-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The department annually shall prepare a written report of its training activities and the training activities of the workforce service area during the immediately preceding state fiscal year. The department's annual report for a particular state fiscal year must include information for each training project for which either the department or the workforce service area provided any funding during that state fiscal year. At a minimum, the following information must be provided for each training project:

- (1) A description of the training project, including the name and address of the training provider.
- (2) The amount of funding that either the department or the workforce service area provided for the project and an indication of which entity provided the funding.
- (3) The number of trainees who participated in the project.
- (4) Demographic information about the trainees, including:
 - (A) the age of each trainee;
 - (B) the education attainment level of each trainee; and
 - (C) for those training projects that have specific gender requirements, the gender of each trainee.
- (5) The results of the project, including:
 - (A) skills developed by trainees;
 - (B) any license or certification associated with the training project;
 - (C) the extent to which trainees have been able to secure employment or obtain better employment; and
 - (D) descriptions of the specific jobs which trainees have been able to secure or to which trainees have been able to advance.

(b) With respect to trainees that have been able to secure employment or obtain better employment, the department shall compile data on the retention rates of those trainees in the jobs which the trainees secured or to which they advanced. The department shall

include information concerning those retention rates in each of its annual reports.

(c) On or before October 1 of each state fiscal year, each workforce service area shall provide the department with a written report of its training activities for the immediately preceding state fiscal year. The workforce service area shall prepare the report in the manner prescribed by the department. However, at a minimum, the workforce service area shall include in its report the information required by subsection (a) for each training project for which the workforce service area provided any funding during the state fiscal year covered by the report. In addition, the workforce service area shall include in each report retention rate information as set forth in subsection (b).

(d) The department shall provide a copy of its annual report for a particular state fiscal year to the:

- (1) governor; **and**
- (2) legislative council; **and**
- ~~(3) unemployment insurance board;~~

on or before December 1 of the immediately preceding state fiscal year. An annual report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 52. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the interim study committee on employment and labor established by IC 2-5-1.3-4 or another appropriate interim study committee during the 2016 legislative interim the topic of establishing a committee or board to oversee:

- (1) the unemployment insurance benefit fund established by IC 22-4-26-1; and**
- (2) the special employment and training services fund established by IC 22-4-25-1.**

(c) If the topic described in subsection (b) is assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6

not later than November 1, 2016.

(d) This SECTION expires December 31, 2016.

SECTION 53. An emergency is declared for this act.

P.L.172-2016

[H.1353. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 9-18-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The annual fee described in section ~~(4)(a)(2)~~ **4(a)(2)** of this chapter shall be deposited with the treasurer of state in a special fund.

(b) The auditor of state shall monthly distribute the money in the special fund established under subsection (a) to the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust fund established by IC 14-12-2-25.

SECTION 2. IC 14-8-2-83 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 83: "Eligible cost", for purposes of IC ~~14-12-2-31~~, has the meaning set forth in IC ~~14-12-2-31~~.

SECTION 3. IC 14-8-2-282 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 282: "Trust committee", for purposes of IC ~~14-12-2~~, has the meaning set forth in IC ~~14-12-2-7~~.

SECTION 4. IC 14-12-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Expenditures from the fund shall be coordinated with expenditures under the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program established by IC 14-12-2.

SECTION 5. IC 14-12-2-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The purpose of the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program and this chapter is to ~~acquire~~ **ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations by acquiring** real property or ~~interests an interest~~ in real property that:

- (1) is an example of outstanding natural features and habitats;
- (2) has historical and archeological significance; ~~and or~~
- (3) provides areas for conservation, recreation, and the restoration of native biological diversity.

(b) The ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program, **on behalf of the state or in collaboration with partners and local communities across Indiana**, shall acquire real property for new and existing state **and local** parks, **archeological and historic sites**, state forests, **state and local** nature preserves, **state** fish and wildlife areas, wetlands, **local conservation areas**, trails, and river corridors. ~~The program shall ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations:~~

(c) ~~It is not the purpose of the Indiana heritage trust program to acquire property for resale to the federal government. However, the sale of property acquired under this chapter to the federal government is not prohibited:~~

SECTION 6. IC 14-12-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "fund" refers to the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust fund established by **section 25** of this chapter.

SECTION 7. IC 14-12-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. As used in this chapter, "project" means an undertaking that:

- (1) furthers the purposes of this chapter;
- (2) involves the acquisition of property for new and existing state **and local** parks, state historic or archeological sites, state forests, **state and local** nature preserves, fish and wildlife areas, wetlands, **local conservation areas**, trails, or river corridors; and
- (3) is eligible to receive an expenditure from the fund.

SECTION 8. IC 14-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. As used in this

chapter, "project committee" refers to the **Indiana heritage President Benjamin Harrison conservation** trust project committee established by this chapter.

SECTION 9. IC 14-12-2-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: As used in this chapter, "trust committee" refers to the **Indiana heritage trust committee** established by this chapter.

SECTION 10. IC 14-12-2-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: (a) The **Indiana heritage trust committee** is established:

(b) The trust committee consists of the following seventeen (17) members:

(1) The twelve (12) members of the natural resources foundation under IC ~~14-12-1-5~~:

(2) Two (2) members of the senate appointed by the president pro tempore of the senate with advice from the minority leader of the senate:

(3) Two (2) members of the house of representatives appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives:

(4) The treasurer of state or the treasurer's designee.

SECTION 11. IC 14-12-2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: The chairman of the foundation is the chairman of the trust committee:

SECTION 12. IC 14-12-2-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~10~~: The trust committee shall meet at least annually and at the call of the chairman:

SECTION 13. IC 14-12-2-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~11~~: (a) Nine (9) voting members of the trust committee constitute a quorum:

(b) The affirmative vote of nine (9) of the members of the trust committee is necessary for the trust committee to take any action:

SECTION 14. IC 14-12-2-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~12~~: The purpose of the trust committee is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the trust committee by this chapter:

SECTION 15. IC 14-12-2-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~13~~: Based upon recommendations from the project committee, the trust committee shall, before the end of each state fiscal year, prepare a budget for expenditures from the fund for the following

state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved by the governor under this chapter. The budget shall be submitted to the governor.

SECTION 16. IC 14-12-2-14, AS AMENDED BY P.L.167-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) The ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust project committee is established.

(b) The project committee consists of the following ~~sixteen (16)~~ **twenty-one (21)** members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The chief executive officer of the Indiana state museum and historic sites corporation established by IC 4-37-2-1.
- (7) The chairperson of the board of directors of the natural resources foundation.**

~~(7)~~ **(8)** Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:

- (A) The individuals must be residents of Indiana.
- (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
- (C) ~~Each Indiana congressional district must be represented by at least one (1) individual who is a resident of that congressional district. There must be two (2) committee members from each of the following regions of Indiana:~~
 - (i) Northwest.**
 - (ii) Northeast.**
 - (iii) Southwest.**
 - (iv) Southeast.**
 - (v) Central.**

(9) The following four (4) nonvoting members:

- (A) **One (1) member of the house of representatives**

appointed by the speaker of the house of representatives.

(B) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(C) One (1) member of the senate appointed by the president pro tempore of the senate.

(D) One (1) member of the senate appointed by the minority leader of the senate.

~~(D)~~ **(c) The individuals appointed by the governor under subsection (b)(8) must represent one (1) or more of the following:**

- ~~(i)~~ **(1) The environmentalist community.**
- ~~(ii)~~ **(2) The academic land trust community.**
- ~~(iii)~~ **(3) Organized hunting and fishing groups.**
- ~~(iv)~~ **(4) The forest products community.**
- ~~(v)~~ **(5) The parks and recreation community.**

Each group and community listed in subdivisions (1) through (5) must be represented on the project committee.

SECTION 17. IC 14-12-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) **As used in this section, "appointing authority" refers to:**

- (1) the governor in the case of a member appointed under section 14(b)(8) of this chapter; or**
- (2) the speaker of the house of representatives, the minority leader of the house of representatives, the president pro tempore of the senate, or the minority leader of the senate in the case of a member appointed under section 14(b)(9) of this chapter, whichever is applicable.**

(b) As used in this section, "member" refers to a member of the project committee appointed under section ~~14(b)(7)~~ 14(b)(8) through 14(b)(9) of this chapter.

~~(b)~~ **(c) Except as provided in subsection (e), the term of a member begins on the later of the following:**

- (1) The day the term of the member who the individual is appointed to succeed expires.**
- (2) The day the individual is appointed by the ~~governor~~ appointing authority.**

~~(c)~~ **(d) Except as provided in subsection (e), the term of a member expires July 1 of the second year after the member is appointed or until**

a successor is appointed. However, a member serves at the pleasure of the ~~governor~~ **appointing authority**.

(e) This subsection applies to a member appointed under section 14(b)(9) of this chapter. The member's term begins on the date of the appointment and ends on the last day of the member's term as a member of the general assembly. However, the member serves at the pleasure of the appointing authority.

~~(d) (f)~~ The ~~governor~~ **appointing authority** may reappoint a member for a new term.

~~(e)~~ **(g)** The ~~governor~~ **appointing authority** shall appoint an individual to fill a vacancy among the members.

SECTION 18. IC 14-12-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. The governor shall appoint the ~~chairman~~ **chair and vice chair** of the project committee from among the members of the committee.

SECTION 19. IC 14-12-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Nine (9) members of the project committee constitute a quorum.

(b) The affirmative vote of ~~nine (9)~~ **a majority of the voting members of the project committee present and voting** is necessary for the project committee to take any action.

(c) A member of the project committee ~~who is a division director~~ **described in section 14(b)(1) through 14(b)(6) of this chapter** may designate in writing a representative from the respective division ~~of the department~~ to serve as a member of the project committee when the member of the project committee is unable to attend a meeting.

SECTION 20. IC 14-12-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. The purpose of the project committee is to do the following:

- (1) Propose projects to the trust committee under this chapter.
- (2) Provide technical advice and assistance to the trust committee.
- (3) Before the end of each state fiscal year, propose a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures to accomplish projects that have been approved by the governor under this chapter. The proposed budget shall be submitted to the trust committee.

(1) Provide technical review of proposed projects under this

chapter.

(2) Determine whether a proposed project under this chapter should be approved.

(3) Develop and periodically review guidelines for the review process.

(4) Perform other duties imposed upon the project committee by this chapter.

SECTION 21. IC 14-12-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) As used in this section, "member" refers to a member of the ~~following~~:

~~(1) The trust committee.~~

(2) The project committee.

(b) Each member who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

SECTION 22. IC 14-12-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The following procedure must be followed before ~~the department~~ **money from the fund may be used to acquire property for a project** under this chapter:

(1) The project committee must ~~propose a project to the trust committee review and approve a project requiring the acquisition of the property.~~

(2) The ~~trust project~~ committee must ~~approve the project proposed by the project committee, with or without modifications,~~

~~and~~ recommend the project to the governor for approval.

(3) The governor must approve the project as recommended by the **trust project** committee and inform the director of the department of the governor's approval.

(b) When the procedure under subsection (a) is completed, the department shall acquire the property subject to the project according to Indiana law.

SECTION 23. IC 14-12-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. The **trust project** committee shall, with the assistance of ~~the project committee and~~ the department, adopt and make available to the public a strategic plan to implement the purposes of this chapter.

SECTION 24. IC 14-12-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) The ~~Indiana~~ **heritage President Benjamin Harrison conservation** trust fund is established for the purpose of purchasing property as provided in this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from environmental license plates issued under IC 9-18-29.
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The department shall administer the fund. **The director must approve any purchase of property using money from the fund.**

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the

department all money in the fund for the purposes of this chapter.

SECTION 25. IC 14-12-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. **(a)** The following accounts are established within the fund:

- (1) The state parks account. Money in this account may be used only to purchase property for state park, **historic site, or archeological site** purposes.
- (2) The state forests account. Money in this account may be used only to purchase property for state forest purposes.
- (3) The nature preserves account. Money in this account may be used only to purchase property for nature preserve purposes.
- (4) The fish and wildlife account. Money in this account may be used only to purchase property for fish or wildlife management purposes.
- (5) The outdoor recreation **and trails** account. Money in this account may be used only to purchase property for outdoor recreation ~~historic site, or archeological site~~ purposes.
- (6) The stewardship account. Money in this account may be used only for the following purposes:
 - (A) Maintenance of property acquired under this chapter.
 - (B) Costs of removal of structures, debris, and other property that is unsuitable for the intended use of the property to be acquired.
 - (C) Costs of site preparation related to any of the following:
 - (i) The public use of the property, such as fences, rest rooms, public ways, trails, and signs.
 - (ii) Protecting or preserving the property's natural environment.
 - (iii) Returning the property to the property's natural state.
 - (D) Not more than ten percent (10%) of the money in the account for the promotion of the purposes of the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program.
 - (E) To monitor conservation easements acquired under this chapter.**
- (7) The discretionary account. Subject to section ~~31~~ **31.5** of this chapter, money in this account may be used for any purpose for which the accounts listed in subdivisions (1) through (6) may be

used.

(b) Money in the accounts of the trust fund may be used as described in subsection (a) and section 31.5 of this chapter for a state or local project approved by the project committee.

SECTION 26. IC 14-12-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. ~~Five percent (5%)~~ **Nine percent (9%)** of the money appropriated to the fund ~~shall~~ **must** be allotted to the stewardship account established by section ~~26(6)~~ **26(a)(6)** of this chapter.

SECTION 27. IC 14-12-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. After the allotment required under section 27 of this chapter has been made, the following allotments shall be made:

- (1) Ten percent (10%) of the balance shall be allotted to each account listed in section ~~26(1)~~ **26(a)(1)** through ~~26(5)~~ **26(a)(5)** of this chapter.
- (2) Fifty percent (50%) of the balance shall be allotted to the account listed in section ~~26(7)~~ **26(a)(7)** of this chapter.

SECTION 28. IC 14-12-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) Money in the accounts of the fund, other than the stewardship account, may be used for the following:

- (1) Acquisition costs, such as costs of surveying, title insurance, and other activities associated with the transfer of title to property.
 - (2) Costs of services and expenses related to acquisition, such as engineering, appraisal, environmental, accounting, project development, and legal services and expenses.
- (b) Money in the fund may not be used for the following:
- (1) The costs of construction of structures other than those authorized under section ~~26(6)~~ **26(a)(6)** of this chapter.
 - (2) The costs of removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98).
 - (3) The costs of wastewater treatment.

SECTION 29. IC 14-12-2-31 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~31~~. (a) ~~As used in this section, "eligible cost" refers to a cost listed in section 30(a) of this chapter.~~

(b) Expenditures from the discretionary account may only be made

to the extent that, for every three dollars (\$3) to be expended from that account for an approved project, at least one dollar (\$1) in matching money or value is provided for an approved project from nonstate sources or from the foundation:

(c) In determining whether sufficient matching money or value has been provided, the trust committee shall consider the following to be matching value:

(1) The value, as determined by the trust committee, of property and eligible costs related to the acquisition donated to the department for an approved project.

(2) The value, as determined by the trust committee, of improvements to property in an approved project, such as reforestation, reclamation, and other efforts that, in a manner satisfactory to the trust committee, preserve the property or restore the property to a more natural state.

(3) The value, as determined by the trust committee, of the dedication of, other restriction on, or improvements to property adjoining an approved project for conservation purposes, in a manner satisfactory to the trust committee.

(4) The value, as determined by the trust committee, of other real property:

(A) held by a nonprofit corporation, the federal government, or local government; and

(B) used for the benefit of property in an approved project, with restrictions on the use of the property, such as dedication as a nature preserve, in a manner satisfactory to the trust committee.

(5) Distributions of federal revenues directly to the fund or through the state that are used for an approved project.

SECTION 30. IC 14-12-2-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 31.5. (a) Money from the discretionary account may not be used to acquire property for an approved project unless the approved project receives endorsement and participation from:**

(1) a department division associated with the accounts listed in section 26(a)(1) through 26(a)(5) of this chapter; and

(2) nonstate sources or the foundation.

(b) Expenditures from the discretionary account may not exceed one-half (1/2) of the value of a property acquired under this chapter unless:

(1) the approved project advances multiple conservation objectives; and

(2) at least two (2) of the department divisions associated with the accounts listed in section 26(a)(1) through 26(a)(5) of this chapter have endorsed and are participating in the approved project.

(c) If an approved project satisfies the requirements of subsection (b)(1) and (b)(2), the applicant may request that up to two-thirds (2/3) of the value of the acquired property be paid from the discretionary account.

SECTION 31. IC 14-12-2-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 33. Before October 1 of each year, the ~~trust~~ **project** committee shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared for the general assembly must be in an electronic format under IC 5-14-6.

SECTION 32. IC 14-12-2-35 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 35: (a) The department shall produce and make available for sale a voluntary fish and wildlife land acquisition stamp:

(b) The department shall determine the form and design of the stamp. A new design shall be adopted for the stamp each year:

(c) The stamp shall be:

(1) offered for sale by the department; and

(2) distributed to license agents authorized to sell licenses under IC 14-22 for sale by those agents:

(d) The price of each stamp is five dollars (\$5). A license agent who sells a stamp may charge and retain an additional fifty cents (\$0.50) as a fee for selling the stamp:

(e) A license agent selling stamps under this section shall, not later than five (5) days after the close of each quarter:

(1) report to the director of the department:

(A) the number of stamps sold by the agent during the preceding quarter; and

(B) the number of unsold stamps remaining in the possession of the agent; and

(2) remit all money collected for the stamps, minus the fees provided for in subsection (d), to the department.

(f) The money collected by the department from the sale of the stamps shall be deposited in the fish and wildlife account established within the Indiana heritage trust fund by section 26(4) of this chapter.

SECTION 33. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the following topics:

(1) An accounting of all properties maintained by the department of natural resources, including needs for maintenance, improvements, and upgrades to those properties.

(2) Anticipated future needs for acquisition of new properties.

(3) Identifying additional long term funding sources for the President Benjamin Harrison conservation trust fund.

(b) This SECTION expires January 1, 2017.

SECTION 34. An emergency is declared for this act.



P.L.173-2016

[H.1360. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-1-4-3, AS AMENDED BY P.L.157-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal

requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) This subsection does not apply to an individual licensed under IC 25-34.1. Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

(c) This subsection applies only to individuals licensed under IC 25-34.1. Following every license renewal period for a broker's license issued under IC 25-34.1, the agency in consultation with the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 2. IC 25-34.1-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. **(a)** A continuing education sponsor that has received approval under section 12 of this chapter must maintain records for five (5) years of the participants who successfully complete and pass the course. If the sponsor ceases operations, the owner shall place the records in the care of a custodian that is approved by the commission.

(b) A continuing education sponsor shall, not later than ten (10) days after a continuing education course is offered, submit the following to the commission:

(1) A completed continuing education attendance roster of all participants. The roster must include the full legal name, address of residence, and any other identifying information required by the commission of each participant. The names must be submitted to the commission in alphabetical order.

(2) A completed continuing education evaluation transmittal

form for each of the participants.

SECTION 3. IC 25-34.1-9-15.5, AS ADDED BY P.L.200-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.5. (a) The commission may deny, suspend, or revoke approval of any course or course sponsor if the commission determines that the course sponsor, by the act of an employee or agent, has failed to comply with the standards established in this chapter and the rules of the commission.

(b) The commission may deny, suspend, or revoke approval of any course instructor permit issued under this article if the commission determines that the instructor has failed to comply with the standards established in this chapter and the rules of the commission.

(c) The commission may deny, suspend, or revoke approval of any course sponsor if the commission determines the course sponsor:

- (1) falsifies attendance information for continuing education courses submitted to the commission; or**
- (2) fails to provide the commission with attendance information required under section 13(b) of this chapter.**

SECTION 4. IC 25-34.1-9-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. **The commission may enter into an agreement with an entity that is not a state agency or the federal government to provide through electronic means a continuing education tracking system. The system must provide an electronic record of the continuing education courses, classes, or programs completed by all individuals who are licensed under this article. All the following apply to an electronic system provided under this section:**

- (1) All continuing education tracking performed by the system must accurately reflect the continuing education requirements under this chapter.**
- (2) A confirmation of completed continuing education courses required under this chapter generated by the system is considered verification of completion for renewal of a license or registration and for purposes of any audit of licensees or registrants conducted by the commission.**
- (3) The system must provide access to an individual who is**

licensed or registered under this article and to the commission access to continuing education information about the individual.

(4) The commission shall adopt rules under IC 4-22-2 it considers appropriate or necessary to implement this section.

P.L.174-2016

[H.1365. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 4-5-1-12, AS ADDED BY P.L.92-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The secretary of state shall establish a dealer services division within the office of the secretary of state. The dealer services division shall administer ~~IC 9-29-17~~ and IC 9-32.

(b) The secretary of state shall appoint a director of the dealer services division established by subsection (a).

SECTION 2. IC 6-6-5-1, AS AMENDED BY P.L.259-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "vehicle" means a vehicle subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state.

(b) As used in this chapter, "mobile home" means a nonself-propelled vehicle designed for occupancy as a dwelling or sleeping place.

(c) As used in this chapter, "bureau" means the bureau of motor vehicles.

(d) As used in this chapter, "license branch" means a branch office

of the bureau authorized to register motor vehicles pursuant to the laws of the state.

(e) As used in this chapter, "owner" means the person in whose name the vehicle or trailer is registered (as defined in IC 9-13-2).

(f) As used in this chapter, "motor home" means a self-propelled vehicle having been designed and built as an integral part thereof having living and sleeping quarters, including that which is commonly referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

(1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or

(2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

(1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.

(2) Mobile homes and motor homes.

(3) Vehicles assessed under IC 6-1.1-8.

(4) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.

(5) Vehicles owned, or leased and operated, by a postsecondary educational institution described in IC 6-3-3-5(d).

(6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).

(7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.

(9) Farm wagons.

(10) Off-road vehicles (as defined in IC 14-8-2-185).

(11) Snowmobiles (as defined in IC 14-8-2-261).

(12) After June 30, 2017, vehicles owned or otherwise held as inventory by a person licensed under IC 9-32.

SECTION 3. IC 9-13-2-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7. "Automobile auctioneer", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-4.

SECTION 4. IC 9-13-2-37 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 37. "Converter manufacturer" means a person who adds to, subtracts from, or modifies a previously assembled or manufactured motor vehicle. The term does not include a person who manufactures recreational vehicles.

SECTION 5. IC 9-13-2-42, AS AMENDED BY P.L.180-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person ~~who that~~:

(1) sells; ~~to the general public, including a person who sells directly by the Internet or other computer network,~~

(2) offers to sell; or

(3) advertises for sale;

including directly by the Internet or other computer network, at least twelve (12) vehicles each year. within a twelve (12) month period. The term includes a person ~~who that~~ sells off-road vehicles, snowmobiles, or mini-trucks. A dealer must have an established place of business that meets the minimum standards prescribed by the secretary of state under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

~~(3) An automotive mobility dealer.~~

(c) "Dealer", for purposes of IC 9-31, means a person that sells, to

the general public offers to sell, or advertises for sale at least six (6):

- (1) ~~boats; watercraft;~~ or
- (2) trailers:
 - (A) designed and used exclusively for the transportation of watercraft; and
 - (B) sold in general association with the sale of watercraft;

per year: **within a twelve (12) month period.**

(d) "Dealer", for purposes of IC 9-32, and unless otherwise provided, means:

- (1) an automobile ~~auctioneer;~~ **auction;**
- (2) an automotive mobility dealer;
- (3) a converter manufacturer;
- (4) a dealer;
- (5) a distributor;
- (6) a manufacturer;
- (7) ~~a an automotive salvage dealer;~~ **recycler;**
- (8) a transfer dealer;
- (9) a watercraft dealer; or
- (10) before July 1, 2015, a wholesale dealer.

SECTION 6. IC 9-13-2-45, AS AMENDED BY P.L.151-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 45. "Distributor" means a person, other than a manufacturer, ~~or wholesale dealer, who that~~ is engaged in the business of selling motor vehicles to dealers located in Indiana. The term includes a distributor's branch office. The term does not include a recreational vehicle manufacturer.

SECTION 7. IC 9-13-2-97.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 97.5. "Manufacturer of a vehicle subcomponent system" means a manufacturer of a vehicle subcomponent system essential to the operation of a motor vehicle. The term includes a public or private university that is engaged in the:~~

- ~~(1) research;~~
- ~~(2) development; or~~
- ~~(3) manufacture;~~

~~of a vehicle subcomponent system.~~

SECTION 8. IC 9-13-2-105, AS AMENDED BY P.L.221-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 105. (a) "Motor vehicle" means, except as

otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include the following:

- (1) A farm tractor.
- (2) A motorcycle.
- (3) A motor driven cycle.

(d) "Motor vehicle", for purposes of ~~IC 9-32-13~~, **IC 9-32**, includes a semitrailer, **trailer, or recreational vehicle**.

(e) "Motor vehicle", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) "Motor vehicle", for purposes of IC 9-25, does not include the following:

- (1) A farm tractor.
- (2) A Class B motor driven cycle.

SECTION 9. IC 9-13-2-199 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 199. "Wholesale dealer", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-28.~~

SECTION 10. IC 9-18-1-2, AS ADDED BY P.L.180-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. This article applies to a mini-truck with the exception of the following:

- (1) IC 9-18-7.
- (2) IC 9-18-9 through IC 9-18-11.
- (3) IC 9-18-13 through IC 9-18-14.
- (4) ~~IC 9-18-27~~ through IC 9-18-28.
- (5) IC 9-18-32.

SECTION 11. IC 9-18-27 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Interim Manufacturer Transporter License Plates).

SECTION 12. IC 9-22-5-18.2, AS AMENDED BY P.L.197-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 18.2. (a) ~~A recycling facility, a scrap metal processor, An automotive salvage recycler~~ or an agent of a ~~recycling facility or scrap metal processor~~ **an automotive salvage recycler** may purchase a ~~motor~~ vehicle without a certificate of title for the ~~motor~~ vehicle if:

- (1) the ~~motor~~ vehicle is at least fifteen (15) model years old;
- (2) the purchase is solely for the purpose of dismantling or wrecking the ~~motor~~ vehicle for the recovery of scrap metal or the sale of parts; and
- (3) the ~~recycling facility or scrap metal processor~~ **automotive salvage recycler** records all purchase transactions of vehicles as required in subsection (b).

(b) ~~A recycling facility or scrap metal processor~~ **An automotive salvage recycler** shall maintain the following information with respect to each ~~motor~~ vehicle purchase transaction to which the ~~recycling facility or scrap metal processor~~ **automotive salvage recycler** is a party for at least ~~two~~ **(2) five (5)** years following the date of the purchase transaction:

- (1) The name and address of any ~~secondary metals recycler or salvage yard~~ **scrap metal processor or automobile scrapyard**.
- (2) The name ~~initials, or other identifying symbol~~ of the person entering the information.
- (3) The date **and time** of the purchase transaction.
- (4) A description of the ~~motor~~ vehicle that is the subject of the purchase transaction, including the make and model of the ~~motor~~ vehicle, if practicable.
- (5) The vehicle identification number of the ~~motor~~ vehicle, **to the extent practicable**.
- (6) The amount of consideration given for the ~~motor~~ vehicle.
- (7) A written statement signed by the seller or the seller's agent certifying ~~that~~ **the following**:
 - (A) The seller or the seller's agent has the lawful right to sell and dispose of the ~~motor~~ vehicle.
 - (B) **The vehicle is not subject to a security interest or lien.**
 - (C) **The vehicle will not be titled again and will be dismantled or destroyed.**
- (8) The name, **date of birth**, and address of the person from whom the ~~motor~~ vehicle is being purchased.

(9) A photocopy or electronic scan of one (1) of the following **valid and unexpired** forms of identification issued to the seller or the seller's agent:

- (A) A ~~current and valid~~ driver's license.
- (B) An identification card issued under IC 9-24-16-1, a photo exempt identification card issued under IC 9-24-16.5, or a similar card issued under the laws of another state or the federal government.
- (C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, a ~~recycling facility or scrap metal processor~~ **an automotive salvage recycler** is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(10) The license plate number, make, model, and color of the vehicle that is used to deliver the purchased vehicle to the automotive salvage recycler.

(11) The signature of the person receiving consideration from the seller or the seller's agent.

(12) A photographic or videographic image, taken when the vehicle is purchased, of the following:

- (A) **A frontal view of the facial features of the seller or the seller's agent.**
- (B) **The vehicle that is the subject of the purchase transaction.**

(c) ~~A recycling facility or scrap metal processor~~ **An automotive salvage recycler** may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) ~~A recycling facility, a scrap metal processor,~~ **An automotive salvage recycler** or an agent of a ~~recycling facility or scrap metal processor~~ **an automotive salvage recycler** that knowingly or intentionally buys a ~~motor~~ vehicle that is less than fifteen (15) model years old without a certificate of title **or certificate of authority** for the ~~motor~~ vehicle commits a Level 6 felony.

SECTION 13. IC 9-29-17 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-32).

SECTION 14. IC 9-31-2-6, AS AMENDED BY P.L.217-2014, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Except as provided in subsection (b), an application for a certificate of title shall be filed with the bureau within ~~thirty-one (31)~~ **forty-five (45)** days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 and any other applicable fees and service charges.

(c) A person who violates this section commits a Class A infraction.

SECTION 15. IC 9-31-2-17, AS AMENDED BY P.L.262-2013, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. If a person fails to apply for a title within ~~thirty-one (31)~~ **forty-five (45)** days after:

- (1) obtaining ownership of a watercraft; or
- (2) otherwise being required to obtain a certificate of title for a watercraft;

the person shall pay a late title fee prescribed under IC 9-29-15-3.

SECTION 16. IC 9-31-3-5, AS AMENDED BY P.L.92-2013, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A motorboat that has never been registered in Indiana and that is purchased from a dealer licensed by the secretary of state under IC 9-32-8 may be operated on the waters of Indiana for a period of ~~thirty-one (31)~~ **forty-five (45)** days from the date of purchase if the operator has in the operator's possession the following:

- (1) A bill of sale from the dealer giving the purchaser's name and address, the date of purchase, and the make and type of boat or the hull identification number.
- (2) A temporary **permit license plate** displayed on the forward portion of the boat, as provided in section 6 of this chapter.

SECTION 17. IC 9-31-3-6, AS AMENDED BY P.L.93-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The secretary of state shall furnish temporary **permits license plates** and registration **forms cards** to a

registered dealer upon request.

(b) A **temporary license** plate or card described in subsection (a) must display the following information:

- (1) The dealer's license number.
- (2) The date of ~~purchase~~, **expiration**, plainly stamped or stenciled on the **temporary license** plate or card.

(c) A temporary ~~permit license plate or card~~ may not be used or displayed unless the plate or card is furnished by the secretary of state.

(d) A dealer ~~who~~ **that** authorizes the use of a temporary ~~permit license plate or card~~ under this section does not assume responsibility or incur liability for injury to a person or property during the period the temporary ~~permit license plate or card~~ is in effect.

SECTION 18. IC 9-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A motorboat that is legally registered in this or another state at the time of purchase may be operated for a period of ~~thirty-one (31)~~ **forty-five (45)** days from the date of purchase if the operator has in the operator's possession the registration identification card of the previous owner with the corresponding registration numbers displayed on the forward part of the boat.

SECTION 19. IC 9-31-3-19, AS AMENDED BY P.L.5-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) A dealer licensed by the secretary of state under IC 9-32-8-2 may, upon application to the secretary of state, obtain a dealer plate for use in the testing or demonstrating of motorboats. ~~upon payment of the fee prescribed under IC 9-29-17-16 for each dealer plate.~~ A dealer plate must be displayed within a ~~boat~~ **motorboat** that is being tested or demonstrated while the ~~boat~~ **motorboat** is being tested or demonstrated.

(b) **The fee to obtain a dealer plate under subsection (a) is ten dollars (\$10). The secretary of state may retain the fee.**

SECTION 20. IC 9-32-1-2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. The transmission of electronic records under this article is governed by IC 26-2-8-114.**

SECTION 21. IC 9-32-1-3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. A license plate issued by the secretary under this**

article remains the property of the secretary.

SECTION 22. IC 9-32-2-4, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. "Automobile auctioneer" **auction** means a person ~~who that~~, is engaged in providing a place of business or facilities for the purchase and sale as part of the person's business, **arranges, manages, sponsors, advertises, hosts, carries out, or otherwise facilitates the auction** of more than three (3) motor vehicles, on the basis of bids by persons acting for themselves or others, ~~per calendar year: within a twelve (12) month period.~~ The term includes an auctioneer ~~who, as part of the business of the auctioneer, participates in providing~~ a place of business or facilities **provided by an auctioneer as part of the business of the auctioneer** for the purchase and sale of motor vehicles on the basis of bids by persons acting for themselves or others. The term does not include a person acting only as an auctioneer under IC 25-6.1-1.

SECTION 23. IC 9-32-2-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. "Automotive salvage rebuilder" means a person ~~firm, limited liability company, corporation, or other legal entity engaged in the business: that:~~

- (1) ~~of acquiring~~ **acquires** salvage ~~motor~~ vehicles for the purpose of restoring, reconstructing, or rebuilding the vehicles; and
- (2) ~~of reselling these~~ **resells, offers to resell, or advertises for resale the** vehicles for use on the highway.

SECTION 24. IC 9-32-2-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. "Broker" means a person ~~who, that~~, for a fee, a commission, or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new or used motor vehicle and who is not:

- (1) a dealer or an employee of a dealer;
- (2) a distributor or an employee of a distributor; or
- (3) at any point in the transaction, the bona fide owner of the **motor** vehicle involved in the transaction.

SECTION 25. IC 9-32-2-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. "Converter manufacturer" means a person that**

adds to, subtracts from, or modifies a previously assembled or manufactured motor vehicle. The term does not include a person that manufactures recreational vehicles.

SECTION 26. IC 9-32-2-10.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 10.3. "Disclose" means to engage in a practice or conduct to make available and make known personal information contained in an individual record about an individual to a person by any means of communication.**

SECTION 27. IC 9-32-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.5. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.**

SECTION 28. IC 9-32-2-11.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.6. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.**

SECTION 29. IC 9-32-2-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.2. "Fraud" means:**

- (1) a misrepresentation of a material fact, promise, representation, or prediction not made honestly or in good faith; or**
- (2) the failure to disclose a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.**

SECTION 30. IC 9-32-2-15.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.4. "Highly restricted personal information" means the following information that identifies an individual:**

- (1) Digital photograph or image.**
- (2) Social Security number.**
- (3) Medical or disability information.**

SECTION 31. IC 9-32-2-15.5 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.5. "Individual record"** refers to a record created or maintained by the division that contains personal information or highly restricted personal information about an individual who is the subject of the record identified in a request. The term includes records created by a dealer related to the issuance of interim license plates.

SECTION 32. IC 9-32-2-18.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.4. "Manufacturer of a vehicle subcomponent system"** means a manufacturer of a vehicle subcomponent system essential to the operation of a motor vehicle. The term includes a public or private university that is engaged in the:

- (1) research;
- (2) development; or
- (3) manufacture;

of a vehicle subcomponent system.

SECTION 33. IC 9-32-2-18.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.7. "Personal information"** means information that identifies a person, including an individual's:

- (1) digital photograph or image;
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address;
- (6) telephone number; or
- (7) medical or disability information.

The term does not include the name of an owner, an officer, or a partner of a dealer, or the name, address, or telephone number of a business or of a dealer's established place of business.

SECTION 34. IC 9-32-2-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 24.5. "Sign" or "signature"** includes a manual, facsimile, or conformed signature, or an electronic signature.

SECTION 35. IC 9-32-2-25, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. "Transfer dealer" means a person, other than a dealer, manufacturer, or wholesale dealer, who **distributor, converter manufacturer, new motor vehicle dealer, used motor vehicle dealer, automotive salvage recycler, watercraft dealer, automotive mobility dealer, or automobile auction** that has the necessity of transferring at least twelve (12) motor vehicles during a license year **twelve (12) month period** as part of the transfer dealer's primary business function.

SECTION 36. IC 9-32-2-28 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 28. "Wholesale dealer" means a person who is engaged in the business of buying or selling motor vehicles for resale to other dealers, wholesale dealers, transfer dealers, or persons other than the general public.

SECTION 37. IC 9-32-3-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The secretary may delegate any or all of the rights, duties, or obligations of the secretary under this article to:

- (1) the director; or
- (2) another designee under the supervision and control of the secretary.

The individual delegated has the authority to adopt and enforce rules under IC 4-22-2 as the secretary under IC 4-5-1-11. ~~The secretary shall adopt emergency rules in the manner set forth in IC 4-22-2-37.1 to carry out the secretary's duties under this article. The emergency rules must be adopted before January 1, 2014. The emergency rules expire June 30, 2014. Before July 1, 2014, the secretary shall, under IC 4-2-22, adopt rules to carry out the secretary's duties under this article that supersede the emergency rules.~~

SECTION 38. IC 9-32-3-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) **The secretary may accept payment of a correct fee by credit card, debit card, charge card, or similar method. However, if the fee is paid by credit card, debit card, charge card, or similar method, the legal obligation is not finally discharged until the secretary receives payment or credit from the institution responsible for making the payment or credit. The secretary may**

contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the secretary or charged directly to the secretary's account, the secretary or the credit card vendor may collect from the person using the bank or credit card a fee that may not exceed the highest transaction charge or discount fee charged to the secretary by the bank or credit card vendor during the most recent collection period. This fee may be collected regardless of any agreement between the bank and a credit card vendor or regardless of any internal policy of the credit card vendor that may prohibit this type of fee.

(b) A signature on a document that is electronically transmitted is sufficient if the person transmitting the document:

- (1) intends to submit the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and**
- (2) enters the submitting party's name on the electronic form in a signature box or other place indicated by the secretary.**

SECTION 39. IC 9-32-3-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Except as provided in sections 6, 7, and 8 of this chapter, or as required by IC 5-14-3, an officer or employee of the division may not knowingly disclose or otherwise make available personal information, including highly restricted personal information, obtained in connection with an individual record.

SECTION 40. IC 9-32-3-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Personal information related to:

- (1) motor vehicle or driver safety and theft;**
- (2) motor vehicle emissions;**
- (3) motor vehicle product alterations, recalls, or advisories;**
- (4) performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and**
- (5) the removal of nonowner records from the original owner records of motor vehicle manufacturers;**

must be disclosed under this chapter to carry out the purposes of the federal Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Anti-Car Theft Act of 1992 (49 U.S.C. 33101 et seq.), the Clean Air Act (49 U.S.C. 7401 et seq.), and all federal

regulations enacted or adopted under those acts.

SECTION 41. IC 9-32-3-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. The division may disclose certain personal information that is not highly restricted information if the person requesting the information provides proof of identity as set forth under section 13 of this chapter and represents that the use of the personal information will be strictly limited to at least one (1) of the following:**

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.**
- (2) For use in connection with matters concerning:**
 - (A) motor vehicle or driver safety and theft;**
 - (B) motor vehicle emissions;**
 - (C) motor vehicle product alterations, recalls, or advisories;**
 - (D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;**
 - (E) motor vehicle market research activities, including survey research;**
 - (F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and**
 - (G) motor fuel theft under IC 24-4.6-5.**
- (3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:**
 - (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and**
 - (B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, an individual.**
- (4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation**

of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact the individuals who are the subjects of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use in connection with the operation of private toll transportation facilities.

(10) For any use in response to requests for individual motor vehicle records when the division has obtained the written consent of the person to whom the personal information pertains.

(11) For bulk distribution for surveys, marketing, or solicitations when the division has obtained the written consent of the person to whom the personal information pertains.

(12) For use by any person, when the person demonstrates, in a form and manner prescribed by the division, that written consent has been obtained from the individual who is the subject of the information.

(13) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

SECTION 42. IC 9-32-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8. Highly restricted personal information may be disclosed by the division only as follows:**

(1) With the express written consent of the individual to whom the highly restricted personal information pertains.

(2) In the absence of the express written consent of the person

to whom the highly restricted personal information pertains, if the person requesting the information:

(A) provides proof of identity as set forth in section 13 of this chapter; and

(B) represents that the use of the highly restricted personal information will be strictly limited to at least one (1) of the uses set forth in section 7(1), 7(4), and 7(6) of this chapter.

SECTION 43. IC 9-32-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The division may, before disclosing personal information, require the requesting person to satisfy certain conditions for the purpose of ascertaining:

(1) the correct identity of the requesting person;

(2) that the use of the disclosed information will be only as authorized; or

(3) that the consent of the person who is the subject of the information has been obtained.

The conditions may include the making and filing of a written application on a form prescribed by the division and containing all information and certification requirements required by the division.

SECTION 44. IC 9-32-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) An authorized recipient of personal information, except a recipient under section 7(10) or 7(11) of this chapter, may resell or redisclose the information for any use allowed under section 6 of this chapter, except for a use under section 7(10) or 7(11) of this chapter.

(b) An authorized recipient of a record under section 7(10) of this chapter may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information under section 7(10) of this chapter may resell or redisclose the personal information for use only in accordance with section 7(11) of this chapter.

(d) Except for a recipient under section 7(10) of this chapter, a recipient that resells or rediscloses personal information shall maintain and make available for inspection to the division, upon request, for at least five (5) years, records concerning:

- (1) each person that receives the information; and
- (2) the permitted use for which the information was obtained.

SECTION 45. IC 9-32-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11. The secretary may adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 46. IC 9-32-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12. A person requesting the disclosure of personal information or highly restricted personal information from records of the division that knowingly or intentionally misrepresents the person's identity or makes a false statement to the division on an application required to be submitted under this chapter commits a Class C misdemeanor.**

SECTION 47. IC 9-32-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. The following are acceptable forms of identification for purposes of section 7 of this chapter:**

- (1) An unexpired driver's license.
- (2) An unexpired identification card issued under IC 9-24-16-1, photo exempt identification card issued under IC 9-24-16.5, or similar card issued under the laws of another state or the federal government.
- (3) An unexpired government issued document bearing an image of the individual requesting the information.

SECTION 48. IC 9-32-4-1, AS AMENDED BY P.L.151-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1. (a) If a motor vehicle for which a certificate of title has been issued is sold or if the ownership of the motor vehicle is transferred in any manner other than by a transfer on death conveyance under IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person ~~who~~ **that** holds the certificate of title must do the following:**

- (1) In the case of a sale or transfer between ~~vehicle~~ dealers licensed by this state or another state, deliver the certificate of title within ~~twenty-one (21)~~ **thirty-one (31)** days after the date of the sale or transfer.
- (2) Deliver the certificate of title to the purchaser or transferee within ~~twenty-one (21)~~ **thirty-one (31)** days after the date of sale

or transfer to the purchaser or transferee of the **motor** vehicle, if all the following conditions exist:

(A) The seller or transferor is a ~~vehicle~~ dealer licensed by the state under this article.

(B) The ~~vehicle~~ dealer is not able to deliver the certificate of title at the time of sale or transfer.

(C) The ~~vehicle~~ dealer provides the purchaser or transferee with an affidavit under section 2 of this chapter.

(D) The purchaser or transferee has made all agreed upon initial payments for the **motor** vehicle, including delivery of a trade-in **motor** vehicle without hidden or undisclosed statutory liens.

(3) Keep proof of delivery of the certificate of title with the dealer records.

(b) A ~~licensed~~ dealer may offer for sale a **motor** vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(1) or (a)(2) at the time of the sale.

(c) A ~~vehicle~~ dealer ~~who that~~ fails to deliver the certificate of title within the time specified under subsection (a) is subject to the following civil penalties:

(1) One hundred dollars (\$100) for the first violation in a calendar year.

(2) Two hundred fifty dollars (\$250) for the second violation in a calendar year.

(3) Five hundred dollars (\$500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary of state and deposited in the dealer enforcement account established under IC 9-32-7-2.

(d) If a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee has the right to return the **motor** vehicle to the ~~vehicle~~ dealer ten (10) days after giving the ~~vehicle~~ dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the **motor** vehicle to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the ~~vehicle~~ dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other

amount paid to the dealer by the purchaser or transferee. The relief referenced in this subsection is relief for the purchaser or transferee only and does not preclude the ability of the division to collect civil penalties under subsection (c).

(e) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the **motor** vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party ~~who~~ **that** has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars (\$100). If:

(1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party ~~who~~ **that** has failed to timely deliver the certificate of title in the third party's possession to the dealer; and

(2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(f) If a **motor** vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the **motor** vehicle shall deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the **motor** vehicle within ten (10) days after the date of sale.

(h) Except as provided in subsection (i), a person ~~who~~ **that** violates this section commits a Class C infraction.

(i) A person ~~who~~ **that** knowingly or intentionally violates subsection (a)(1), (a)(2), or (d) commits a Class B misdemeanor.

(j) For purposes of this section, "deliver the certificate of title" means to deliver the certificate of title to the purchaser or transferee by postmark dated mail, certified mail with return receipt, or hand delivery.

SECTION 49. IC 9-32-4-2, AS ADDED BY P.L.262-2013, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The affidavit required by section 1(a)(2)(C) of this chapter must be printed in the following form:

STATE OF INDIANA)
) ss:
COUNTY OF _____)

I affirm under the penalties for perjury that all of the following are true:

- (1) That I am a dealer licensed under IC 9-32.
- (2) That I cannot deliver a valid certificate of title to the retail purchaser of the **motor** vehicle described in paragraph (3) at the time of sale of the **motor** vehicle to the retail purchaser. The identity of the previous seller or transferor is _____. Payoff of lien was made on (date)_____. I expect to deliver a valid and transferable certificate of title not later than (date)_____ from the State of (state)_____ to the purchaser.
- (3) That I will undertake reasonable commercial efforts to produce the valid certificate of title. The vehicle identification number is _____.

Signed _____, Dealer

By _____

Dated _____, _____

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AFFIDAVIT.

Customer Signature

NOTICE TO THE CUSTOMER

If you do not receive a valid certificate of title within ~~twenty-one (21)~~ **thirty-one (31)** days after the date of sale, you have the right to return the **motor** vehicle to the ~~vehicle~~ dealer ten (10) days after giving the ~~vehicle~~ dealer written notice demanding delivery of a valid certificate of title and after the ~~vehicle~~ dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the **motor** vehicle to the ~~vehicle~~ dealer in the same or similar condition as when it was delivered to you, the ~~vehicle~~ dealer shall pay you the purchase price plus sales taxes, finance expenses, insurance expenses, and any

other amount that you paid to the ~~vehicle~~ dealer. If a lien is present on the previous owner's certificate of title, it is the responsibility of the third party lienholder to timely deliver the certificate of title in the third party's possession to the dealer not more than ten (10) business days after there is no obligation secured by the **motor** vehicle. If the dealer's inability to deliver a valid certificate of title to you within the above-described ten (10) day period results from the acts or omissions of a third party ~~who that~~ has failed to timely deliver the certificate of title in the third party's possession to the dealer, the dealer may be entitled to claim against the third party the damages allowed by law.

SECTION 50. IC 9-32-5-5, AS AMENDED BY P.L.151-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A dealer must have:

- (1) a certificate of title;
- (2) an assigned certificate of title;
- (3) a manufacturer's certificate of origin;
- (4) an assigned manufacturer's certificate of origin; or
- (5) other proof of ownership or evidence of right of possession as determined by the secretary;

for a motor vehicle ~~semitrailer~~; ~~or recreational vehicle~~ in the dealer's possession.

SECTION 51. IC 9-32-5-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a dealer purchases or acquires ownership of a

- (1) motor vehicle
- (2) ~~semitrailer~~; or
- (3) ~~recreational vehicle~~;

in a state that does not have a certificate of title law, the dealer shall apply for an Indiana certificate of title for the motor ~~vehicle~~; ~~semitrailer~~; ~~or recreational vehicle~~ not more than thirty-one (31) days after the date of purchase or the date ownership of the motor vehicle ~~semitrailer~~; ~~or recreational vehicle~~ was acquired.

(b) The bureau shall collect a delinquent title fee as provided in IC 9-29-4-4 if a dealer fails to apply for a certificate of title for a motor vehicle ~~semitrailer~~; ~~or recreational vehicle~~ as described in subsection (a).

SECTION 52. IC 9-32-5-9, AS AMENDED BY P.L.151-2015,

SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) In order to obtain or maintain a dealer's license from the secretary, a person must agree to allow a police officer or an authorized representative of the secretary to inspect:

- (1) certificates of origin, certificates of title, assignments of certificates of origin and certificates of title, or other proof of ownership or evidence of right of possession as determined by the secretary; and
- (2) motor vehicles ~~semitrailers, or recreational vehicles~~ that are held for resale by the dealer;

in the dealer's **established** place of business during reasonable business hours.

(b) A certificate of title, a certificate of origin, and any other proof of ownership described under subsection (a):

- (1) must be readily available for inspection by or delivery to the proper persons; and
- (2) may not be removed from Indiana.

SECTION 53. IC 9-32-6-1, AS AMENDED BY P.L.151-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person licensed under IC 9-32-11 may apply for a dealer license plate. The application must include any information the secretary reasonably requires. Upon application, two (2) certificates of registration and two (2) metal **dealer** license plates shall then be issued to the applicant. A dealer may apply for and receive additional dealer **license** plates as set forth in section 5 of this chapter.

(b) **The fee for the first two (2) license plates issued under subsection (a) is as follows:**

- (1) **For motorcycle dealer license plates, fifteen dollars (\$15).**
- (2) **For license plates not described in subdivision (1), forty dollars (\$40).**

(c) **Fees collected under subsection (b) shall be distributed as follows:**

- (1) **Thirty percent (30%) to the dealer compliance account.**
- (2) **Seventy percent (70%) to the motor vehicle highway account.**

(d) **There is an additional service charge of five dollars (\$5) for each set of license plates issued under subsection (a). The service**

charge shall be deposited in the crossroads 2000 fund.

SECTION 54. IC 9-32-6-2, AS AMENDED BY P.L.151-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The secretary shall issue dealer license plates under this chapter according to the following classifications:

- (1) Dealer-new.
- (2) Dealer-used.
- (3) Manufacturer.
- ~~(4) Dealer-wholesale.~~

~~The secretary may not issue a license plate described in subdivision (4) after June 30, 2015.~~

(b) The secretary may adopt rules under IC 4-22-2 to establish additional classifications of dealer license plates and may prescribe the general conditions for usage of an additional classification. The secretary shall establish the classification of dealer promotional license plates.

(c) The fee for a license plate issued under a classification established under subsection (b) is forty dollars (\$40). The fee shall be deposited in the dealer compliance account.

SECTION 55. IC 9-32-6-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The secretary shall:

- (1) issue a research and development license plate under this chapter to a manufacturer of a vehicle subcomponent system; and
- (2) adopt rules under IC 4-22-2 to prescribe the general conditions for the:
 - (A) application;
 - (B) issuance; and
 - (C) use;

of research and development license plates for manufacturers of vehicle component systems.

(b) The fee for a research and development license plate for a manufacturer of a vehicle subcomponent system is ~~the fee under IC 9-29-17-2:~~ **twenty dollars (\$20). The fee shall be distributed as follows:**

- (1) Thirty percent (30%) to the dealer compliance account.**
- (2) Seventy percent (70%) to the motor vehicle highway account.**

(c) A research and development license plate for a manufacturer of a vehicle subcomponent system shall be displayed in accordance with subsection (a)(2).

SECTION 56. IC 9-32-6-4, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The secretary shall determine the color, dimension, and style of the letters and the information required on a dealer license plate issued under this chapter.

(b) The secretary may design and issue a motor driven cycle decal to be used in conjunction with a motorcycle dealer license plate upon proper application by a dealer.

SECTION 57. IC 9-32-6-5, AS AMENDED BY P.L.62-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Upon payment of the fee under ~~IC 9-29-17-1(b)~~; **subsection (b) or (c)**, an applicant may obtain additional dealer license plates of the same category. The applicant must demonstrate the applicant's need for additional plates by stating the applicant's number of employees, annual sales, and other supporting factors. The secretary shall determine whether the applicant may receive additional plates.

(b) The fee for each additional license plate issued under subsection (a) is as follows:

(1) For an additional motorcycle dealer license plate, seven dollars and fifty cents (\$7.50).

(2) For an additional dealer license plate not described in subdivision (1), fifteen dollars (\$15).

(c) A fee collected under subsection (b) shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account.

(2) Seventy percent (70%) to the motor vehicle highway account.

(d) There is an additional service charge for each additional license plate issued under subsection (a) as follows:

(1) For an additional motorcycle dealer license plate, two dollars and fifty cents (\$2.50).

(2) For an additional dealer license plate not described in subdivision (1), five dollars (\$5).

A service charge under this subsection shall be deposited in the

crossroads 2000 fund.

SECTION 58. IC 9-32-6-6.5, AS ADDED BY P.L.62-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) This section applies to dealer license plates (~~other than dealer-wholesale license plates~~) issued after December 31, 2014.

(b) **Except as provided in subsection (c)**, dealer license plates issued to licensed dealers under this article are valid from the issue date through the expiration date as follows:

- (1) Dealer license plates of a person whose business name begins with the letters A through B expire February 1 of each year.
- (2) Dealer license plates of a person whose business name begins with the letters C through D expire March 1 of each year.
- (3) Dealer license plates of a person whose business name begins with the letters E through F expire April 1 of each year.
- (4) Dealer license plates of a person whose business name begins with the letters G through H expire May 1 of each year.
- (5) Dealer license plates of a person whose business name begins with the letters I through J expire June 1 of each year.
- (6) Dealer license plates of a person whose business name begins with the letters K through L expire July 1 of each year.
- (7) Dealer license plates of a person whose business name begins with the letters M through N expire August 1 of each year.
- (8) Dealer license plates of a person whose business name begins with the letters O through P expire September 1 of each year.
- (9) Dealer license plates of a person whose business name begins with the letters Q through R expire October 1 of each year.
- (10) Dealer license plates of a person whose business name begins with the letters S through T expire November 1 of each year.
- (11) Dealer license plates of a person whose business name begins with the letters U through V expire December 1 of each year.
- (12) Dealer license plates of a person whose business name begins with the letters W through Z expire January 1 of each year.

~~Dealer license plates issued to a sole proprietor expire based upon the name of the sole proprietorship.~~

(c) Dealer license plates issued to a person whose business name

begins with a nonalpha character expire November 1 of each year.

(d) A dealer designee license plate expires as follows:

(1) For a dealer designee license plate issued before July 1, 2017, on the earlier of:

(A) the date designated by the dealer on the application related to the license plate; or

(B) the date on which the dealer license issued to the same person expires.

(2) For a dealer designee license plate issued after June 30, 2017, on the same date each year as the date on which a dealer license issued to the same person expires.

~~(e)~~ (e) Notwithstanding subsection (b), a dealer license plate issued in 2015 expires as follows:

Plate issued to a person

with a business name

beginning with:

Plate expiration date:

A through B

February 1, 2016

C through D

March 1, 2016

E through F

April 1, 2016

G through H

May 1, 2016

I through J

June 1, 2016

K through L

July 1, 2016

M through N

August 1, 2016

O through P

September 1, 2016

Q through R

October 1, 2016

S through T

November 1, 2016

U through V

December 1, 2016

W through Z

January 1, 2017

This subsection expires January 2, 2017.

~~(f)~~ (f) This subsection expires December 31, 2017. For a dealer license plate issued in 2015, the dealer services division shall impose a fee for the dealer license plate under IC 9-29-17 (**before its repeal**) in the amount that bears the same proportion to the annual fee for the dealer license plate as the number of months the dealer license plate is valid bears to twelve (12).

SECTION 59. IC 9-32-6-7, AS AMENDED BY P.L.151-2015, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Except as provided in section 8 of this

chapter, ~~dealer-new, dealer-used, manufacturer, and dealer-wholesale~~ **dealer** license plates may be used only on motor vehicles in the:

- (1) dealer's inventory being held for sale;
 - (2) usual operation of the ~~manufacturer's~~ or dealer's business;
 - (3) movement of the ~~manufacturer's~~ or dealer's inventory; or
 - (4) inventory of a ~~manufacturer~~ or dealer that is unattended by the ~~manufacturer~~ or dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.
- (b) The license plates referenced in subsection (a) must be:
- (1) primarily used or stored at an address within Indiana; or
 - (2) displayed on a **motor** vehicle being transported for purposes of sale by a licensed Indiana dealer.

(c) A person ~~who~~ **that** violates this section commits a Class A infraction.

~~(d) This subsection expires January 1, 2016. A dealer-wholesale license plate may not be issued or displayed after June 30, 2015.~~

SECTION 60. IC 9-32-6-8, AS AMENDED BY P.L.151-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. ~~Dealer-new, dealer-used, manufacturer, and dealer-wholesale~~ **Dealer** license plates may be used by a ~~manufacturer, a dealer, or an employee of a manufacturer or a dealer~~ without restriction if the use is in compliance with section 7 of this chapter and rules adopted by the secretary to prohibit use of the plates solely to avoid payment of applicable taxes. ~~However, a dealer-wholesale license plate may not be used or displayed after June 30, 2015.~~

SECTION 61. IC 9-32-6-10, AS AMENDED BY P.L.5-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) ~~Dealer-new, dealer-used, manufacturer, and dealer-wholesale~~ **Dealer** license plates may not be used on a **motor** vehicle that:

- (1) is required to be registered; and
- (2) has a fee charged by dealers to others for the use of the **motor** vehicle.

~~However, a dealer-wholesale license plate may not be used or displayed after June 30, 2015.~~

(b) A person who violates this section commits a Class A infraction.

SECTION 62. IC 9-32-6-11, AS AMENDED BY P.L.188-2015, SECTION 129, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer ~~or manufacturer who that~~ is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) ~~Whenever a dealer or manufacturer sells or leases a motor vehicle, the~~ A dealer or manufacturer may provide ~~the buyer or lessee a person~~ with an interim license plate **issued by the secretary when the dealer:**

- (1) sells or leases a motor vehicle to the person; or**
- (2) allows a person that buys a motor vehicle to take delivery of the motor vehicle before the sale of the motor vehicle is fully funded.**

The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a ~~motor vehicle owner or lessor person~~ to operate the **motor** vehicle for a ~~maximum period of thirty-one (31)~~ **until the earlier of the following dates:**

- (1) Forty-five (45) days after the date of sale or lease of the motor vehicle to the ~~vehicle's owner or lessor or until~~ person.**
- (2) The date on which a regular license plate is issued, whichever occurs first.**

A person ~~who that~~ violates this subsection commits a Class A infraction.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the **motor** vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the ~~purchaser person~~ at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim

license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

(i) The fee for an interim dealer license plate is three dollars (\$3). The fee shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

(j) The secretary may issue an interim license plate to a person that purchases a motor vehicle from a dealer if the dealer has not timely delivered the certificate of title for the motor vehicle under IC 9-32-4-1.

(k) The secretary may design and issue to a dealer a motor driven cycle decal to be used in conjunction with an interim license plate upon the sale of a motor driven cycle.

(l) A new motor vehicle dealer may issue an interim license plate for use on a motor vehicle that the new motor vehicle dealer delivers to a purchaser under a written courtesy agreement between the new motor vehicle dealer and another new motor vehicle dealer or manufacturer with whom the new motor vehicle dealer has a franchise agreement. A person that violates this subsection commits a Class C infraction.

(m) A person who that fails to display an interim license plate as prescribed in subsection (f)(1) or (f)(2) commits a Class C infraction.

SECTION 63. IC 9-32-6-12, AS AMENDED BY P.L.151-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A dealer may not knowingly or intentionally:

(1) issue an altered interim license plate or an interim license plate with false or fictitious information; ~~or~~

(2) alter a ~~dealer-new; dealer-used; or manufacturer dealer~~ license plate or use a ~~dealer-new; dealer-used; or manufacturer dealer~~ license plate that is false or fictitious; ~~or~~

(3) create, issue, display, or use an interim license plate or a

reproduction of an interim license plate not issued by the secretary.

(b) A dealer that violates this section commits a Class A infraction SECTION 64. IC 9-32-6-13, AS AMENDED BY P.L.217-2014, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person who knowingly or intentionally operates a **motor** vehicle displaying:

- (1) an ~~altered~~ interim license plate issued under section 11 of this chapter **that is altered or reproduced; or**
- (2) **a license plate that purports to be an interim license plate issued under section 11 of this chapter;**

commits a Class C misdemeanor.

(b) A person ~~who~~ **that** knowingly and with the intent to defraud obtains an altered interim license plate ~~issued under section 11 of this chapter~~ **described in subsection (a)** commits a Class C misdemeanor.

SECTION 65. IC 9-32-6-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 15. ~~Dealer designee license plates shall be designed and issued by the bureau under IC 9-18-27-0.5.~~

SECTION 66. IC 9-32-6-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) **Except as provided in subsection (b), if a dealer license plate issued under this chapter or IC 9-31-3-19 is lost, stolen, or destroyed, the dealer may apply for a replacement dealer license plate in the form and manner prescribed by the secretary.**

(b) **If a dealer license plate is lost or stolen, the secretary may not issue a replacement dealer license plate until the dealer to whom the dealer license plate was issued:**

- (1) **has notified:**
 - (A) **the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or**
 - (B) **the law enforcement agency that has jurisdiction over the address of the dealer's established place of business;**
- and**
- (2) **presents to the secretary on a form prescribed by the secretary a report completed by the law enforcement agency that was notified under subdivision (1).**

SECTION 67. IC 9-32-6.5 IS ADDED TO THE INDIANA CODE

AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 6.5. Dealer Designee and Interim Manufacturer Transporter License Plates

Sec. 0.9. (a) The bureau may design and issue a dealer designee license plate for use without restriction by the bureau or a designee of a dealer.

(b) A dealer shall be assessed and pay the motor vehicle excise tax under IC 6-6-5 attributable to that part of the total year that the designee of the dealer operates the motor vehicle for which the dealer designee license plate is issued.

(c) A dealer shall report to the bureau on a form issued by the bureau the date of assignment to a designee, the designee's name and address, and the date of termination of the assignment.

(d) The tax calculated under subsection (b) shall be paid to a designee or at the time the dealer purchases license plates under this chapter.

(e) The fee for a dealer designee license plate is twenty-one dollars and thirty-five cents (\$21.35). The fee shall be distributed as follows:

- (1)** Twenty-five cents (\$0.25) to the state police building account.
- (2)** Thirty cents (\$0.30) to the spinal cord and brain injury fund.
- (3)** Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (4)** One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (5)** Three dollars (\$3) to the crossroads 2000 fund.
- (6)** Five dollars (\$5) to the commission fund.
- (7)** Eleven dollars and five cents (\$11.05) to the motor vehicle highway account.

(f) This section expires June 30, 2017.

Sec. 1. (a) This section applies after June 30, 2017.

(b) The secretary may design and issue a dealer designee license plate for use without restriction by the secretary or a designee of a dealer.

(c) A dealer that assigns a dealer designee license plate to a person shall report to the secretary on a form issued by the

secretary the date of assignment, the person's name and address, the date of termination of the assignment, and any other information the secretary requires. A copy of the form must be kept at all times in the vehicle displaying the dealer designee license plate.

(d) The fee for a dealer designee license plate is twenty-one dollars and thirty-five cents (\$21.35). The fee shall be distributed as follows:

- (1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.
- (2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.
- (3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

Sec. 2. (a) A dealer designee license plate may be displayed only on a motor vehicle in a dealer's inventory.

(b) A person may not:

- (1) lend;
- (2) lease;
- (3) sell;
- (4) transfer;
- (5) copy;
- (6) alter; or
- (7) reproduce;

a dealer designee license plate.

(c) A dealer designee license plate may not be used:

- (1) on a motor vehicle that is required to be registered under IC 9-18;
- (2) on a motor vehicle for which a dealer charges and receives compensation from an individual other than an employee of the dealer; or
- (3) on a motor vehicle that a dealer leases or rents.

Sec. 3. (a) An interim manufacturer transporter license plate shall be developed and issued as follows:

- (1) Before July 1, 2017, by the bureau.
- (2) After June 30, 2017, by the secretary.

(b) The fee for an interim manufacturer transporter license plate issued after June 30, 2017, is three dollars (\$3). The fee shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

Sec. 4. (a) An interim manufacturer transporter license plate may be issued only to a manufacturer of semitrailers or trailers that is licensed as a manufacturer under IC 9-32. The license plate may be used only in connection with delivery of newly manufactured semitrailers or trailers.

(b) A person that knowingly or intentionally uses an interim manufacturer transporter license plate for a purpose other than the delivery of a newly manufactured semitrailer or trailer commits a Class B misdemeanor.

Sec. 5. (a) An interim manufacturer transporter license plate shall be displayed on a vehicle in the manner determined by the bureau or the secretary, as applicable. Interim manufacturer transporter license plates may be issued in bulk. An interim manufacturer transporter license plate must display the assigned manufacturer's registration number.

(b) A person that knowingly or intentionally fails to display:

- (1) an interim manufacturer transporter license plate; or
- (2) the assigned manufacturer's registration number and expiration date on an interim manufacturer transporter license plate;

under subsection (a) commits a Class B infraction.

Sec. 6. (a) A manufacturer shall affix the proper vehicle identification number and date when an interim manufacturer transporter license plate is assigned to a specific vehicle. A license plate remains valid for thirty-one (31) days from the date the plate is affixed to the semitrailer or trailer and may not be renewed. Only one (1) interim manufacturer transporter license plate may be issued for a newly manufactured trailer or semitrailer.

(b) A person that knowingly or intentionally:

- (1) displays an interim manufacturer transporter license plate past its date of expiration; or
- (2) uses an interim manufacturer transporter license plate for more than one (1) newly manufactured trailer or semitrailer;

commits a Class B infraction.

Sec. 7. (a) An interim manufacturer transporter license plate may be used only when:

- (1) a manufacturer is delivering a semitrailer or trailer to a:
 - (A) purchaser;
 - (B) person that will offer the motor vehicle for sale; or
 - (C) motor carrier (as defined in IC 8-2.1-17-10);
- (2) a purchaser or dealer accepts the motor vehicle at the manufacturer's facility; or
- (3) a motor carrier delivers the semitrailer or trailer from the manufacturer to either the purchaser, a seller, or to another motor carrier that will make the delivery.

(b) A person that knowingly or intentionally uses an interim manufacturer transporter license plate for a purpose not specified in subsection (a) commits a Class B infraction.

Sec. 8. When a newly manufactured semitrailer or trailer is being delivered by a motor carrier, the driver of the motor vehicle used to pull the semitrailer or trailer shall carry a properly completed shipping document showing points of origin and destination issued by the manufacturer.

Sec. 9. A newly manufactured semitrailer or trailer displaying an interim manufacturer transporter license plate may transport property. Property being transported may be unrelated to the delivery of the semitrailer or trailer.

Sec. 10. A manufacturer may use either the license plate issued under this chapter or IC 9-18-27 (before its repeal) or a permit issued under IC 9-18-7.

Sec. 11. (a) A person that violates this chapter or a rule or order adopted or issued to implement this chapter is subject to the following:

- (1) A civil penalty of at least fifty dollars (\$50) and not more than one thousand dollars (\$1,000) for each day of violation and for each act of violation, as determined by the court. All civil penalties recovered under this chapter shall be paid to the state.
- (2) Revocation by the issuing authority of a dealer permanent or interim license plate that was issued to the person.
- (3) A civil action in any circuit or superior court of Indiana for either or both of the following:

(A) Injunctive relief to restrain the person from continuing the violation of this chapter or a rule or order adopted or issued to implement this chapter.

(B) Assessment and recovery of the civil penalty imposed under subdivision (1).

The attorney general shall institute and conduct the civil action in the name of the state.

(b) This section expires June 30, 2017.

SECTION 68. IC 9-32-7-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The dealer compliance account is established as a separate account to be administered by the secretary. The funds in the account must be available, with the approval of the budget agency, for use in enforcing and administering this article.

(b) The expenses of administering this article shall be paid from money in the account.

(c) The treasurer of state shall invest the money in the dealer compliance account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) The dealer compliance account consists of the following:

(1) Money deposited under:

(A) ~~IC 9-29-17-14(b)~~;

~~(B) IC 9-29-17-14(c)~~; **IC 9-32-6**; and

~~(C)~~ **(B)** section 3(1) of this chapter.

(2) Appropriations to the account from other sources.

(3) Grants, gifts, donations, or transfers intended for deposit in the account.

(4) Interest that accrues from money in the account.

(e) Money in the dealer compliance account at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the dealer compliance account is continuously appropriated to the secretary for the purposes of the account.

SECTION 69. IC 9-32-7-3, AS AMENDED BY P.L.62-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. All money collected by the secretary from manufacturers, distributors, dealers, automobile ~~auctioneers~~, ~~factory~~

auctions, manufacturer representatives, distributor representatives, ~~wholesale dealers~~, transfer dealers, converter manufacturers, or automotive mobility dealers for licenses and permit fees under ~~IC 9-29-17-8 through IC 9-29-17-13~~ **IC 9-32-11** shall be deposited as follows:

- (1) Thirty percent (30%) to the dealer compliance account established by section 1 of this chapter.
- (2) Forty percent (40%) to the motor vehicle highway account under IC 8-14-1.
- (3) Twenty percent (20%) to the state police department, and this amount is continuously appropriated to the department for its use in enforcing odometer laws.
- (4) Ten percent (10%) to the attorney general, and this amount is continuously appropriated to the attorney general for use in enforcing odometer laws.

SECTION 70. IC 9-32-8-2, AS AMENDED BY P.L.151-2015, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A person that sells, ~~to the general public offers to sell, or advertises for sale~~ at least six (6):

- (1) ~~boats; watercraft;~~
- (2) trailers that are:
 - (A) designed and used exclusively for the transportation of watercraft; and
 - (B) sold in general association with the sale of watercraft; or
- (3) items set forth in both subdivisions (1) and (2);

~~each year within a twelve (12) month period~~ must be licensed under this chapter. ~~before the person may engage in the business of selling boats or trailers.~~

SECTION 71. IC 9-32-8-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An application for a ~~boat watercraft~~ dealer license must meet all the following conditions:

- (1) Be accompanied by ~~the a nonrefundable fee under IC 9-29-17-5: of thirty dollars (\$30). The secretary shall retain a fee collected under this subdivision.~~
- (2) Be on a form prescribed by the secretary.
- (3) Contain any information that the secretary reasonably needs to enable the secretary to determine fully the:

- (A) qualifications and eligibility of the applicant to receive the license;
- (B) location of each of the applicant's places of business in Indiana; and
- (C) ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a ~~boat~~ **watercraft** dealer must show whether the applicant proposes to sell new or used ~~boats~~ **watercraft** or both new and used ~~boats~~ **watercraft**.

SECTION 72. IC 9-32-8-4, AS AMENDED BY P.L.151-2015, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A license issued to a ~~boat~~ **watercraft** dealer must specify the location of the established place of business and shall be conspicuously displayed at the established place of business. If a business name or location is changed, the licensee shall notify the secretary within ten (10) days and remit ~~the a fee specified under IC 9-29-17-6(a):~~ **of five dollars (\$5). The secretary shall retain a fee collected under this subsection. The secretary shall endorse the change on the watercraft dealer license if the secretary determines that the change is not subject to other provisions of this chapter.**

SECTION 73. IC 9-32-8-5, AS AMENDED BY P.L.62-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A ~~boat~~ **watercraft** dealer license issued under this chapter shall be issued and expires based on the business name of the ~~boat~~ **watercraft** dealer as set forth in ~~IC 9-32-11-12 or IC 9-32-11-12.5. All license fees shall be paid at the rate under IC 9-29-17-5.~~

(b) If a watercraft dealer license is lost or destroyed, the watercraft dealer may apply for a replacement watercraft dealer license in the form and manner prescribed by the secretary.

SECTION 74. IC 9-32-8-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) **Upon request of the secretary,** a person licensed under this chapter shall furnish evidence that the person:

- (1) currently has liability insurance covering the person's place of business; or**
- (2) is a member of a risk retention group that is regulated by the Indiana department of insurance. The**

(b) A liability insurance policy described in subsection (a)(1) must have limits of not less than the following:

- (1) One hundred thousand dollars (\$100,000) for bodily injury to one (1) person.
- (2) Three hundred thousand dollars (\$300,000) per accident.
- (3) Fifty thousand dollars (\$50,000) for property damage.

~~(b)~~ The minimum amounts must be maintained during the time the license is valid.

SECTION 75. IC 9-32-9-1, AS AMENDED BY P.L.151-2015, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~A recycling facility, a used parts dealer, or an automotive salvage rebuilder person~~ must be licensed by the secretary under this chapter before the ~~facility, dealer, or rebuilder person~~ may do any of the following:

- (1) Sell a used major component part of a **motor** vehicle.
- (2) Wreck, ~~or~~ dismantle, **shred, compact, crush, or otherwise destroy a motor** vehicle for resale of the major component parts of the **motor** vehicle **or scrap material**.
- (3) Rebuild a wrecked or dismantled **motor** vehicle **for resale**.
- (4) Possess **for more than thirty (30) days** more than two (2) inoperable **motor** vehicles **of a type** subject to registration **for more than thirty (30) days under IC 9-18** unless the ~~facility, dealer, or rebuilder person~~ holds a mechanic's lien on each **motor** vehicle over the quantity of two (2).
- (5) Engage in the business of storing, disposing, salvaging, or recycling of **motor** vehicles, vehicle hulks, or parts of **motor** vehicles.

(b) A person who violates this section commits a Class A infraction.

SECTION 76. IC 9-32-9-2, AS AMENDED BY P.L.151-2015, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) ~~A recycling facility, a used parts dealer, or~~ An automotive salvage ~~rebuilder~~ **recycler** licensed in Indiana must have an established place of business in Indiana conducting the business that is the basis for the license. An established place of business that performs only ministerial tasks is not considered to be conducting business.

(b) ~~A recycling facility, a used parts dealer, or~~ An automotive salvage ~~rebuilder who~~ **recycler that** violates this section commits a

Class A infraction.

SECTION 77. IC 9-32-9-3, AS AMENDED BY P.L.151-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** To apply for a license under this chapter, an automotive salvage recycler must submit an application to the secretary. An application for a license under this chapter must:

- (1) be on a form prescribed by the secretary;
- (2) contain the information the secretary considers necessary to enable the secretary to determine fully:
 - (A) the qualifications and eligibility of the applicant to receive the license; and
 - (B) the ability of the applicant to properly conduct the business for which the application is submitted; and
- (3) be accompanied by the following:
 - (A) Evidence of a bond required under IC 9-32-11-2.
 - (B) Payment of the ~~applicable~~ fee under ~~IC 9-29-17-7~~.
 - subsection (c).**
 - (C) An affidavit from:
 - (i) the person charged with enforcing a zoning ordinance, if the person exists; or
 - (ii) the zoning enforcement officer under IC 36-7-4, if a zoning enforcement officer exists;
 who has jurisdiction over the real property where the applicant wants to operate as an automotive salvage recycler.

If there is no person or officer that has jurisdiction over the real property as described in subdivision (3)(C), the application must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of an establishment of an automotive salvage recycler. The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a license until the applicant files the affidavit or the statement.

(b) If an automotive salvage recycler license is lost or destroyed, the automotive salvage recycler may apply for a replacement automotive salvage recycler license in the form and manner prescribed by the secretary.

(c) The fee for an automotive salvage recycler license under subsection (a) is ten dollars (\$10). The fee is nonrefundable and

shall be retained by the secretary.

SECTION 78. IC 9-32-9-3.5, AS ADDED BY P.L.151-2015, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. An automotive salvage recycler ~~licensed under this chapter~~ that buys **motor** vehicles must:

- (1) report the purchase of a **motor** vehicle to the National Motor Vehicle Title Information System not later than thirty (30) days after the **motor** vehicle is purchased; and
- (2) provide to the seller a valid National Motor Vehicle Title Information System report identification number.

SECTION 79. IC 9-32-9-11, AS AMENDED BY P.L.151-2015, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. If the secretary receives a written complaint from a local zoning body that a ~~recycling facility or an~~ automotive salvage ~~rebuilder; recycler,~~ subject to this chapter, is operating in violation of a local zoning ordinance, the secretary shall delay the issuance or renewal of the ~~facility's or rebuilder's~~ **automotive salvage recycler's** license under this chapter until the local zoning complaints have been satisfied.

SECTION 80. IC 9-32-10-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The advisory board is composed of the secretary and eleven (11) persons appointed by the governor upon the recommendation of the secretary as follows:

- (1) Two (2) of the appointed members must be franchised new motor vehicle dealers as follows:
 - (A) One (1) member must have sold fewer than seven hundred fifty (750) new motor vehicles in the year before the member's appointment.
 - (B) One (1) member must have sold more than seven hundred forty-nine (749) new motor vehicles in the year before the member's appointment.
- (2) Two (2) of the appointed members must represent the ~~automobile~~ **motor vehicle** manufacturing industry, and each must have been an Indiana resident for at least two (2) years immediately preceding the member's appointment.
- (3) Two (2) of the appointed members must represent the general public and may not have any direct interest in the manufacture or

sale of motor vehicles.

(4) One (1) member must represent used motor vehicle dealers that are not franchised new motor vehicle dealers.

(5) One (1) member must represent used ~~motor vehicle auctioneers~~ **automobile auctions**.

(6) One (1) member must represent the automobile salvage and recycling industry.

(7) One (1) member must represent ~~boat~~ **watercraft** dealers.

(8) One (1) member must represent the recreational vehicle industry.

(b) Not more than six (6) members of the advisory board may be of the same political party.

SECTION 81. IC 9-32-10-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The secretary shall serve as chairperson of the advisory board. The advisory board shall elect a vice chairperson and secretary from the appointed members during the first ~~month~~ **meeting** of each year. The vice chairperson and secretary serve until their successors are appointed and qualified and may be removed for good cause.

SECTION 82. IC 9-32-11-1, AS AMENDED BY P.L.151-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The following persons must be licensed under this article to engage in the business of buying, ~~or~~ selling, **or manufacturing** motor vehicles: ~~or semitrailers~~:

(1) An automobile ~~auctioneer~~ **auction**.

(2) A converter manufacturer.

(3) A dealer.

(4) A distributor.

(5) An automotive salvage recycler.

(6) A watercraft dealer.

(7) A manufacturer.

(8) A transfer dealer.

~~(9) Before July 1, 2015, a wholesale dealer.~~

~~(10)~~ **(9)** An automotive mobility dealer.

(b) An automotive mobility dealer who engages in the business of:

(1) selling, installing, or servicing;

(2) offering to sell, install, or service; or

(3) soliciting or advertising the sale, installation, or servicing of; equipment or modifications specifically designed to facilitate use or operation of a **motor** vehicle by an individual who is disabled or aged must be licensed under this article.

(c) An automotive mobility dealer that fails to be licensed under this article and engages in the businesses described in subsection (b) commits a Class A infraction.

SECTION 83. IC 9-32-11-2, AS AMENDED BY P.L.151-2015, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by payment of the applicable fee required under ~~IC 9-29-17~~; **this section**;
- (2) be on a form prescribed by the secretary;
- (3) contain the information the secretary considers necessary to enable the secretary to determine fully:
 - (A) the qualifications and eligibility of the applicant to receive the license; and
 - (B) the ability of the applicant to conduct properly the business for which the application is submitted; and
- (4) contain evidence of a bond required in subsection (e).

~~An application for a wholesale dealer license must contain the additional information required in section 3 of this chapter. The secretary of state may not accept an application for a wholesale dealer license after June 30, 2015.~~

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or another computer network to facilitate the sale of motor vehicles ~~to consumers in Indiana~~ shall maintain all records at the established place of business in Indiana.

(d) The application must include an affidavit from:

- (1) the person charged with enforcing a zoning ordinance, if one exists; or
- (2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. If there is no person or officer that has jurisdiction over the real property, the application must be

accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a license until the applicant files the affidavit or the statement.

(e) ~~Except as provided in subsection (g);~~ A licensee shall maintain a bond satisfactory to the secretary in the amount of twenty-five thousand dollars (\$25,000). The bond must:

- (1) be in favor of the state;
- (2) secure payment of fines, penalties, costs, and fees assessed by the secretary after:
 - (A) notice;
 - (B) opportunity for a hearing; and
 - (C) opportunity for judicial review; and
- (3) secure the payment of damages to a person aggrieved by a violation of this article by the licensee after a judgment has been issued.

(f) Service under this chapter shall be made in accordance with the Indiana Rules of Trial Procedure.

~~(g) Instead of meeting the requirement in subsection (e); a licensee may submit to the secretary evidence that the licensee is a member of a risk retention group that is regulated by the Indiana department of insurance.~~

(g) The fee for a license for a manufacturer or a distributor is thirty-five dollars (\$35).

(h) The fee for a license for a dealer or an automobile auction is thirty dollars (\$30).

(i) The fee for a transfer dealer, a converter manufacturer, or an automotive mobility dealer is twenty dollars (\$20).

(j) The fees collected under this section are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

SECTION 84. IC 9-32-11-6, AS AMENDED BY P.L.151-2015, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) ~~The~~ **A** license issued to a dealer under this chapter:

- (1) must specify the established place of business; and
- (2) shall be conspicuously displayed at the established place of

business.

(b) If a licensee's business name or location is changed, the licensee shall notify the secretary not later than ten (10) days after the change and remit ~~the a fee required under IC 9-29-17.~~ **of five dollars (\$5). The secretary shall retain the fee.** The secretary shall endorse the change on the license if the secretary determines that the change is not subject to other provisions of this article.

(c) A dealer ~~who~~ **that** uses the Internet or another computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary not later than ten (10) days after any change in a name, address, or telephone number documented in business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee ~~required under IC 9-29-17.~~ **subsection (b).**

(d) A dealer ~~who~~ **that** wants to change a location must submit to the secretary an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; ~~who~~ **that** has jurisdiction over the real property where the applicant wants to operate as a dealer. If there is no person or officer that has jurisdiction over the real property, the application must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The secretary may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit or the statement.

(e) For the purpose of this section, an offsite sales license issued under section 11 of this chapter does not constitute a change of location.

SECTION 85. IC 9-32-11-7, AS AMENDED BY P.L.151-2015, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A distributor representative and a manufacturer representative become certified by:

(1) the licensed distributor or licensed manufacturer completing

an application with the secretary to add the distributor representative or manufacturer representative to the license; and
 (2) paying the applicable fee required under ~~IC 9-29-17~~: **a nonrefundable fee of twenty dollars (\$20).**

The fee shall be deposited as set forth in IC 9-32-7-3.

(b) Any change to the certification of the distributor representative or manufacturer representative must be submitted to the secretary not later than ten (10) days after the change. The secretary shall endorse the change on the certification. A representative must have a certification when engaged in business and shall display the certification upon request.

(c) A distributor representative or manufacturer representative certification expires on the earlier of the following dates:

(1) The date on which the license issued to the distributor or manufacturer that certified the representative expires.

(2) The date on which the secretary receives notice that the certified distributor representative or manufacturer representative is no longer a representative of the licensed distributor or manufacturer.

SECTION 86. IC 9-32-11-8, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The secretary shall, by rules adopted under IC 4-22-2, establish requirements for an initial application for and renewal of ~~an automotive mobility~~ a dealer's license. The rules must include a requirement that each initial or renewal application for an automotive mobility dealer's license include proof that the applicant is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.

SECTION 87. IC 9-32-11-10, AS AMENDED BY P.L.151-2015, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. This section does not apply to sales made at a motor vehicle industry sponsored trade show. A dealer ~~who that~~ sells to the general public may not sell or offer to sell a **motor** vehicle at a location away from the dealer's established place of business without obtaining an offsite sales permit under section 11 of this chapter.

SECTION 88. IC 9-32-11-11, AS AMENDED BY P.L.151-2015, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Except as provided in subsections (b)

through (g), the secretary shall issue an offsite sales permit to a dealer licensed under this chapter who submits an application for the permit not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. Permit applications under this section shall be made public upon the request of any person.

(b) The secretary may not issue an offsite sales permit to a dealer who does not have an established place of business within Indiana.

(c) The secretary may not issue an offsite sales permit to a licensed dealer proposing to conduct a sale outside a radius of twenty (20) miles from the established place of business of the licensed dealer. The following may conduct an offsite sale with an offsite sales permit outside a radius of twenty (20) miles from the established place of business of the licensed dealer:

- (1) New manufactured ~~housing~~ **home** dealers.
- (2) Recreational vehicle dealers.
- (3) A rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.
- (4) Off-road vehicle dealers.
- (5) Dealers of **motor** vehicles classified as classic, collector, or antique under rules adopted under section 18(a)(2)(B) of this chapter.

(d) A **motor** vehicle display is not considered an offsite sale if it is conducted by a new **motor** vehicle ~~franchised~~ dealer in an open area where no sales personnel and no sales material are present.

(e) The secretary may not issue an offsite sales permit to a licensed dealer proposing to conduct an offsite sale for more than ten (10) calendar days.

(f) ~~As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5.~~ The secretary may not issue an offsite sales permit to a licensed dealer if the dealer does not have certification that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may be ~~obtained only from the following:~~

- (1) ~~If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.~~
- (2) ~~If the offsite sale would be located outside the corporate boundaries of a city or town:~~
 - (A) ~~except as provided in clause (B), the executive of the~~

county; or

(B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located; the executive of the city or town. **demonstrated with an affidavit from:**

(1) the person charged with enforcing a zoning ordinance, if the person exists; or

(2) the zoning enforcement officer under IC 36-7-4, if a zoning enforcement officer exists;

who has jurisdiction over the real property where the dealer wants to conduct an offsite sale. If there is no person or officer that has jurisdiction over the real property, the application must be accompanied by a statement of authorization from the executive (as defined in IC 36-1-2-5) of the unit in which the real property is located. The secretary may not issue an offsite sales permit until the dealer files an affidavit under this subsection.

(g) The secretary may not issue an offsite sales permit to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the permit application is being submitted.

(h) Section 2(c) of this chapter does not apply to the application or issuance of an offsite sales permit under this section.

(i) The fee for an offsite sales permit is twenty-five dollars (\$25). The fee is nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

SECTION 89. IC 9-32-11-11.5, AS ADDED BY P.L.151-2015, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.5. (a) A person that is a licensed dealer in a state other than Indiana may apply for an out-of-state dealer special event permit from the secretary for a special event auction if the following conditions are met:

(1) The event is a **motor** vehicle auction conducted by an auctioneer licensed under IC 25-6.1-3.

(2) The **motor** vehicles to be auctioned are:

(A) at least fifteen (15) years old; or

(B) classified as classic, collector, or antique **motor** vehicles under rules adopted by the secretary.

(3) At least two hundred (200) **motor** vehicles will be auctioned

during the special event.

(4) The person submits an application for a special event permit to the secretary not later than thirty (30) days prior to the beginning date of the special event auction.

(5) The application for the special event permit includes the following:

(A) Copies of licenses for all auctioneers for the special event auction.

(B) A copy of a valid dealer's license from the other state.

(C) An affidavit from:

(i) the person charged with enforcing a zoning ordinance, if the person exists; or

(ii) the zoning enforcement officer under IC 36-7-4, if a zoning enforcement officer exists;

who has jurisdiction over the real property where the applicant wants to operate the special event auction. If there is no person or officer that has jurisdiction over the real property as described in this clause, the application must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of a special event auction. The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a special event auction permit until the applicant files the affidavit or the statement.

(b) Not more than one (1) special event auction permit may be issued by the secretary to the same applicant within a twelve (12) month period.

(c) If the application for the special event permit is approved, the dealer must submit ~~the permit a fee required by IC 9-29-17-17. of five hundred dollars (\$500). The secretary shall retain the fee.~~

SECTION 90. IC 9-32-11-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 12. (a) This section applies to licenses (other than wholesale dealer licenses) issued before January 1, 2015.~~

~~(b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:~~

~~(1) The license of a person whose business name begins with the~~

letters A through B expires March 1, 2015.

(2) The license of a person whose business name begins with the letters C through D expires April 1, 2015.

(3) The license of a person whose business name begins with the letters E through G expires May 1, 2015.

(4) The license of a person whose business name begins with the letters H through I expires June 1, 2015.

(5) The license of a person whose business name begins with the letters J through L expires July 1, 2015.

(6) The license of a person whose business name begins with the letters M through O expires August 1, 2015.

(7) The license of a person whose business name begins with the letters P through R expires September 1, 2015.

(8) The license of a person whose business name begins with the letters S through T expires October 1, 2015.

(9) The license of a person whose business name begins with the letters U through Z expires November 1, 2015.

(c) A sole proprietor shall register based upon the name of the sole proprietorship.

(d) A person that is required to hold a license described in subsection (a) and that fails to comply with that requirement commits a Class A infraction.

SECTION 91. IC 9-32-11-12.5, AS ADDED BY P.L.113-2014, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12.5. (a) This section applies to licenses (other than wholesale dealer licenses) issued after December 31, 2014.

(b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:

(1) A license for a person whose business name begins with the letters A through B expires February 1 of each year.

(2) A license for a person whose business name begins with the letters C through D expires March 1 of each year.

(3) A license for a person whose business name begins with the letters E through F expires April 1 of each year.

(4) A license for a person whose business name begins with the letters G through H expires May 1 of each year.

(5) A license for a person whose business name begins with the

letters I through J expires June 1 of each year.

(6) A license for a person whose business name begins with the letters K through L expires July 1 of each year.

(7) A license for a person whose business name begins with the letters M through N expires August 1 of each year.

(8) A license for a person whose business name begins with the letters O through P expires September 1 of each year.

(9) A license for a person whose business name begins with the letters Q through R expires October 1 of each year.

(10) A license for a person whose business name begins with the letters S through T expires November 1 of each year.

(11) A license for a person whose business name begins with the letters U through V expires December 1 of each year.

(12) A license for a person whose business name begins with the letters W through Z expires January 1 of each year.

~~A sole proprietor shall register based upon the name of the sole proprietorship.~~

(c) A dealer license issued to a person whose business name begins with a nonalpha character expires November 1 of each year.

~~(c)~~ **(d)** Notwithstanding subsection (b), a license issued in 2015 expires as follows:

License issued to a person with a business name beginning with:	License expiration date:
A through B	February 1, 2016
C through D	March 1, 2016
E through F	April 1, 2016
G through H	May 1, 2016
I through J	June 1, 2016
K through L	July 1, 2016
M through N	August 1, 2016
O through P	September 1, 2016
Q through R	October 1, 2016
S through T	November 1, 2016
U through V	December 1, 2016
W through Z	January 1, 2017

This subsection expires January 2, 2017.

~~(d)~~ **(d)** This subsection expires ~~December 31, 2017~~. For a license issued

in 2015; the dealer services division shall impose a fee for the license under IC 9-29-17 in the amount that bears the same proportion to the annual fee for the license as the number of months the license is valid bears to twelve (12).

(e) A person who violates this section by operating on an expired license issued under this chapter commits a Class A infraction.

SECTION 92. IC 9-32-11-14, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) **At the time of each license application and upon request of the secretary**, a person licensed under this article shall furnish evidence that the person:

(1) has liability insurance or garage liability insurance covering the person's place of business; **or**

(2) **is a member of a risk retention group that is regulated by the Indiana department of insurance. The**

(b) A policy **described in subsection (a)(1)** must have limits of at least the following:

(1) One hundred thousand dollars (\$100,000) for bodily injury to one (1) person.

(2) Three hundred thousand dollars (\$300,000) for bodily injury for each accident.

(3) Fifty thousand dollars (\$50,000) for property damage.

(b) The minimum amounts required by **this** subsection (~~a~~) must be maintained during the time the license is valid.

SECTION 93. IC 9-32-11-15, AS AMENDED BY P.L.151-2015, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) A person who ceases a business activity for which a license was issued under this chapter shall do the following:

(1) **On a form prescribed by the secretary**, notify the secretary of the date that the business activity will cease.

(2) Deliver to the secretary **the license and** all permanent dealer license plates, **including dealer designee license plates**, issued to the person not later than ten (10) days after the date the business activity will cease.

(b) A dealer may not transfer or sell the:

(1) dealer's license; **or**

(2) use of the dealer's license;

(3) **dealer's dealer license plates; or**

(4) use of the dealer's dealer license plates.

(c) A dealer that changes its form of organization or state of incorporation may continue the dealer's licensure by filing an amendment to the **license and** registration if the change does not involve a material fact in the financial condition or management of the dealer. The amendment becomes effective when filed or on the date designated by the ~~registrant~~ **dealer** in its filing. The new organization is a successor to the original ~~registrant~~ **dealer** for the purposes of this article.

(d) If there is a change in the dealer's ownership, the successive owner shall file a new application for a license under this chapter.

SECTION 94. IC 9-32-11-16, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. Except as **otherwise** provided in ~~IC 9-29-17~~, **this chapter**, all revenues accruing to the secretary under this chapter shall be deposited in the motor vehicle highway account under IC 8-14-1.

SECTION 95. IC 9-32-11-17, AS AMENDED BY P.L.62-2014, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. ~~This section does not apply to a wholesale dealer.~~ A dealer who sells a motor vehicle through the use of the Internet or another computer network shall deliver the motor vehicle to the customer, or the customer's representative, at the place of business of the dealer in Indiana.

SECTION 96. IC 9-32-11-18, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) A person licensed under this article shall be issued a special event permit from the secretary for a special event that meets the following conditions:

- (1) The event is a **motor** vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.
- (2) The **motor** vehicles to be auctioned are:
 - (A) at least fifteen (15) years old; or
 - (B) classified as classic, collector, or antique **motor** vehicles under rules adopted by the secretary.
- (3) At least one hundred (100) **motor** vehicles will be auctioned during the special event.
- (4) The licensee submits to the secretary an application for a

special event permit not later than thirty (30) days before the beginning date of the special event.

(5) The application under subdivision (4) is accompanied by ~~the permit fee required under IC 9-29-17-13~~: **a fee of two hundred fifty dollars (\$250). The fee shall be deposited as set forth in IC 9-32-7-3.**

(b) Not more than two (2) special event permits may be issued by the secretary to the same applicant within a twelve (12) month period.

SECTION 97. IC 9-32-11-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 19. If a license issued under this chapter is lost or destroyed, the person to which the license is issued may apply for a replacement license.**

SECTION 98. IC 9-32-13-4, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. It is an unfair practice for a dealer to sell a new motor vehicle having a trade name, trade or service mark, or related characteristic for which the dealer does not have a franchise in effect at the time of the sale. However, a **motor** vehicle having more than one (1) trade name, trade or service mark, or related characteristic as a result of modification or further manufacture by a manufacturer, converter manufacturer, or an automotive mobility dealer licensed under this article may be sold by a franchisee appointed by that manufacturer, converter manufacturer, or automotive mobility dealer.

SECTION 99. IC 9-32-13-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. It is an unfair practice for a dealer to sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee the fact that the **motor** vehicle is a rebuilt vehicle if the dealer knows or should reasonably know before consummating the sale, exchange, or transfer that the **motor** vehicle is a rebuilt vehicle.

SECTION 100. IC 9-32-13-14, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. It is an unfair practice for a manufacturer or distributor to employ a person as a representative who ~~has not been licensed~~ **is not certified** under this article.

SECTION 101. IC 9-32-13-16, AS ADDED BY P.L.92-2013,

SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A manufacturer or distributor and at least thirty percent (30%) of its franchisees in Indiana of the same line make may agree in an express written contract citing this section to a uniform warranty reimbursement policy to be used by franchisees for the performance of warranty repairs. The contract must include reimbursement for parts used in warranty repairs or the use of a uniform time standards manual, or both. The allowance for diagnosis within the uniform time standards manual must be reasonable and adequate for the work and service to be performed. The manufacturer or distributor:

- (1) may have only one (1) contract with regard to each line make; and
- (2) must have a reasonable and fair procedure for franchisees to request a modification or adjustment of a standard included in the uniform time standards manual.

(b) A contract described in subsection (a) must meet the following criteria:

- (1) Establish a uniform parts reimbursement rate that must be greater than the manufacturer's or distributor's nationally established parts reimbursement rate in effect at the time the contract becomes effective. A subsequent contract must include a uniform reimbursement rate that is equal to or greater than the rate in the immediately prior contract.
- (2) Apply to all warranty repair orders written while the agreement is in effect.
- (3) At any time during the period the contract is in effect:
 - (A) be available to any franchisee of the same line make as the franchisees that entered into the contract with the manufacturer or distributor; and
 - (B) be available to a franchisee of the same line make on the same terms as apply to the franchisees that entered into the contract with the manufacturer or distributor.
- (4) Be for a term not to exceed three (3) years.
- (5) Allow any party to the uniform warranty reimbursement policy to terminate the policy with thirty (30) days prior written notice to all parties upon the annual anniversary of the policy, if the policy is for at least one (1) year.

(6) Remain in effect for the entire original period if the manufacturer and at least one (1) franchisee remain parties to the policy.

(c) A manufacturer or distributor that enters into a contract with its franchisees under subsection (a) may seek to recover only its costs from a franchisee that receives a higher reimbursement rate, if authorized by law, subject to the following:

(1) Costs may be recovered only by increasing invoice prices on new **motor** vehicles received by the franchisee.

(2) A manufacturer or distributor may make an exception for **motor** vehicles that are titled in the name of a purchaser in another state. However, price increases imposed for the purpose of recovering costs imposed by this section may vary from time to time and from model to model and must apply uniformly to all franchisees of the same line make that have requested reimbursement for warranty repairs at a level higher than provided for in the contract.

(d) A manufacturer or distributor that enters into a contract with its franchisees under subsection (a) shall do the following:

(1) Certify to the secretary under oath, in a writing signed by a representative of the manufacturer or distributor, that at the time the contract was entered into at least thirty percent (30%) of the franchisees of the line make were parties to the contract.

(2) File a copy of the contract with the bureau at the time of the certification.

(3) Maintain a file that contains the information upon which the certification required under subdivision (1) is based for three (3) years after the certification is made.

SECTION 102. IC 9-32-13-22, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) It is an unfair practice for a manufacturer to terminate a franchise in violation of IC 23-2-2.7-3. A dealer may not transfer, assign, or sell the business and assets of a dealership or an interest in the dealership to another person under an agreement that contemplates or is conditioned on a continuation of the franchise relationship with the manufacturer or distributor unless the dealer first:

(1) notifies the manufacturer or distributor of the dealer's decision to make the transfer, assignment, or sale by written notice; and

(2) obtains the approval of the manufacturer or distributor.

The dealer must provide the manufacturer or distributor with completed application forms and related information generally used by the manufacturer or distributor to conduct a review of such a proposal and a copy of all agreements regarding the proposed transfer, assignment, or sale.

(b) The manufacturer or distributor shall send a letter by certified mail to the dealer not later than sixty (60) days after the manufacturer or distributor receives the information specified in subsection (a). The letter must indicate any disapproval of the transfer, assignment, or sale and must set forth the material reasons for the disapproval. If the manufacturer or distributor does not respond by letter within sixty (60) days after the manufacturer or distributor receives the information under subsection (a), the manufacturer's or distributor's consent to the proposed transfer, assignment, or sale is considered to have been granted. A manufacturer or distributor may not unreasonably withhold approval of a transfer, assignment, or sale under this section.

(c) A manufacturer or distributor has a right of first refusal as specified in the franchise agreement to acquire the new **motor** vehicle dealer's assets or ownership if there is a proposed change of more than fifty percent (50%) of the dealer's ownership or proposed transfer of more than fifty percent (50%) of the new **motor** vehicle dealer's assets, and all the following are met:

(1) The manufacturer or distributor notifies the dealer in writing of the intent of the manufacturer or distributor to exercise the right of first refusal within the sixty (60) day notice period under subsection (b).

(2) The exercise of the right of first refusal will result in the dealer and the dealer's owners receiving consideration, terms, and conditions that are either the same as or better than those they have contracted to receive under the proposed change of more than fifty percent (50%) of the dealer's ownership or transfer of more than fifty percent (50%) of the new **motor** vehicle dealer's assets.

(3) The proposed change of the dealership's ownership or transfer of the new **motor** vehicle dealer's assets does not involve the transfer of assets or the transfer or issuance of stock by the dealer or one (1) or more of the dealer's owners to any of the following:

- (A) A designated family member or members, including any of the following members of one (1) or more dealer owners:
 - (i) The spouse.
 - (ii) A child.
 - (iii) A grandchild.
 - (iv) The spouse of a child or a grandchild.
 - (v) A sibling.
 - (vi) A parent.
 - (B) A manager:
 - (i) employed by the dealer in the dealership during the previous four (4) years; and
 - (ii) who is otherwise qualified as a dealer operator.
 - (C) A partnership or corporation controlled by any of the family members described in clause (A).
 - (D) A trust arrangement established or to be established:
 - (i) for the purpose of allowing the new **motor** vehicle dealer to continue to qualify as such under the manufacturer's or distributor's standards; or
 - (ii) to provide for the succession of the franchise agreement to designated family members or qualified management in the event of the death or incapacity of the dealer or the principal owner or owners.
- (4) Except as otherwise provided in this subsection, the manufacturer or distributor agrees to pay the reasonable expenses, including reasonable attorney's fees, that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, and that are incurred by the proposed owner or transferee before the manufacturer's or distributor's exercise of the right of first refusal in negotiating and implementing the contract for the proposed change of the dealer ownership or the transfer of the new **motor** vehicle dealer's assets. Payment of expenses and attorney's fees is not required if the dealer has failed to submit an accounting of those expenses not later than twenty (20) days after the dealer receives the manufacturer's or distributor's written request for such an accounting. An expense accounting may be requested by a manufacturer or distributor before exercising the right of first refusal.
- (d) Violation of this section by a manufacturer or distributor is an

unfair practice by the manufacturer or distributor.

SECTION 103. IC 9-32-13-23, AS AMENDED BY HEA 1259-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) It is an unfair practice for a manufacturer, distributor, officer, or agent to do any of the following:

(1) Require, coerce, or attempt to coerce a new motor vehicle dealer in Indiana to:

(A) change the location of the dealership;

(B) make any substantial alterations to the use of franchises;
or

(C) make any substantial alterations to the dealership premises or facilities;

if to do so would be unreasonable or would not be justified by current economic conditions or reasonable business considerations. This subdivision does not prevent a manufacturer or distributor from establishing and enforcing reasonable facility requirements. However, a **new** motor vehicle dealer may elect to use for the facility alteration locally sourced materials or supplies that are substantially similar to those required by the manufacturer or distributor, subject to the approval of the manufacturer or distributor, which may not be unreasonably withheld.

(2) Require, coerce, or attempt to coerce a new motor vehicle dealer in Indiana to divest ownership of or management in another line or make of motor vehicles that the dealer has established in its dealership facilities with the prior written approval of the manufacturer or distributor.

(3) Establish or acquire wholly or partially a franchisor owned outlet engaged wholly or partially in a substantially identical business to that of the franchisee within the exclusive territory granted the franchisee by the franchise agreement or, if no exclusive territory is designated, competing unfairly with the franchisee within a reasonable market area. A franchisor is not considered to be competing unfairly if operating:

(A) a business for less than two (2) years;

(B) in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price; or

(C) in a bona fide relationship in which an independent person

has made a significant investment subject to loss in the business operation and can reasonably expect to acquire majority ownership or managerial control of the business on reasonable terms and conditions.

(4) Require a dealer, as a condition of granting or continuing a franchise, approving the transfer of ownership or assets of a new motor vehicle dealer, or approving a successor to a new motor vehicle dealer to:

- (A) construct a new dealership facility;
- (B) modify or change the location of an existing dealership; or
- (C) grant the manufacturer or distributor control rights over any real property owned, leased, controlled, or occupied by the dealer.

(5) Prohibit a dealer from representing more than one (1) line make of motor vehicles from the same or a modified facility if:

- (A) reasonable facilities exist for the combined operations;
- (B) the dealer meets reasonable capitalization requirements for the original line make and complies with the reasonable facilities requirements of the manufacturer or distributor; and
- (C) the prohibition is not justified by the reasonable business considerations of the manufacturer or distributor.

Subdivisions (3) through (5) do not apply to recreational vehicle manufacturer franchisors.

(b) This section does not prohibit the enforcement of a voluntary agreement between the manufacturer or distributor and the franchisee where separate and valuable consideration has been offered and accepted.

SECTION 104. IC 9-32-13-25, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. It is an unfair practice for a person to:

- (1) act as;
- (2) offer to act as; or
- (3) profess to be;

a broker in the advertising, buying, or selling of ~~at least five (5) a new or used vehicles per year.~~ **motor vehicle.**

SECTION 105. IC 9-32-13-26, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. It is an unfair practice for a dealer to, in

connection with the offer, sale, or purchase of a **motor** vehicle, directly or indirectly:

- (1) employ a device, scheme, or artifice to defraud;
- (2) make an untrue statement of a material fact or omit to state a material fact necessary to make the statement made, in light of the circumstances under which the statement was made, not misleading; or
- (3) engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

SECTION 106. IC 9-32-13-27, AS ADDED BY P.L.152-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) It is an unfair practice for a manufacturer or distributor to do the following:

- (1) Cancel or terminate a franchise ~~or selling agreement~~ of a franchisee, or fail or refuse to extend or renew a franchise ~~or selling agreement~~ upon the franchise's ~~or selling agreement's~~ expiration, without good cause ~~or~~ **and** notice to the franchisee by certified mail, return receipt requested:

- (A) at least ninety (90) days before the cancellation or termination; or

- (B) at least ten (10) days before the cancellation or termination if any of the following apply:

- (i) The franchisee has abandoned business operations or otherwise failed to conduct sales and service operations during regular business hours for at least seven (7) consecutive business days, unless the abandonment or closure is due to an act of God or another act over which the franchisee has no control.

- (ii) The franchisee or another operator of the franchise has been convicted of or pled guilty to an offense punishable by at least one (1) year of imprisonment.

- (iii) The dealer files for bankruptcy or enters into receivership.

- (iv) The license of the dealer is revoked under IC 9-32-11 or IC 9-32-16.

- (v) The dealer commits fraud.

- (2) Offer a renewal, replacement, or succeeding franchise ~~or selling agreement~~ that substantially changes or modifies the sales

and service obligations, facilities standards, capital requirements, or other terms of the original franchise or agreement of a franchisee without notice to the franchisee by certified mail, return receipt requested, at least ninety (90) days before the expiration or termination of the original franchise or agreement.

(3) Terminate a dealer for the dealer's failure to meet a performance standard that is not statistically valid, reliable, and reasonable.

Notice provided under this subsection must include a detailed statement setting forth the specific grounds for the proposed action.

(b) For purposes of subsection (a)(1), the following do not constitute good cause, provided that no unfair practice is committed under IC 9-32-13-12 and no transfer, sale, or assignment is made in violation of IC 9-32-13-22:

(1) A change of ownership or executive management of a dealership.

(2) Requiring the appointment of an individual to an executive management position in a dealership.

(3) Ownership of, investment in, participation in the management of, or holding a license for the sale of any line make of new motor vehicles by a franchisee or an owner of an interest in a franchise.

(c) Good cause exists under subsection (a)(1) with respect to all franchisees of a line make if the manufacturer of the line make permanently discontinues the manufacture or assembly of the line make.

(d) Not more than thirty (30) days after a franchisee receives notice under subsection (a), the franchisee may protest the proposed action **by bringing a declaratory judgment action before the division.**

(e) If a franchisee makes a timely and proper request under subsection (d) for declaratory judgment to protest a proposed action under subsection (a)(1), the division shall schedule an administrative hearing. The administrative hearing must comply with IC 4-21.5. The declaratory judgment action must include a determination of whether good cause exists for the proposed action.

SECTION 107. IC 9-32-13-31, AS ADDED BY P.L.217-2014, SECTION 174, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. **(a) A dealer that alleges the**

commission of an unfair practice by a manufacturer or distributor in violation of section 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 28, 29, or 30 of this chapter may file a complaint with the division under IC 9-32-16-15.

(b) Upon receipt of a complaint under subsection (a), the division may conduct an investigation under IC 9-32-16-14.

(c) If the division determines that a manufacturer or distributor has committed a violation, including an unfair practice described in subsection (a), the division may take action against the manufacturer or distributor under IC 9-32-16 and IC 9-32-17.

(d) A person that performs an act that is an unfair practice under this chapter commits a Class A infraction.

(e) This section does not limit the ability of a dealer, manufacturer, or distributor to request a hearing under IC 9-32-16-2.

SECTION 108. IC 9-32-14-4, AS ADDED BY P.L.152-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) This section does not apply to damage to:

- (1) glass;
- (2) radios;
- (3) tires;
- (4) air bags;
- (5) navigation systems;
- (6) DVD players;
- (7) voice command devices;
- (8) hands free technology; and
- (9) bumpers;

when replaced by identical manufacturer's original equipment.

(b) Any uncorrected damage or any corrected damage to a new motor vehicle that exceeds four percent (4%) of the manufacturer's suggested retail price (as defined in 26 U.S.C. 4216), as measured by retail repair costs, must be disclosed by the dealer in writing before delivery of the motor vehicle to the ultimate purchaser.

(c) A person that violates this section commits a Class A infraction.

SECTION 109. IC 9-32-16-1, AS AMENDED BY P.L.216-2014, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This chapter shall be

administered by the secretary.

(b) The secretary:

- (1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and
- (2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) The secretary may develop and implement dealer's and **motor** vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of **motor** vehicles, with particular emphasis on the prevention and detection of fraud involving **motor** vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education program.

(f) Fees and funds accruing from the administration of this article:

- (1) described in IC 9-32-7-1(d) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer compliance account established by IC 9-32-7-1(a);
- (2) described in IC 9-32-7-2(b) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer enforcement account established by IC 9-32-7-2(a);
- (3) described in IC 9-29-17-14(b)(2); IC 9-29-17-14(c)(3); and

~~IC 9-32-7-3(2)~~ **that are designated for deposit in the motor vehicle highway account** shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the motor vehicle highway account under IC 8-14-1;

(4) described in IC 9-32-7-3(3) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the state police department, and these fees and funds are continuously appropriated to the department for its use in enforcing odometer laws;

(5) described in IC 9-32-7-3(4) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the attorney general, and these fees and funds are continuously appropriated to the attorney general for use in enforcing odometer laws; and

(6) ~~described in IC 9-29-1-4(a) (before its amendment January 1, 2015)~~ **that are designated for deposit in the state police building account** shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the state police building account.

Expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, grants and donations under subsection (e), costs of investigations, and civil penalties recovered under this chapter shall be deposited by the treasurer of state in the dealer enforcement account established by IC 9-32-7-2. The funds in the dealer compliance account established by IC 9-32-7-1 must be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the **enforcement and** administration of this article.

(g) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the director upon the request of the director. To that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the director as the demands of the division require. Expenses incurred by the attorney general for the purposes stated under this subsection are chargeable against and shall be paid out of funds appropriated to the attorney general for the administration of the

attorney general's office. The attorney general may authorize the director and the director's designee to represent the director and the division in any proceeding involving enforcement or defense of this article.

(h) The secretary, director, and employees of the division are not liable in an individual capacity, except to the state, for an act done or omitted in connection with the performance of their duties under this article.

(i) The director and each attorney or investigator designated by the secretary:

- (1) are police officers of the state;
- (2) have all the powers and duties of police officers in conducting investigations for violations of this article, or in serving any process, notice, or order issued by an officer, authority, or court in connection with the enforcement of this article; and
- (3) comprise the enforcement department of the division.

The division is a criminal justice agency for purposes of ~~IC 5-2-4-1(3)~~ **IC 5-2-4** and ~~IC 10-13-3-6~~ **IC 10-13-3**.

(j) The provisions of this article delegating and granting power to the secretary, division, and director shall be liberally construed to the end that:

- (1) the practice or commission of fraud may be prohibited and prevented; and
- (2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured.

(k) Copies of any statements and documents filed in the office of the secretary and of any records of the secretary certified by the director are admissible in any prosecution, action, suit, or proceeding based on, arising out of, or under this article to the same effect as the original of the statement, document, or record would be if actually produced.

SECTION 110. IC 9-32-16-2, AS AMENDED BY P.L.151-2015, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An order issued under this article may deny a dealer license application for registration if the secretary finds that the order is in the public interest and subsection (c) authorizes the action. An order may condition or limit the license of an applicant to be a dealer and, if the applicant for a dealer license is a partner, officer,

director, or person having similar status or performing similar functions, or a person directly or indirectly in control of the dealership, the order may condition or limit the license.

(b) If the secretary finds that an order is in the public interest and subsection (c) authorizes the action, an order issued under this article may deny, revoke, suspend, condition, limit, or permanently bar the granting of a license **or issuing of a license plate** to or an application for a license **or license plate** from a dealer, or a partner, an officer, a director, or a person having a similar status or performing similar functions as a dealer, or a person directly or indirectly in control of the dealer. However, the secretary may not:

(1) institute a revocation or suspension proceeding under this subsection based on an order issued under the law of another state that is reported to the secretary or a designee of the secretary more than one (1) year after the date of the order on which it is based; or

(2) issue an order on the basis of an order issued under the dealer services laws of another state unless the other order was based on conduct for which subsection (c) would authorize the action had the conduct occurred in Indiana.

(c) A person may be disciplined under this section if the person:

(1) has filed an application for a dealer license in Indiana under this article, or its predecessor, within the previous ten (10) years, which, as of the effective date of license or registration or as of any date after filing in the case of an order denying effectiveness, was incomplete as to a material fact or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) knowingly violated or knowingly failed to comply with this article, or its predecessor, within the previous ten (10) years;

(3) has been convicted of a:

(A) felony within the previous ten (10) years;

(B) felony or misdemeanor involving theft or fraud; or

(C) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, modification, or manufacture of a **motor** vehicle;

(4) is enjoined or restrained by a court with jurisdiction in an action instituted by a state or the United States from engaging in

- or continuing an act, practice, or course of business involving an aspect of a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a **motor** vehicle;
- (5) refuses to allow or otherwise impedes the secretary from conducting an audit or inspection;
 - (6) has engaged in dishonest or unethical practices in a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a **motor** vehicle within the previous ten (10) years;
 - (7) is engaging in unfair practices as set forth in this article;
 - (8) is on the most recent tax warrant list supplied to the secretary by the department of state revenue;
 - (9) violates IC 23-2-2.7;
 - (10) violates IC 9-19-9;
 - (11) willfully violates federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles; ~~or~~
 - (12) is not compliant with local, state, or federal laws and regulations regarding a dealer license or dealer business;
 - (13) violates IC 9-22-3-19;**
 - (14) violates IC 9-22-3-20; or**
 - (15) violates IC 9-22-5-18.2.**

(d) The secretary may revoke, suspend, or deny an application, impose fines and costs, restrict, condition, limit, bar, ~~or suspend or rescind~~ a dealer license **or license plate issued under this article**, or order restitution, or do any combination of these actions before final determination of an administrative proceeding. Upon the issuance of an order, the secretary shall promptly notify each person subject to the order:

- (1) that the order has been issued;
- (2) the reasons for the action; and
- (3) that ~~within fifteen (15) days after the~~ **upon** receipt of a request in a record from the person, the matter will be scheduled for a hearing **within fifteen (15) days.**

If a hearing is not requested and no hearing is ordered by the secretary within thirty (30) days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the secretary, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order

until final determination.

(e) After a hearing, the secretary may suspend or deny an application, impose fines and costs, restrict, condition, limit, bar, suspend, or ~~rescind~~ **revoke** a dealer license, or order restitution, or do any combination of these actions.

(f) Revocation or suspension of a license of a ~~manufacturer, a distributor, a dealer or an automobile auctioneer~~ may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(g) Except as provided in subsection (d), an order may not be issued under this section without:

- (1) appropriate notice to the applicant or registrant;
- (2) an opportunity for a hearing; and
- (3) reasons for the action.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the secretary under subsections (a) and (b) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) A person subject to this chapter that has not been issued a license is subject to the same disciplinary fines, costs, and penalties as if a license had been issued.

SECTION 111. IC 9-32-16-3, AS AMENDED BY P.L.2-2014, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Information or documents obtained by the division in the course of an investigation, including an audit conducted under section 6(c) of this chapter, are **investigatory records of law enforcement records** for the purposes of IC 5-14-3-4(b)(1). **The secretary may except these records from disclosure under IC 5-14-3-3.**

SECTION 112. IC 9-32-16-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. All dealers licensed with the division shall, upon request, provide members of the staff of the division prompt access, during reasonable business hours, to that part of the premises at the dealer's place of business where:

- (1) documents are stored; or

(2) **motor** vehicle sales are offered, made, or processed.

SECTION 113. IC 9-32-16-8, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A person shall cooperate in an inquiry, investigation, or inspection conducted by, or on behalf of, the division for purposes of determining whether or not a person has violated or is about to violate any provision under this article. The willful failure of a person to cooperate, absent a bona fide claim of privilege, may:

- (1) be considered by the division a violation of statute; and
- (2) thus subject the person to denial, suspension, or revocation of licensing ~~or registration~~ or a bar from licensing. ~~or registration.~~

(b) The following are examples of, but are not the only, conduct by a person that may be considered a failure to cooperate:

- (1) The failure to timely respond by way of appearance or production of documents to a subpoena or order issued by the division.
- (2) The failure to answer any question pertinent to inquiry unless the response to the question is subject to a bona fide claim of privilege.
- (3) The failure to grant division personnel access to:
 - (A) the business premises of a dealer or a person required to be licensed as a dealer; or
 - (B) the records and documents that the dealer or person required to be licensed as a dealer is required, by statute or rule, to make available for inspection.
- (4) The failure to attend a scheduled proceeding at which the appearance of the person is required. If a person elects to retain counsel for the purpose of representation in any such proceeding, it is the responsibility of the person to do so in a timely fashion. The failure of a person to retain counsel, absent a showing of good cause, does not require an adjournment of the proceeding.
- (5) The failure to timely respond to or to provide information requested under a demand under this chapter.
- (6) Aiding or abetting the failure of another person to cooperate.

SECTION 114. IC 9-32-16-11, AS AMENDED BY P.L.62-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) All dealers operating as a:

- (1) corporation;

(2) limited liability company;
 (3) limited partnership; or
 (4) limited liability partnership;
 shall file and maintain all filings required to remain in good standing with the secretary of state business services division.

(b) ~~The A dealer~~ **that applies for a license under this article** shall provide the secretary:

- (1) the federal tax identification number; and
- (2) the registered retail merchant's certificate number issued under IC 6-2.5-8;

issued to the dealer.

(c) The dealer must, for the entire licensing period, have an established place of business with a physical Indiana address. The dealer may not have a mailing address that differs from the actual location of the business.

(d) ~~The applicant and all corporate officers, partners, and owners~~ **Before the secretary may issue a license to a dealer, the following** must submit to a national criminal history background check (as defined in IC 10-13-3-12) **or expanded criminal history check (as defined in IC 20-26-2-1.5)** administered by the state police:

- (1) **All corporate officers of the dealer that will be named on the license.**
- (2) **All partners of the dealer.**
- (3) **All owners of the dealer.**

The secretary shall make the determination whether an individual must submit to a national criminal history background check or an expanded criminal history check under this subsection.

(e) **A national criminal history background check or expanded criminal history check conducted under subsection (d):**

- (1) **is at the expense of the applicant dealer and the dealer's corporate officers, partners, and owners; and**
- (2) **may be completed not more than sixty (60) days before the dealer applies for a license under this article.**

(f) The secretary may deny an application **for a license** if the division finds that ~~the applicant~~, a corporate officer, a partner, or an owner **of a dealer** has been convicted of a:

- (1) felony within the previous ten (10) years;
- (2) felony or misdemeanor involving theft or fraud; or

(3) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, modification, or manufacture of a **motor** vehicle.

(e) (g) The dealer and the corporation, company, or partnership must be in good standing with the bureau, the department of state revenue, and the state police department **during the entire period for which a license is valid.**

SECTION 115. IC 9-32-16-16 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 16. A dealer may not alter or reproduce a license issued to the dealer by the secretary under this article or by the bureau of motor vehicles under IC 9-23 (before its repeal).**

SECTION 116. IC 35-52-9-8.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 8.5. IC 9-18-27-2 defines a crime concerning motor vehicle registration and license plates.~~

SECTION 117. IC 35-52-9-8.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 8.8. IC 9-18-27-5 defines a crime concerning motor vehicle registration and license plates.~~

SECTION 118. IC 35-52-9-55.7, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 55.7. IC 9-32-3-12 defines a crime concerning records of the dealer services division of the office of the secretary of state.**

SECTION 119. IC 35-52-9-58, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 58. IC 9-32-6.5-4 defines a crime concerning license plates.**

P.L.175-2016

[H.1370. Approved March 23, 2016.]

AN ACT concerning education.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The commission for higher education or, if directed to do so by the commission for higher education, the dual credit advisory council shall study methods to ensure opportunities for secondary school students to earn college credits while enrolled in high school and to provide incentives for a high school teacher to obtain a master's degree with at least eighteen (18) hours of graduate course work in the subject matter the teacher is teaching or wishes to teach as part of a dual credit course, including:

- (1) requiring a state educational institution to develop a teacher education plan to ensure that teachers who currently teach high school dual credit courses on behalf of or under an agreement with the state educational institution meet accreditation requirements established by the state educational institution's regional accrediting agency or an association recognized by the United States Department of Education;**
- (2) a way to facilitate agreements between a state educational institution and a school corporation or between state educational institutions that may provide for a waiver of tuition in whole or in part as a part of the dual credit plan;**
- (3) providing graduate programs that combine summer, evening, online, and weekend classes;**
- (4) having a teacher complete a supervised practicum while teaching;**
- (5) encouraging primary and secondary schools to establish programs to mentor new teachers;**

- (6) offering scholarships for returning dual credit teachers;
 (7) providing flexibility to school corporations to establish pay scales that reflect the value of teachers with master's degrees;
 and
 (8) determining the potential fiscal impact to the state of programs established under subdivisions (6) and (7).
- (b) This SECTION expires June 30, 2017.
 SECTION 2. An emergency is declared for this act.

P.L.176-2016

[H.1374. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-14-42.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 42.5. Burial With Law Enforcement Animals or Service Animals

Sec. 1. As used in this chapter, "animal" refers to a:

- (1) law enforcement animal; or
- (2) service animal.

Sec. 2. As used in this chapter, "burial plot" means an individual grave space that is used or intended to be used for the interment of the remains of a deceased individual.

Sec. 3. As used in this chapter, "deceased animal" means a deceased animal:

- (1) that was owned by or assigned to assist the deceased owner during the deceased owner's lifetime;
- (2) whose death occurs before, after, or simultaneously with

the death of the deceased owner; and

(3) the remains of which have been cremated and placed in a temporary container or an urn.

Sec. 4. As used in this chapter, "deceased owner" refers to the deceased record owner of burial rights in a burial plot.

Sec. 5. (a) As used in this chapter, "law enforcement animal" means a dog that is owned or used by a law enforcement agency for the principal purposes of:

(1) aiding in:

(A) the detection of criminal activity;

(B) the enforcement of laws; and

(C) the apprehension of offenders; and

(2) ensuring the public welfare.

(b) The term includes the following:

(1) An arson investigation dog.

(2) A bomb detection dog.

(3) A narcotic detection dog.

(4) A patrol dog.

Sec. 6. As used in this chapter, "service animal" refers to an animal trained as:

(1) a hearing animal;

(2) a guide animal;

(3) an assistance animal;

(4) a seizure alert animal;

(5) a mobility animal;

(6) a psychiatric service animal; or

(7) an autism service animal.

Sec. 7. (a) Subject to subsection (b), the cremated remains of a deceased animal of a deceased record owner of burial rights in a burial plot may be:

(1) removed from the temporary container or urn described in section 3(3) of this chapter and scattered or placed on top of the deceased owner's burial plot; or

(2) interred on top of the deceased owner's burial plot as long as the interment of the deceased animal's cremated remains does not:

(A) encroach upon or interfere with a neighboring burial plot of which the deceased owner is not the record owner;

(B) involve the disinterment of:

- (i) the deceased owner's remains; or
 - (ii) the remains of a deceased individual other than the deceased owner; or
- (C) involve the digging or penetration of earth at a depth that exceeds one (1) foot.

The cremated remains of a deceased animal of a deceased record owner may be scattered, placed, or interred in a manner described in this subsection before, after, or in conjunction with the interment of the remains of the deceased owner.

(b) The cremated remains of a deceased animal of a deceased record owner may be scattered, placed, or interred in a manner described in subsection (a) only if the following apply:

(1) The person or entity owning the deceased animal at the time of the deceased animal's death:

(A) consents in writing to the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a); and

(B) before the scattering, placement, or interment of the cremated remains of the deceased animal is to take place, provides the written consent described in clause (A) to the owner of the cemetery in which the deceased owner's burial plot is located;

if the deceased record owner is not the owner of the deceased animal at the time of the deceased animal's death.

(2) The deceased owner provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a):

(A) in the deceased owner's last will and testament;

(B) in a written designation provided to a cemetery under IC 23-14-42-2; or

(C) in a funeral planning declaration executed under IC 29-2-19.

(3) If subdivision (2) does not apply, a person who has the right under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, IC 29-2-19-17, or any other applicable statute to:

(A) control the disposition of the deceased owner's remains;

(B) make arrangements for the funeral services of the deceased owner; or

(C) make other ceremonial arrangements after the deceased owner's death; provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a).

P.L.177-2016

[H.1378. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-10.2-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 11. Divestment Related to Boycott of, Divestment from, or Sanctions of Israel

Sec. 1. The general assembly finds the following:

- (1) Mandatory divestment by the system of the system's holdings in certain companies is a measure that should be employed only under extraordinary circumstances.**
- (2) The Jewish state of Israel is the only democracy in the Middle East.**
- (3) By virtue of shared values and interests, the Jewish state of Israel is the strongest ally of the United States in the Middle East.**
- (4) The fundamental principles of the United States are offended by attempts to:
 - (A) delegitimize Israel's existence;**
 - (B) demonize the Jewish state; or**
 - (C) undermine the Jewish people's right to self****

determination;
through an international campaign to boycott, divest from, or sanction Israel.

(5) Efforts to promote an international campaign to boycott, divest from, or sanction Israel:

(A) increasingly occur on college and university campuses nationwide, leading to a climate of intimidation, fear, and violence on campuses in Indiana;

(B) disproportionately harm thousands of Palestinian workers employed by Israeli owned firms; and

(C) are antithetical and deeply damaging to the cause of peace, justice, equality, democracy, and human rights for all people in the Middle East.

(6) The federal Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L.114-26, Sections 102(b)(20) and 103(b)) specifies principal negotiating objectives regarding commercial partnerships of the United States in negotiation of a transatlantic trade and investment partnership agreement, as follows:

(A) To discourage actions by potential trading partners that prejudice or discourage commercial activity solely between the United States and Israel.

(B) To discourage politically motivated actions to boycott, divest from, or sanction Israel.

(C) To seek elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on the Jewish state of Israel.

(D) To seek elimination of state sponsored unsanctioned foreign actions to boycott, divest from, or sanction Israel or compliance with the Arab League boycott of Israel by prospective trading partners.

(As used in this subdivision, "actions to boycott, divest from, or sanction Israel" has the meaning set forth in P.L.114-26, Section 102(b)(20)(B).)

(7) The situation with respect to promotion of activities to boycott, divest from, or sanction Israel is unique and constitutes the extraordinary circumstances necessary for mandatory divestment by the system of the system's holdings in restricted businesses.

Sec. 2. As used in this chapter, "board" refers to the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

Sec. 3. Except as provided in section 1(6) of this chapter, as used in this chapter, "boycott, divest from, or sanction Israel activity" means action or inaction that:

- (1) furthers;
- (2) coordinates with; or
- (3) acquiesces in;

an effort by another person to penalize, inflict economic harm on, or otherwise limit commercial relations with the Jewish state of Israel or businesses that are based in the Jewish state of Israel or territories controlled by the Jewish state of Israel. "Boycott, divest from, or sanction Israel" has a corresponding meaning.

Sec. 4. (a) As used in this chapter, "business" means any of the following that exist for profit making purposes:

- (1) A sole proprietorship.
- (2) An organization.
- (3) An association.
- (4) A corporation.
- (5) A partnership.
- (6) A joint venture.
- (7) A limited partnership.
- (8) A limited liability partnership.
- (9) A limited liability company.
- (10) A business association.

(b) The term includes all wholly owned subsidiaries, majority owned subsidiaries, parent businesses, and affiliates of such entities or business associations that exist for profit making purposes.

Sec. 5. As used in this chapter, "cost of divestment" means the sum of the following:

- (1) The costs associated with the sale, redemption, divestment, or withdrawal of an investment.
- (2) The costs associated with the acquisition and maintenance of a replacement investment.
- (3) A cost not described in subdivision (1) or (2) that is incurred by the system in connection with a divestment transaction.

Sec. 6. As used in this chapter, "direct holdings" means all

securities of a business held directly by the system on behalf of a fund or in an account in which the system on behalf of a fund owns all shares or interests.

Sec. 7. As used in this chapter, "fund" refers to the following:

- (1)** The Indiana state teachers' retirement fund.
- (2)** The public employees' retirement fund.

Sec. 8. As used in this chapter, "indirect holdings" means all securities of a business:

- (1)** held in an account or a fund; and
- (2)** managed by one **(1)** or more persons not employed by the system, in which the system owns shares or interests on behalf of a fund together with other investors not subject to this chapter.

Sec. 9. As used in this chapter, "research firm" means a reputable, neutral third party research firm not controlled by the system.

Sec. 10. As used in this chapter, "restricted business" means a business that engages in boycott, divest from, or sanction Israel activity.

Sec. 11. As used in this chapter, "system" refers to the Indiana public retirement system established by IC 5-10.5-2-1.

Sec. 12. (a) Not later than January 31, 2017, the board shall make a good faith effort to identify all restricted businesses in which a fund has direct or indirect holdings.

(b) In carrying out its responsibilities under subsection (a), and at the board's discretion, the board may use existing research or contract with a research firm.

(c) The board or a research firm with which the board contracts under subsection (b) may take any of the following actions to determine a business's connections with respect to boycott, divest from, or sanction Israel activity:

- (1)** Review publicly available information regarding businesses.
- (2)** Contact other institutional investors that invest in businesses.
- (3)** Contact asset managers that invest in businesses and are contracted by a fund.

(d) Not later than the first meeting of the board after January 31, 2017, the board shall compile the names of all restricted

businesses into a restricted business list.

(e) The board shall update the restricted business list at least on an annual basis based on evolving information from sources described in subsections (b) and (c).

Sec. 13. After the board creates or updates the restricted business list under section 12 of this chapter, the board shall immediately identify the businesses on the restricted business list in which a fund has direct or indirect holdings.

Sec. 14. (a) The board shall send to each restricted business that is identified under section 13 of this chapter as a business in which a fund has direct or indirect holdings a written notice concerning the contents of this chapter and a statement indicating that the fund's holdings in the business may become subject to divestment by the system.

(b) A notice sent under this section must:

- (1)** offer the business the opportunity to clarify the business's boycott, divest from, or sanction Israel activity; and
- (2)** encourage the business, within ninety (90) days after the date of the written notice, to cease its boycott, divest from, or sanction Israel activity to avoid divestment by the system of the fund's holdings in the business.

Sec. 15. If, within ninety (90) days after the system's first engagement with a business under section 14 of this chapter, the business ceases boycott, divest from, or sanction Israel activity, the business shall be removed from the restricted business list and sections 16, 17, 18, and 19 of this chapter cease to apply to the business unless the business resumes boycott, divest from, or sanction Israel activity.

Sec. 16. (a) Except as provided in sections 18 and 19 of this chapter, if, after ninety (90) days after the system's first engagement with a business under section 14 of this chapter, the business continues to engage in boycott, divest from, or sanction Israel activity, the system shall sell, redeem, divest, or withdraw all publicly traded securities of the business that are held by a fund, as follows:

- (1)** At least fifty percent (50%) of such assets shall be removed from a fund's assets under management within nine (9) months after the business's appearance on the restricted business list.

(2) One hundred percent (100%) of such assets shall be removed from a fund's assets under management within fifteen (15) months after the business's appearance on the restricted business list.

(b) If a business that ceased boycott, divest from, or sanction Israel activity following engagement under section 14 of this chapter resumes boycott, divest from, or sanction Israel activity, the business shall be placed immediately back on the restricted business list. If a fund has holdings in the business, the system shall sell, redeem, divest, or withdraw all publicly traded securities of the business as provided in subsection (a) based on the date the business is placed back on the restricted business list. The system shall send a written notice to the business indicating that the business was placed back on the restricted business list and is subject to divestment.

(c) The board is not required to divest a fund's holdings in a passively managed commingled fund that includes a restricted business engaging in boycott, divest from, or sanction Israel activity if the estimated cost of divestment of the commingled fund is greater than ten percent (10%) of the total value of the restricted businesses held in the commingled fund. The board shall include any commingled fund that includes a restricted business that is exempted from divestment under this subsection in the board's report submitted to the legislative council under section 21 of this chapter.

Sec. 17. Except as provided in sections 18 and 19 of this chapter, the system shall not acquire for a fund securities of businesses on the restricted business list.

Sec. 18. If the United States government affirmatively declares any business on the restricted business list to be excluded from any federal sanctions related to boycott, divest from, or sanction Israel activity, the business is not subject to divestment or investment prohibition under this chapter.

Sec. 19. Notwithstanding any provision to the contrary, sections 16 and 17 of this chapter do not apply to indirect holdings in actively managed investment funds. However, if a fund has indirect holdings in an actively managed investment fund containing the securities of restricted businesses, the board shall submit letters to the managers of the actively managed investment fund requesting

that the managers remove the restricted businesses from the actively managed investment fund or create a similar actively managed investment fund with indirect holdings without restricted businesses. If the managers create a similar actively managed investment fund, the board shall replace all applicable investments with investments in the similar actively managed investment fund in a period consistent with prudent investing standards.

Sec. 20. This chapter does not apply directly to private equity funds. However, the board shall ensure that reasonable efforts are made during the due diligence process before an investment is made in a private equity partnership to determine whether any investments by the private equity general partner on behalf of the private equity partnership include a restricted business.

Sec. 21. (a) On or before November 1, 2017, and thereafter as directed by the legislative council, the board shall submit a report in an electronic format under IC 5-14-6 to the executive director of the legislative services agency for distribution to the members of the general assembly.

(b) The report must include at least the following information, as of the date of the report:

- (1)** A copy of the restricted business list.
- (2)** A summary of correspondence with businesses engaged by the board under section 14 of this chapter.
- (3)** All publicly traded securities sold, redeemed, divested, or withdrawn in compliance with section 16 of this chapter.
- (4)** All commingled funds that are exempted from divestment under section 16 of this chapter.
- (5)** All prohibited securities under section 17 of this chapter.
- (6)** Any progress made under section 19 of this chapter.

Sec. 22. This chapter expires on the earliest of the following:

- (1)** Twelve (12) months after the date on which boycott, divest from, or sanction Israel activity ceases.
- (2)** The date on which the United States government revokes any sanctions imposed on persons engaged in boycott, divest from, or sanction Israel activity.
- (3)** The date on which Congress or the President of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of foreign policy of the United

States.

Sec. 23. With respect to actions taken in compliance with this chapter, including all good faith determinations regarding businesses on the restricted business list, the system shall be exempt from any conflicting statutory or common law obligations, including any obligations with respect to choice of asset managers, investment funds, or investments for fund securities portfolios.

Sec. 24. (a) Notwithstanding any provision to the contrary, the system is permitted to cease divesting and to reinvest in certain restricted businesses on the restricted business list if evidence shows that the value for all assets under management by the system on a fund's behalf becomes equal to or less than ninety-nine and five-tenths percent (99.5%) of the value of all assets under management by the system on a fund's behalf, including the businesses divested under section 16 of this chapter.

(b) As provided by this section, any cessation of divestment or reinvestment shall be strictly limited to the minimum steps necessary to avoid the contingency set forth in subsection (a).

(c) For any cessation of divestment, reinvestment, and subsequent ongoing investment authorized by this section, the board shall submit a report in an electronic format under IC 5-14-6 to the executive director of the legislative services agency for distribution to the members of the general assembly before any initial reinvestment. The report shall be updated annually thereafter as applicable, setting forth the reasons and justifications for the decision to cease divestment, reinvest, or remain invested with businesses engaged in boycott, divest from, or sanction Israel activity. This section does not apply to businesses that have ceased to engage in boycott, divest from, or sanction Israel activity.

Sec. 25. (a) Both:

(1) the state and officers, agents, and employees of the state;
and

(2) the system and the board members, executive director, officers, agents, and employees of the system;

are immune from civil liability for any act or omission related to the removal of an asset from a fund under this chapter.

(b) In addition to the immunity provided under subsection (a), both:

(1) the officers, agents, and employees of the state; and

(2) the board members, executive director, officers, agents, and employees of the system; are entitled to indemnification from the system for all losses, costs, and expenses, including reasonable attorney's fees, associated with defending against any claim or suit relating to an act authorized under this chapter.

Sec. 26. The provisions of this chapter are severable in the manner provided under IC 1-1-1-8(b).

SECTION 2. IC 34-30-2-11.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.6. IC 5-10.2-11-25 (Concerning removal of certain assets from the Indiana state teachers' retirement fund or the public employees' retirement fund).**

P.L.178-2016

[H.1382. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 21-18.5-1-3, AS AMENDED BY P.L.69-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~After June 30, 2012~~; Any reference to the Indiana commission for postsecondary proprietary education or the Indiana commission on proprietary education in any statute or rule shall be treated: ~~as a reference to the:~~

- (1) **after June 30, 2012, as a reference to the** board for proprietary education established by IC 21-18.5-5-1 if the reference pertains to a postsecondary credit bearing proprietary educational institution; or
- (2) ~~state workforce innovation council established by~~

~~IC 22-4.1-22-3~~ if the reference pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9):

- (A) **after June 30, 2012, and before July 1, 2016, as a reference to the state workforce innovation council established by IC 22-4.1-22-3; or**
- (B) **after June 30, 2016, as a reference to the department of workforce development established by IC 22-4.1-2-1.**

SECTION 2. IC 21-18.5-1-4, AS AMENDED BY P.L.69-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Changes made by P.L.218-1987 do not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 1987. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.218-1987 had not been enacted.

(b) The abolishment of the Indiana commission on proprietary education on July 1, 2012, by P.L.107-2012 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 2012, that pertain to a postsecondary credit bearing proprietary educational institution. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the board for proprietary education established by IC 21-18.5-5-1.

(c) The abolishment of the Indiana commission on proprietary education on July 1, 2012, by P.L.107-2012 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 2012, that pertain to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9). **After June 30, 2012, and before July 1, 2016**, these rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced

by the state workforce innovation council established under IC 22-4.1-22-3. **After June 30, 2016, these rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the department of workforce development established by IC 22-4.1-2-1.**

SECTION 3. IC 21-18.5-1-5, AS AMENDED BY P.L.69-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The Indiana commission on proprietary education is abolished on July 1, 2012.

(b) Unless otherwise specified in a memorandum of understanding described in subsection (e), the following are transferred on July 1, 2012, from the Indiana commission on proprietary education to the commission for higher education established by IC 21-18-2-1:

- (1) All real and personal property of the Indiana commission on proprietary education.
- (2) All assets and liabilities of the Indiana commission on proprietary education.
- (3) All appropriations to the Indiana commission on proprietary education.

(c) All powers and duties of the Indiana commission on proprietary education before its abolishment pertaining to the accreditation of a postsecondary credit bearing proprietary educational institution are transferred to the board for proprietary education established by IC 21-18.5-5-1.

(d) All powers and duties of the Indiana commission on proprietary education before its abolishment pertaining to the accreditation of a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9) are transferred to the state workforce innovation council established by IC 22-4.1-22-3. **After June 30, 2016, all powers and duties transferred to the state workforce innovation council by this subsection are transferred to the department of workforce development established by IC 22-4.1-2-1.**

(e) The commission for higher education established by IC 21-18-2-1 may enter into a memorandum of understanding with the state workforce innovation council established by IC 22-4.1-22-3 to implement the transition of the responsibilities and obligations of the Indiana commission on proprietary education before its abolishment to the commission for higher education and the state workforce

innovation council. **After June 30, 2016, the rights, powers, duties, and obligations of the state workforce innovation council under a memorandum of understanding entered into by the state workforce innovation council under this subsection are transferred to the department of workforce development established by IC 22-4.1-2-1.**

(f) Rules that were adopted by the Indiana commission on proprietary education before July 1, 2012, shall be treated as though the rules were adopted by the state workforce innovation council established by IC 22-4.1-22-3 until the state workforce innovation council or the department of workforce development adopts rules under IC 4-22-2 to implement IC 22-4.1-21. **Rules that were adopted by the state workforce innovation council after June 30, 2012, and before July 1, 2016, to implement IC 22-4.1-21 shall be treated as though the rules were adopted by the department of workforce development until the department of workforce development adopts rules under IC 4-22-2 to implement IC 22-4.1-22.**

(g) An accreditation granted or a permit issued under IC 21-17-3 **(repealed)** by the Indiana commission on proprietary education before July 1, 2012, shall be treated after June 30, 2012, as an authorization granted by the:

- (1) board for proprietary education established by IC 21-18.5-5-1 if the accreditation pertains to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or
- (2) department of workforce development if the accreditation pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

(h) An accreditation granted or a permit issued before May 15, 2013, under IC 21-17-3 (repealed):

- (1) by the board for proprietary education established by IC 21-18.5-5-1 shall be treated as an authorization granted by the board for proprietary education; and
- (2) by the state workforce innovation council shall be treated as an authorization granted by the department of workforce development.

(i) Proceedings pending before the Indiana commission on proprietary education on July 1, 2012, shall be transferred from the

Indiana commission on proprietary education to:

- (1) the board for proprietary education established by IC 21-18.5-5-1 for a proceeding pertaining to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or
- (2) the state workforce innovation council if the proceeding pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

(j) Proceedings that pertain to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9) pending before the state workforce innovation council on July 1, 2012, shall be transferred from the state workforce innovation council to the department of workforce development established by IC 22-4.1-2-1.

SECTION 4. IC 22-4.1-21-2, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "accreditation" means certification of a status of approval or authorization by the ~~council~~ **department** to conduct business as a postsecondary proprietary educational institution.

SECTION 5. IC 22-4.1-21-4, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "agent's permit" means a nontransferable written authorization issued to a person by the ~~council~~ **department** to solicit a resident of Indiana to enroll in a course offered or maintained by a postsecondary proprietary educational institution.

SECTION 6. IC 22-4.1-21-5, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "application" means a written request for accreditation or an agent's permit on forms supplied by the ~~council~~ **department**.

SECTION 7. IC 22-4.1-21-10, AS AMENDED BY P.L.273-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The office for career and technical schools is established to carry out the responsibilities of the ~~council~~ **department** under this chapter.

- (b) The ~~council~~ **department** may employ and fix compensation for

necessary administrative staff. ~~with the approval of the department.~~

(c) The department may adopt reasonable rules under IC 4-22-2, **including emergency rules in the manner provided under IC 4-22-2-37.1**, to implement this chapter.

~~(d) The council may adopt and use a seal; the description of which shall be filed with the office of the secretary of state; and which may be used for the authentication of the acts of the council.~~

SECTION 8. IC 22-4.1-21-13, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. Applications for accreditation under this chapter must be filed with the **council department** and accompanied by an application fee of at least one hundred dollars (\$100) for processing the application and evaluating the postsecondary proprietary educational institution.

SECTION 9. IC 22-4.1-21-15, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This section is subject to section 16 of this chapter.

(b) An application for accreditation under this chapter must include a surety bond in a penal sum determined under section 16 of this chapter. The bond must be executed by the applicant as principal and by a surety company qualified and authorized to do business in Indiana as a surety or cash bond company.

(c) The surety bond must be conditioned to provide indemnification to any student or enrollee who suffers a loss or damage as a result of:

- (1) the failure or neglect of the postsecondary proprietary educational institution to faithfully perform all agreements, express or otherwise, with the student, enrollee, one (1) or both of the parents of the student or enrollee, or a guardian of the student or enrollee as represented by the application for the institution's accreditation and the materials submitted in support of the application;
- (2) the failure or neglect of the postsecondary proprietary educational institution to maintain and operate a course or courses of instruction or study in compliance with the standards of this chapter; or
- (3) an agent's misrepresentation in procuring the student's enrollment.

(d) A surety on a bond may be released after the surety has made a written notice of the release directed to the **council department** at least thirty (30) days before the release. However, a surety may not be released from the bond unless all sureties on the bond are released.

(e) A surety bond covers the period of the accreditation.

(f) Accreditation under this chapter shall be suspended if a postsecondary proprietary educational institution is no longer covered by a surety bond or if the postsecondary proprietary educational institution fails to comply with section 16 of this chapter. The **council department** shall notify the postsecondary proprietary educational institution in writing at least ten (10) days before the release of the surety or sureties that the accreditation is suspended until another surety bond is filed in the manner and amount required under this chapter.

SECTION 10. IC 22-4.1-21-16, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to subsections (b), (d), and (e), the **council department** shall determine the penal sum of each surety bond required under section 15 of this chapter based upon the following guidelines:

(1) A postsecondary proprietary educational institution that has no annual gross tuition charges assessed for the previous year shall secure a surety bond in the amount of twenty-five thousand dollars (\$25,000).

(2) If at any time the postsecondary proprietary educational institution's projected annual gross tuition charges are more than two hundred fifty thousand dollars (\$250,000), the institution shall secure a surety bond in the amount of fifty thousand dollars (\$50,000).

(b) After June 30, 2006, and except as provided in:

(1) section 19 of this chapter; and

(2) subsection (e);

and upon the fund achieving at least an initial one million dollar (\$1,000,000) balance, a postsecondary proprietary educational institution that contributes to the fund when the initial quarterly contribution is required under this chapter after the fund's establishment is not required to make contributions to the fund or submit a surety bond.

(c) The **council department** shall determine the number of quarterly contributions required for the fund to initially accumulate one million dollars (\$1,000,000).

(d) Except as provided in section 19 of this chapter and subsection (e), a postsecondary proprietary educational institution that begins making contributions to the fund after the initial quarterly contribution as required under this chapter is required to make contributions to the fund for the same number of quarters as determined by the **council department** under subsection (c).

(e) If, after the fund acquires one million dollars (\$1,000,000), the balance in the fund becomes less than five hundred thousand dollars (\$500,000), all postsecondary proprietary educational institutions not required to make contributions to the fund as described in subsection (b) or (d) shall make contributions to the fund for the number of quarters necessary for the fund to accumulate one million dollars (\$1,000,000).

SECTION 11. IC 22-4.1-21-17, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. The **council department** shall require each postsecondary proprietary educational institution to include in each curriculum catalog and promotional brochure the following:

(1) A statement indicating that the postsecondary proprietary educational institution is regulated by the **council department** under this chapter.

(2) The **council's department's** mailing address and telephone number.

SECTION 12. IC 22-4.1-21-18, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The student assurance fund is established to provide indemnification to a student or an enrollee of a postsecondary proprietary educational institution who suffers loss or damage as a result of an occurrence described in section 15(c) of this chapter if the occurrence transpired after June 30, 1992, and as provided in section 35 of this chapter.

(b) The **council department** shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not

currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for reimbursements allowed under this chapter.

(f) Upon the fund acquiring fifty thousand dollars (\$50,000), the balance in the fund must not become less than fifty thousand dollars (\$50,000). If:

(1) a claim against the fund is filed that would, if paid in full, require the balance of the fund to become less than fifty thousand dollars (\$50,000); and

(2) the **council department** determines that the student is eligible for a reimbursement under the fund;

the **council department** shall prorate the amount of the reimbursement to ensure that the balance of the fund does not become less than fifty thousand dollars (\$50,000), and the student is entitled to receive that balance of the student's claim from the fund as money becomes available in the fund from contributions to the fund required under this chapter.

(g) The **council department** shall ensure that all outstanding claim amounts described in subsection (f) are paid as money in the fund becomes available in the chronological order of the outstanding claims.

(h) A claim against the fund may not be construed to be a debt of the state.

SECTION 13. IC 22-4.1-21-19, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Subject to section 16 of this chapter, each postsecondary proprietary educational institution shall make quarterly contributions to the fund. The quarters begin January 1, April 1, July 1, and October 1.

(b) For each quarter, each postsecondary proprietary educational institution shall make a contribution equal to the STEP THREE amount derived under the following formula:

STEP ONE: Determine the total amount of tuition and fees earned during the quarter.

STEP TWO: Multiply the STEP ONE amount by one-tenth of one percent (0.1%).

STEP THREE: Add the STEP TWO amount and sixty dollars

(\$60).

(c) Notwithstanding section 16 of this chapter, for a postsecondary proprietary educational institution beginning operation after September 30, 2004, the ~~council~~, **department**, in addition to requiring contributions to the fund, shall require the postsecondary proprietary educational institution to submit a surety bond in an amount determined by the ~~council~~ **department** for a period that represents the number of quarters required for the fund to initially accumulate one million dollars (\$1,000,000) as determined under section 16(c) of this chapter.

SECTION 14. IC 22-4.1-21-20, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) Upon receipt of an application for accreditation under this chapter, the ~~council~~ **department** shall make an investigation to determine the accuracy of the statements in the application to determine if the postsecondary proprietary educational institution meets the minimum standards for accreditation.

(b) During the investigation under subsection (a), the ~~council~~ **department** may grant a temporary status of accreditation. The temporary status of accreditation is sufficient to meet the requirements of this chapter until a determination on accreditation is made.

SECTION 15. IC 22-4.1-21-22, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) A postsecondary proprietary educational institution shall maintain at least the following records for each student:

- (1) The program in which the student enrolls.
- (2) The length of the program.
- (3) The date of the student's initial enrollment in the program.
- (4) The student's period of attendance.
- (5) The amount of the student's tuition and fees.
- (6) A copy of the enrollment agreement.

(b) Upon the request of the ~~council~~, **department**, a postsecondary proprietary educational institution shall submit the records described in subsection (a) to the ~~council~~: **department**.

(c) If a postsecondary proprietary educational institution ceases operation, the postsecondary proprietary educational institution shall submit the records described in subsection (a) to the ~~council~~

department not later than thirty (30) days after the institution ceases to operate.

SECTION 16. IC 22-4.1-21-23, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. Full accreditation under this chapter may not be issued unless and until the ~~council~~ **department** finds that the postsecondary proprietary educational institution meets minimum standards that are appropriate to that type or class of postsecondary proprietary educational institution, including the following minimum standards:

- (1) The postsecondary proprietary educational institution has a sound financial structure with sufficient resources for continued support.
- (2) The postsecondary proprietary educational institution has satisfactory training or educational facilities with sufficient tools, supplies, or equipment and the necessary number of work stations or classrooms to adequately train, instruct, or educate the number of students enrolled or proposed to be enrolled.
- (3) The postsecondary proprietary educational institution has an adequate number of qualified instructors or teachers, sufficiently trained by experience or education, to give the instruction, education, or training contemplated.
- (4) The advertising and representations made on behalf of the postsecondary proprietary educational institution to prospective students are truthful and free from misrepresentation or fraud.
- (5) The charge made for the training, instruction, or education is clearly stated and based upon the services rendered.
- (6) The premises and conditions under which the students work and study are sanitary, healthful, and safe according to modern standards.
- (7) The postsecondary proprietary educational institution has and follows a refund policy approved by the ~~council~~ **department**.
- (8) The owner or chief administrator of the postsecondary proprietary educational institution has not been convicted of a felony.
- (9) The owner or chief administrator of the postsecondary proprietary educational institution has not been the owner or chief administrator of a postsecondary proprietary educational

institution that has had its accreditation revoked or has been closed involuntarily in the five (5) year period preceding the application for accreditation. However, if the owner or chief administrator of the postsecondary proprietary educational institution has been the owner or chief administrator of a postsecondary proprietary educational institution that has had its accreditation revoked or has been closed involuntarily more than five (5) years before the application for accreditation, the ~~council~~ **department** may issue full accreditation at the ~~council's~~ **department's** discretion.

SECTION 17. IC 22-4.1-21-24, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) After an investigation and a finding that the information in the application is true and the postsecondary proprietary educational institution meets the minimum standards, the ~~council~~ **department** shall issue an accreditation to the postsecondary proprietary educational institution upon payment of an additional fee of at least twenty-five dollars (\$25).

(b) The ~~council~~ **department** may waive inspection of a postsecondary proprietary educational institution that has been accredited by an accrediting unit whose standards are approved by the ~~council~~ **department** as meeting or exceeding the requirements of this chapter.

(c) A valid license, approval to operate, or other form of accreditation issued to a postsecondary proprietary educational institution by another state may be accepted, instead of inspection, if:

- (1) the requirements of that state meet or exceed the requirements of this chapter; and
- (2) the other state will, in turn, extend reciprocity to postsecondary proprietary educational institutions accredited by the ~~council~~ **department**.

(d) An accreditation issued under this section expires one (1) year following the accreditation's issuance.

(e) An accredited postsecondary proprietary educational institution may renew the institution's accreditation annually upon:

- (1) the payment of a fee of at least twenty-five dollars (\$25); and
- (2) continued compliance with this chapter.

SECTION 18. IC 22-4.1-21-25, AS ADDED BY P.L.107-2012,

SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Accreditation under this chapter may be revoked by the ~~council~~ **department**:

- (1) for cause upon notice and an opportunity for a ~~council~~ **department** hearing; and
- (2) for the accredited postsecondary proprietary educational institution failing to make the appropriate quarterly contributions to the fund not later than forty-five (45) days after the end of a quarter.

SECTION 19. IC 22-4.1-21-26, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) A postsecondary proprietary educational institution, after notification that the institution's accreditation has been refused, revoked, or suspended, may apply for a hearing before **an administrative law judge of the council department** concerning the institution's qualifications. The application for a hearing must be filed in writing with the ~~council~~ **department** not more than thirty (30) days after receipt of notice of the denial, revocation, or suspension.

(b) The ~~council~~ **department** shall give a hearing promptly and with not less than ten (10) days notice of the date, time, and place. The postsecondary proprietary educational institution is entitled to be represented by counsel and to offer oral and documentary evidence relevant to the issue. **The hearing shall be conducted in the manner provided under IC 4-21.5-3.**

(c) Not more than fifteen (15) days after a hearing, the ~~council~~ **administrative law judge** shall make written findings of fact, a written decision, and a written order based solely on the evidence submitted at the hearing, either granting or denying accreditation to the postsecondary proprietary educational institution.

(d) **Not more than fifteen (15) days after the issuance of a written order by the administrative law judge under subsection (c), any party adversely affected by the order may file an objection to the order in writing with the commissioner and request that the commissioner review the order. The party must identify the basis of the objection with reasonable particularity. Not later than thirty (30) days after the objection is filed with the commissioner, the commissioner shall issue a final order affirming, modifying, or**

dissolving the administrative law judge's order. The commissioner may remand the matter, with or without instructions, to the administrative law judge for further proceedings.

(e) In the absence of an objection under subsection (d), the commissioner shall affirm the administrative law judge's order.

(f) The commissioner is the ultimate authority (as defined by IC 4-21.5-1-15) for the department.

SECTION 20. IC 22-4.1-21-29, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) A person representing a postsecondary proprietary educational institution doing business in Indiana by offering courses may not sell a course or solicit students for the institution unless the person first secures an agent's permit from the ~~council~~ **department**. If the agent represents more than one (1) postsecondary proprietary educational institution, a separate agent's permit must be obtained for each institution that the agent represents.

(b) Upon approval of an agent's permit, the ~~council~~ **department** shall issue a pocket card to the person that includes:

- (1) the person's name and address;
- (2) the name and address of the postsecondary proprietary educational institution that the person represents; and
- (3) a statement certifying that the person whose name appears on the card is an authorized agent of the postsecondary proprietary educational institution.

(c) The application must be accompanied by a fee of at least ten dollars (\$10).

(d) An agent's permit is valid for one (1) year from the date of its issue. An application for renewal must be accompanied by a fee of at least ten dollars (\$10).

(e) A postsecondary proprietary educational institution is liable for the actions of the institution's agents.

SECTION 21. IC 22-4.1-21-30, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) An application for an agent's permit must be granted or denied by the ~~council~~ **department** not more than fifteen (15) working days after the receipt of the application. If the ~~council~~ **department** has not completed a determination with respect to the issuance of a permit under this section within the fifteen (15)

working day period, the ~~council~~ **department** shall issue a temporary permit to the applicant. The temporary permit is sufficient to meet the requirements of this chapter until a determination is made on the application.

(b) A permit issued under this chapter may, upon ten (10) days notice and after a hearing, be revoked by the ~~council~~ **department**:

- (1) if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation; or
- (2) upon a finding that the permit holder is not of good moral character.

SECTION 22. IC 22-4.1-21-34, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) This section applies to claims against the surety bond of a postsecondary proprietary educational institution.

(b) A student who believes that the student is suffering loss or damage resulting from any of the occurrences described in section 15(c) of this chapter may request the ~~council~~ **department** to file a claim against the surety of the postsecondary proprietary educational institution or agent.

(c) The request must state the grounds for the claim and must include material substantiating the claim.

(d) The ~~council~~ **department** shall investigate all claims submitted to the ~~council~~ **department** and attempt to resolve the claims informally. If the ~~council~~ **department** determines that a claim is valid, and an informal resolution cannot be made, the ~~council~~ **department** shall submit a formal claim to the surety.

(e) A claim against the surety bond may not be filed by the ~~council~~ **department** unless the student's request under subsection (b) is commenced not more than five (5) years after the date on which the loss or damage occurred.

(f) If the amount of the surety bond is insufficient to cover all or part of the claim, a claim for the balance of the claim against the surety bond in the amount that is insufficient must be construed to be a claim against the balance of the fund under section 35 of this chapter.

SECTION 23. IC 22-4.1-21-35, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) This section applies:

- (1) to claims against the balance of the fund; and

(2) in cases in which a student or an enrollee of a postsecondary proprietary educational institution is protected by both a surety bond and the balance of the fund, only after a claim against the surety bond exceeds the amount of the surety bond.

(b) A student or an enrollee of a postsecondary proprietary educational institution who believes that the student or enrollee has suffered loss or damage resulting from any of the occurrences described in section 15(c) of this chapter may request the **council department** to file a claim with the **council department** against the balance of the fund. If there is a surety bond in an amount sufficient to cover a claim or part of a claim under this section, a claim against the balance of the fund must be construed to be a claim against the surety bond first to the extent that the amount of the surety bond exists and the balance of the claim may be filed against the balance of the fund.

(c) A claim under this section is limited to a refund of the claimant's applicable tuition and fees.

(d) All claims must be filed not later than five (5) years after the occurrence that results in the loss or damage to the claimant.

(e) Upon the filing of a claim under this section, the **council department** shall review the records submitted by the appropriate postsecondary proprietary educational institution described under section 22 of this chapter and shall investigate the claim and attempt to resolve the claim as described in section 34(d) of this chapter.

(f) Upon a determination by the **council department** that a claimant shall be reimbursed under the fund, the **council department** shall prioritize the reimbursements under the following guidelines:

- (1) A student's educational loan balances.
- (2) Federal grant repayment obligations of the student.
- (3) Other expenses paid directly by the student.

SECTION 24. IC 22-4.1-21-36, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. The prosecuting attorney of the county in which an offense under this chapter occurred shall, at the request of the **council department** or on the prosecuting attorney's own motion, bring any appropriate action, including a mandatory and prohibitive injunction.

SECTION 25. IC 22-4.1-21-37, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 37. An action of the ~~council~~ **department** concerning the issuance, denial, or revocation of a permit or accreditation under this chapter is subject to review under IC 4-21.5.

SECTION 26. IC 22-4.1-21-39, AS ADDED BY P.L.107-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The proprietary educational institution accreditation fund is established.

(b) The proprietary educational institution accreditation fund shall be administered by the ~~council~~ **department**.

(c) Money in the proprietary educational institution accreditation fund at the end of a state fiscal year does not revert to the general fund.

(d) All fees collected by the ~~council~~ **department** under this chapter shall be deposited in the proprietary educational institution accreditation fund.

(e) Money in the proprietary educational institution accreditation fund shall be used by the ~~council~~ **department** to administer this chapter.

SECTION 27. IC 22-4.5-9-4, AS AMENDED BY SEA 301-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market. In carrying out its duties under this subdivision, the council must consider the workforce needs and training and education requirements identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10.

(3) In addition to the department's annual report provided under ~~IC 22-4.5-9-4~~, **IC 22-4.1-4-8**, submit ~~not later than August 1, 2013~~, and not later than ~~November~~ **December** 1 each year ~~thereafter~~, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's education, job skills development, and career training system.

The inventory must provide at least the information listed in ~~IC 22-4.1-9-4(a)(1)~~ **IC 22-4.1-4-8(a)(1)** through ~~IC 22-4.1-9-4(a)(5)~~ **IC 22-4.1-4-8(a)(5)** for each activity in the inventory.

(4) Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

(A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.

(B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).

(C) Proposed changes to address both:

(i) the shortage of qualified workers for current employment opportunities; and

(ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.

(5) Complete, not later than August 1, 2014, a return on investment and utilization study of career and technical education programs in Indiana. The study conducted under this subdivision must include at least the following:

(A) An examination of Indiana's career and technical education programs to determine:

(i) the use of the programs; and

(ii) the impact of the programs on college and career readiness, employment, and economic opportunity.

(B) A survey of the use of secondary, college, and university facilities, equipment, and faculty by career and technical education programs.

(C) Recommendations concerning how career and technical education programs:

(i) give a preference for courses leading to employment in high wage, high demand jobs; and

(ii) add performance based funding to ensure greater competitiveness among program providers and to increase completion of industry recognized credentials and dual credit courses that lead directly to employment or postsecondary study.

(6) Coordinate the performance of its duties under this chapter with the Indiana works councils established by IC 20-19-6-4.

(b) In performing its duties, the council shall obtain input from the following:

(1) Indiana employers and employer organizations.

(2) Public and private institutions of higher education.

(3) Regional and local economic development organizations.

(4) Indiana labor organizations.

(5) Individuals with expertise in career and technical education.

(6) Military and veterans organizations.

(7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.

(8) Individuals and organizations with expertise in the logistics industry.

(9) Any other person or organization that a majority of the voting members of the council determines has information that is important for the council to consider.

SECTION 28. An emergency is declared for this act.

P.L.179-2016
[H.1394. Approved March 23, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-20-8-8, AS AMENDED BY SEA 3-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) All state standardized assessment scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The school's performance category or designation of school improvement assigned under IC 20-31-8.
- (7) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.

- (G) Students receiving free or reduced price lunch under the national school lunch program.
- (H) School flex program, if offered.
- (8) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (9) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- (10) The percentage of grade 8 students enrolled in algebra I.
- (11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.
- (12) School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- (13) Financial information and various school cost factors, including the following:
 - (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within the school corporation:
 - (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
 - (B) Teachers who teach the subject area for which the teacher

is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(21) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(22) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(23) The number of student work permits revoked.

(24) The number of students receiving an international baccalaureate diploma.

(b) Section 3(a) of this chapter does not apply to the publication of information required under this subsection. This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). **A separate report including** the information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education **and must be made available on the Internet as provided in section 3(b) of this chapter.**

SECTION 2. IC 20-24-3-4, AS AMENDED BY P.L.221-2015,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An organizer may submit to the authorizer a proposal to establish a charter school.

(b) A proposal must contain at least the following information:

- (1) Identification of the organizer.
 - (2) A description of the organizer's organizational structure and governance plan.
 - (3) The following information for the proposed charter school:
 - (A) Name.
 - (B) Purposes.
 - (C) Governance structure.
 - (D) Management structure.
 - (E) Educational mission goals.
 - (F) Curriculum and instructional methods.
 - (G) Methods of pupil assessment.
 - (H) Admission policy and criteria, subject to IC 20-24-5.
 - (I) School calendar.
 - (J) Age or grade range of students to be enrolled.
 - (K) A description of staff responsibilities.
 - (L) A description of the physical plant.
 - (M) Budget and financial plans.
 - (N) Personnel plan, including methods for selection, retention, and compensation of employees.
 - (O) Transportation plan.
 - (P) Discipline program, **subject to IC 20-24-5.5**.
 - (Q) Plan for compliance with any applicable desegregation order.
 - (R) The date when the charter school is expected to:
 - (i) begin school operations; and
 - (ii) have students attending the charter school.
 - (S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.
 - (T) Any other applications submitted to an authorizer in the previous five (5) years.
 - (4) The manner in which the authorizer must conduct an annual audit of the program operations of the charter school.
- (c) In the case of a charter school proposal from an applicant that

currently operates one (1) or more charter schools in any state or nation, the request for proposals shall additionally require the applicant to provide evidence of past performance and current capacity for growth.

(d) If the proposal described in subsection (a) concerns an existing charter school overseen by a different authorizer than the authorizer to which the organizer is submitting the proposal, the proposal must include written acknowledgement of the proposal from the current authorizer. Additionally, the authorizer receiving the proposal shall consult with the current authorizer before granting approval of the proposal.

(e) This section does not waive, limit, or modify the provisions of:

- (1) IC 20-29 in a charter school where the teachers have chosen to organize under IC 20-29; or
- (2) an existing collective bargaining agreement for noncertificated employees (as defined in IC 20-29-2-11).

SECTION 3. IC 20-24-5-5, AS AMENDED BY P.L.221-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), ~~and~~ (e), ~~and~~ (f), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting, **with each timely applicant limited to one (1) entry in the drawing.**

(c) A charter school may limit new admissions to the charter school to:

- (1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years;
- (2) ensure that a student who attends a charter school during a school year may continue to attend a different charter school held by the same organizer in subsequent years;

(3) allow the siblings of a student who attends a charter school or a charter school held by the same organizer to attend the same charter school the student is attending; and

(4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program (as defined in IC 12-17.2-3.8-1) preschool to attend kindergarten at a charter school if the charter school and the preschool provider have entered into an agreement to share services or facilities.

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

(1) those students who were enrolled in the charter school on the date of the conversion; and

(2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of the charter school's founders, governing body members, and charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the charter school's total population.

(f) A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

(1) Disability.

(2) Race.

(3) Color.

(4) Gender.

(5) National origin.

(6) Religion.

(7) Ancestry.

A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 4. IC 20-24-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 5.5. Student Discipline

Sec. 1. A charter school shall:

(1) establish written discipline rules, which must include a graduated system of discipline and may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;

for the charter school; and

(2) publicize the discipline rules within the charter school where the discipline rules apply, which may include:

(A) making a copy of the discipline rules available to students or parents, guardians, or custodians of students;

or

(B) delivering a copy of the discipline rules to students or parents, guardians, or custodians of students.

The publicity requirement is satisfied if the charter school makes a good faith effort to disseminate the text or substance of the discipline rules to students or parents, guardians, or custodians of students generally.

SECTION 5. IC 20-25.7-4-5, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall enter into an agreement with an innovation network team to establish an innovation network school or to reconstitute an eligible school as an innovation network school under section 3 or 4 of this chapter. An innovation network team may consist of or include teachers, a principal, a superintendent, or any combination of these individuals who were employed at the eligible school before the agreement is entered.

(b) The terms of the agreement must specify the following:

(1) A statement that the innovation network school is considered to be part of the school corporation and not considered a separate local educational agency.

(2) A statement that the innovation network team authorizes the department to include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.

(3) The amount of state and federal funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the innovation network

school.

(4) The performance goals and accountability metrics agreed upon for the innovation network school.

(5) Grounds for termination of the agreement, including the right of termination if the innovation network team fails to:

(A) comply with the conditions or procedures established in the agreement;

(B) meet generally accepted fiscal management and government accounting principles;

(C) comply with applicable laws; or

(D) meet the educational goals set forth in the agreement between the board and the innovation network team.

(c) If an agreement is entered into under subsection (a), the board shall notify the department that an agreement has been entered into under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), ~~the department shall~~, for school years starting after the date of the agreement:

(1) **the department shall** include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; ~~and~~

(2) **the department shall** treat the innovation network school in the same manner as a school operated by the school corporation when calculating the total amount of state and federal funding to be distributed to the school corporation; ~~and~~

(3) if requested by an innovation network school established under IC 20-25.5-4-2(a)(2) (before its repeal) or IC 20-25.7-4-4(a)(2), the department may use student growth as the state board's exclusive means to determine the innovation network school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.

A school corporation and an innovation network school are not entitled to any state funding in addition to the amount the school corporation and school would otherwise be eligible to receive if the innovation network school were a public school maintained by the school

corporation.

SECTION 6. IC 20-25.7-5-2, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Notwithstanding IC 20-26-7-1, the board may enter into an agreement with an organizer **to reconstitute an eligible school as a participating innovation network charter school** or to establish a participating innovation network charter school within a vacant, underutilized, or underenrolled school building, as determined by the board.

(b) The terms of the agreement entered into between the board and an organizer must specify the following:

(1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.

(2) The amount of state funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the organizer.

(3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), ~~the department shall~~, for school years starting after the date of the agreement:

(1) **the department shall** include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; ~~and~~

(2) **the department shall** treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation; ~~and~~

(3) **if requested by a participating innovation network charter school that reconstitutes an eligible school, the department**

may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.

SECTION 7. IC 20-25.7-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) IC 20-24-5-5 (with the exception of IC 20-24-5-5(f)) does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school with a defined attendance area.

(b) Except as provided in subsection (c), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school with a defined attendance area may limit new admissions to the participating innovation network charter school to:

- (1) ensure that any student with legal settlement in the attendance area may attend the charter school;
- (2) ensure that a student who attends the participating innovation network charter school during a school year may continue to attend the charter school in subsequent years;
- (3) allow the siblings of a student who attends the participating innovation network charter school to attend the charter school; and
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program (as defined in IC 12-17.2-3.8-1) preschool to attend kindergarten at the participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities.

(d) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation

charter school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(e) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing.

SECTION 8. IC 20-26-7-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 46. A person, organization, or other entity that enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a) may not enter into a contract or agreement as the design professional on the controlled project with the school corporation to complete any part of the controlled project design unless the person, entity, or organization is awarded a contract as the design professional for the controlled project under IC 5-16-11.1.**

SECTION 9. IC 20-28-7.5-2, AS AMENDED BY P.L.233-2015, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. (a) Before a teacher's contract is canceled, the teacher has the following rights:**

- (1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:
 - (A) in writing; and
 - (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.
- (2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary

decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent **or the assistant superintendent**. The superintendent **or the assistant superintendent, as applicable**, must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent **or the assistant superintendent, as applicable**, and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent **or the assistant superintendent, as applicable**, and the teacher, the superintendent **or the assistant superintendent, whoever attended the conference**, shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If a probationary, professional, or established teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent **or the assistant superintendent, as applicable**, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

SECTION 10. IC 20-28-7.5-8, AS AMENDED BY P.L.233-2015, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school and the contract is entered into **at any time during the school year or** less than fourteen (14) days before the day on which the teacher must report for work at that school. However, another contract may be signed by the teacher that will be effective if the teacher:

- (1) furnishes the principal a release by the first employer; or
- (2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 11. **An emergency is declared for this act.**

P.L.180-2016
[S.308. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-3-14, AS AMENDED BY P.L.146-2008, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. The township assessor, or the county assessor if there is no township assessor for the township, ~~shall~~ **may:**

- (1) examine and verify; or
- (2) allow a contractor under IC 6-1.1-36-12 to examine and verify;

the accuracy of ~~each~~ a personal property return filed with the township or county assessor by a taxpayer **if the assessor considers the examination and verification of that personal property return to be useful to the accuracy of the assessment process.** If appropriate, the assessor or contractor under IC 6-1.1-36-12 shall compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

SECTION 2. IC 6-1.1-4-4.5, AS AMENDED BY P.L.112-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 4.5. (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a reassessment under section 4 or 4.2 of this chapter for the property last took effect.

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the 2006 assessment date and each year thereafter that is not a year in which a reassessment under section 4 or 4.2 of this chapter for the property becomes effective.

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

(1) Promote uniform and equal assessment of real property within and across classifications.

(2) Require that assessing officials:

(A) reevaluate the factors that affect value;

(B) express the interactions of those factors mathematically;

(C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and

(D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments.

(3) Prescribe procedures that permit the application of the adjustment percentages in an efficient manner by assessing officials.

(d) The department of local government finance must review and certify each annual adjustment determined under this section.

(e) In making the annual determination of the base rate to satisfy the requirement for an annual adjustment under subsection (c) for ~~current property taxes first due and payable in 2011~~ **the January 1, 2016, assessment date and each assessment date** thereafter, the department of local government finance shall determine the base rate using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of the department of local government finance's Real Property Assessment Guidelines (as in effect on January 1, 2005), except that the department shall adjust the methodology ~~to~~ **as follows:**

(1) Use a six (6) year rolling average adjusted under subdivision ~~(2)~~ **(3)** instead of a four (4) year rolling average. ~~and~~

(2) Use the data from the six (6) most recent years preceding the year in which the assessment date occurs for which data is available, before one (1) of those six (6) years is eliminated under subdivision (3) when determining the rolling average.

~~(2)~~ **(3) Eliminate in the calculation of the rolling average the year among the six (6) years for which the highest market value in use of agricultural land is determined.**

(4) After determining a preliminary base rate that would apply for the assessment date without applying the adjustment under this subdivision, the department of local government finance shall adjust the preliminary base rate as follows:

(A) If the preliminary base rate for the assessment date

would be at least ten percent (10%) greater than the final base rate determined for the preceding assessment date, a capitalization rate of eight percent (8%) shall be used to determine the final base rate.

(B) If the preliminary base rate for the assessment date would be at least ten percent (10%) less than the final base rate determined for the preceding assessment date, a capitalization rate of six percent (6%) shall be used to determine the final base rate.

(C) If neither clause (A) nor clause (B) applies, a capitalization rate of seven percent (7%) shall be used to determine the final base rate.

(D) In the case of a market value in use for a year that is used in the calculation of the six (6) year rolling average under subdivision (1) for purposes of determining the base rate for the assessment date:

(i) that market value in use shall be recalculated by using the capitalization rate determined under clauses (A) through (C) for the calculation of the base rate for the assessment date; and

(ii) the market value in use recalculated under item (i) shall be used in the calculation of the six (6) year rolling average under subdivision (1).

(f) For assessment dates after December 31, 2009, an adjustment in the assessed value of real property under this section shall be based on the estimated true tax value of the property on the assessment date that is the basis for taxes payable on that real property.

SECTION 3. IC 6-1.1-4-13, AS AMENDED BY P.L.249-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) For purposes of this section, and in addition to any other land considered devoted to agricultural use, any:

(1) land enrolled in:

(A) a land conservation or reserve program administered by the United States Department of Agriculture;

(B) a land conservation program administered by the United

- States Department of Agriculture's Farm Service Agency; or
(C) a conservation reserve program or agricultural easement program administered by the United States Department of Agriculture's National Resources Conservation Service;
- (2) land enrolled in the department of natural resources' classified forest and wildlands program (or any similar or successor program);
 - (3) land classified in the category of other agriculture use, as provided in the department of local government finance's real property assessment guidelines; or
 - (4) land devoted to the harvesting of hardwood timber;

is considered to be devoted to agricultural use. Agricultural use for purposes of this section includes but is not limited to the uses included in the definition of "agricultural use" in IC 36-7-4-616(b), such as the production of livestock or livestock products, commercial aquaculture, equine or equine products, land designated as a conservation reserve plan, pastureland, poultry or poultry products, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, bees and apiary products, tobacco, other agricultural crops, general farming operation purposes, native timber lands, or land that lays fallow. Agricultural use may not be determined by the size of a parcel or size of a part of the parcel. This subsection does not affect the assessment of any real property assessed under IC 6-1.1-6 (assessment of certain forest lands), IC 6-1.1-6.2 (assessment of certain windbreaks), or IC 6-1.1-6.7 (assessment of filter strips).

(c) The department of local government finance shall give written notice to each county assessor of:

- (1) the availability of the United States Department of Agriculture's soil survey data; and
- (2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey

map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the ~~March 1, 2012; January 1, 2016,~~ assessment date ~~the March 1, 2013; assessment date; the March 1, 2014; assessment date; and the March 1, 2015; assessment date.~~ New soil productivity factors shall be used for assessment dates occurring after ~~March 1, 2015; and each assessment date thereafter.~~

(d) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(e) This section does not apply to land purchased for industrial or commercial uses.

SECTION 4. IC 6-1.1-4-13.2, AS ADDED BY P.L.249-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 13.2. Notwithstanding the provisions of this chapter and any real property assessment guidelines of the department of local government finance, for the property tax assessment of agricultural land for the 2015 assessment date, the statewide agricultural land base rate value per acre used to determine the value of agricultural land is two thousand fifty dollars (\$2,050). For the 2016 assessment date and each assessment date thereafter, the statewide agricultural land base rate value per acre is equal to:

(1) the base rate value for the immediately preceding assessment date; multiplied by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 in the year including the assessment date.

This amount shall be substituted for any agricultural land base rate value included in the Real Property Assessment Guidelines or any other guidelines of the department of local government finance that apply for those assessment dates.

SECTION 5. IC 6-1.1-6-14, AS AMENDED BY P.L.66-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Land which is classified under this chapter as native forest land, a forest plantation, or wildlands shall be assessed **as follows:**

(1) At ~~one dollar (\$1)~~ **thirteen dollars and twenty-nine cents (\$13.29)** per acre for general property taxation purposes, **for the**

January 1, 2017, assessment date.

(2) At the amount per acre determined in the following STEPS for general property taxation purposes, for an assessment date after January 1, 2017:

STEP ONE: Determine the amount per acre under this section for the immediately preceding assessment date.

STEPTWO: Multiply the STEP ONE amount by the result of:

(A) one (1); plus

(B) the annual percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics for the calendar year preceding the calendar year before the assessment date.

SECTION 6. IC 6-1.1-6.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Land that is classified under this chapter as a windbreak shall be assessed as follows:

(1) At ~~one dollar (\$1)~~ **thirteen dollars and twenty-nine cents (\$13.29)** per acre for general property taxation purposes, for the January 1, 2017, assessment date.

(2) At the amount per acre determined in the following STEPS for general property taxation purposes, for an assessment date after January 1, 2017:

STEP ONE: Determine the amount per acre under this section for the immediately preceding assessment date.

STEPTWO: Multiply the STEP ONE amount by the result of:

(A) one (1); plus

(B) the annual percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics for the calendar year preceding the calendar year before the assessment date.

(b) ~~However,~~ **Notwithstanding subsection (a)**, ditch assessments on the classified land shall be paid.

SECTION 7. IC 6-1.1-6.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Land that is classified under this chapter as a filter strip shall be assessed as follows:

(1) At one dollar (~~\$1~~) thirteen dollars and twenty-nine cents (\$13.29) per acre for general property taxation purposes, for the January 1, 2017, assessment date.

(2) At the amount per acre determined in the following STEPS for general property taxation purposes, for an assessment date after January 1, 2017:

STEP ONE: Determine the amount per acre under this section for the immediately preceding assessment date.

STEP TWO: Multiply the STEP ONE amount by the result of:

(A) one (1); plus

(B) the annual percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics for the calendar year preceding the calendar year before the assessment date.

(b) However, Notwithstanding subsection (a), ditch assessments on the classified land shall be paid.

SECTION 8. IC 6-1.1-10-15, AS AMENDED BY P.L.119-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The acquisition and improvement of land for use by the public as an airport and the maintenance of commercial passenger aircraft is a municipal purpose regardless of whether the airport or maintenance facility is owned or operated by a municipality. The owner of any airport located in this state, who holds a valid and current public airport certificate issued by the Indiana department of transportation, may claim an exemption for only so much of the land as is reasonably necessary to and used for public airport purposes. A person maintaining commercial passenger aircraft in a county having a population of:

(1) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or

(2) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may claim an exemption for commercial passenger aircraft not subject to the aircraft excise tax under IC 6-6-6.5 that is being assessed under this article, if it is located in the county only for the purposes of maintenance.

(b) The exemption provided by this section is noncumulative and

applies only to property that would not otherwise be exempt. Nothing contained in this section applies to or affects any other tax exemption provided by law.

(c) As used in this section, "land used for public airport purposes" includes the following:

(1) That part of airport land used for the taking off or landing of aircraft, taxiways, runway and taxiway lighting, access roads, auto and aircraft parking areas, and all buildings providing basic facilities for the traveling public.

(2) Real property owned by the airport owner and used ~~directly~~ for airport operation and maintenance purposes, **which includes the following property:**

(A) Leased property that:

(i) is used for agricultural purposes; and

(ii) is located within the area that federal law and regulations of the Federal Aviation Administration restrict to activities and purposes compatible with normal airport operations.

(B) Runway protection zones.

(C) Avigation easements.

(D) Safety and transition areas, as specified in IC 8-21-10 concerning the regulation of tall structures and 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.

(E) Land purchased using funds that include grant money provided by the Federal Aviation Administration or the Indiana department of transportation.

(3) Real property used in providing for the shelter, storage, or care of aircraft, including hangars.

(4) Housing for weather and signaling equipment, navigational aids, radios, or other electronic equipment.

The term does not include land areas used solely for purposes unrelated to aviation.

SECTION 9. IC 6-1.1-15-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 10.7. (a) The county fiscal body may adopt an ordinance to provide that the county assessor be reimbursed for certain costs incurred by the county assessor in**

defending an appeal under this chapter that is uncommon and infrequent in the normal course of defending appeals under this chapter. Costs include appraisal and expert witness fees incurred in defending an appeal.

(b) The ordinance must specify:

- (1) the appeal or appeals and why they are uncommon and infrequent;
- (2) a detailed list of expenses incurred by fund and by parcel number; and
- (3) that the county auditor will deduct the expenses listed in the ordinance from property tax receipts collected in the taxing district in which the parcel is located before apportioning receipts to taxing units for the next semiannual settlement under IC 6-1.1-27.

(c) Property tax receipts that are collected under this section must be deposited in the county fund that incurred the initial expense.

(d) Expenses for an appeal that are deducted from a civil taxing unit's property tax revenue under this section are not considered to be part of a payment of a refund resulting from an appeal for purposes of a maximum permissible property tax levy appeal under IC 6-1.1-18.5-16.

SECTION 10. IC 6-1.1-18-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23. (a) This section applies to Cain Township in Fountain County.**

(b) The executive of the township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the maximum permissible ad valorem property tax levy under:

- (1) IC 6-1.1-18.5 (for the township's funds that are not used for township fire protection and emergency services); and
- (2) IC 36-8-13 (for the township's fire protection and emergency services);

for property taxes first due and payable in 2017.

(c) The department of local government finance shall increase the maximum permissible ad valorem property tax levies specified in subsection (b) for a township that submits a petition under this section by the lesser of:

(1) the amount of the increase for each levy that is requested in the petition; or

(2) the amount necessary to increase each of these levies for 2017 to the amount that each of these levies would be for 2017 if the department had used for each of these levies the maximum permissible levy instead of the certified levy when computing the township's maximum levy amount for 2004 for each of these levies.

(d) A township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 and IC 36-8-13 for property taxes first due and payable in 2017, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 and IC 36-8-13 for property taxes first due and payable in 2018 and thereafter.

(e) This section expires June 30, 2019.

SECTION 11. IC 6-1.1-18.5-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25. (a) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to a municipality in a year if all the following apply:**

(1) The percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year is at least two (2) times the assessed value growth quotient determined under section 2 of this chapter for the preceding year.

(2) The municipality's population increased by at least one hundred fifty percent (150%) between the last two (2) decennial censuses.

(b) A municipality that meets all the requirements under subsection (a) may increase its ad valorem property tax levy in excess of the limits imposed under section 3 of this chapter by a percentage equal to the lesser of:

(1) the percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year; or

(2) six percent (6%).

(c) A municipality's assessed value growth that results from either annexation or the pass through of assessed value from a tax increment financing district may not be included for the purposes

of determining a municipality's assessed value growth under this section.

(d) This section applies to property tax levies imposed after December 31, 2016.

SECTION 12. IC 6-1.1-18.5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a) This section applies to Howard Township in Washington County.**

(b) If the township fiscal body adopts a resolution:

(1) setting forth a finding that the township's maximum permissible ad valorem property tax levy needs to be increased in excess of the limitations established under section 3 of this chapter; and

(2) approving the submission of a petition by the township executive with the department;

the township executive may submit a petition to the department requesting an increase in the township's maximum permissible ad valorem property tax levy.

(c) If a proper petition is submitted, the department shall increase the township's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2017 by an amount equal to the amount that represents a ten percent (10%) increase in the township's 2016 maximum permissible ad valorem property tax levy, notwithstanding the assessed value growth quotient.

(d) The township's 2017 maximum permissible ad valorem property tax levy, after the increase made under this section, is to be used in determining the township's previous year maximum permissible ad valorem property tax levy for the determination under this chapter of the township's maximum permissible ad valorem property tax levy after 2017.

(e) This section expires January 1, 2019.

SECTION 13. IC 6-1.1-36-12, AS AMENDED BY P.L.146-2008, SECTION 289, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12. (a) A board of county commissioners, a county assessor, or a township assessor (if any) may enter into a contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit**

payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

(1) examine and verify the accuracy of ~~a personal property returns~~ **return** filed by ~~taxpayers~~ **a taxpayer** with the county assessor or a township assessor of a township in the county, **if the contractor considers the examination and verification of that personal property return to be useful to the accuracy of the assessment process;** and

(2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer, **if the contractor considers the comparison to be useful to the accuracy of the assessment process.**

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

(1) All contract fees and other costs related to the contract.

(2) After the payments required by subdivision (1) have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.

(c) A board of county commissioners, a county assessor, or a township assessor may not contract for services under subsection (a) on a percentage basis.

SECTION 14. IC 6-3.6-2-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13.5. "PSAP" means a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system**

(as defined in IC 36-8-16.7-22).

SECTION 15. IC 6-3.6-3-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The following is the adopting body for a county:

(1) The local income tax council in a county in which the county income tax council adopted either:

(A) a county option income tax under IC 6-3.5-6 (repealed) that was in effect on January 1, 2015; or

(B) a county economic development income tax for the county under IC 6-3.5-7 (repealed) that was in effect on January 1, 2015.

(2) The county fiscal body in any other county.

(3) The county fiscal body for purposes of adopting a rate dedicated to paying for a PSAP in the county as permitted by IC 6-3.6-6-2.5.

(b) A local income tax council is established for each county. The membership of each county's local income tax council consists of the fiscal body of the county and the fiscal body of each city or town that lies either partially or entirely within that county.

SECTION 16. IC 6-3.6-6-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. (a) This section applies to a county in which the adopting body:**

(1) is the local income tax council; and

(2) did not allocate the revenue under this chapter from an expenditure rate of at least one-tenth of one percent (0.1%) to pay for a PSAP in the county for a year.

(b) A county fiscal body may adopt an ordinance to impose a tax rate for a PSAP in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed one-tenth of one percent (0.1%).

(c) The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used only for paying for a PSAP in the county.

SECTION 17. IC 6-3.6-6-3, AS ADDED BY P.L.243-2015,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Revenue raised from a tax imposed under this chapter shall be treated as follows:

(1) If an ordinance described in section 2.5 of this chapter is in effect in a county, to make a distribution to the county equal to the amount of revenue generated by the rate imposed under section 2.5 of this chapter.

~~(1)~~ **(2) After making the distribution described in subdivision (1), if any,** to make distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1. The revenue categorized from the ~~first~~ **next** twenty-five hundredths percent (0.25%) of the rate for a former tax adopted under IC 6-3.5-1.1 shall be allocated to school corporations and civil taxing units. The amount of the allocation to a school corporation or civil taxing unit shall be determined using the allocation amounts for civil taxing units and school corporations in the determination.

~~(2)~~ **(3) After making the distributions described in subdivisions (1) and (2),** the remaining revenue shall be treated as additional revenue (referred to as "additional revenue" in this chapter). Additional revenue may not be considered by the department of local government finance in determining:

(A) any taxing unit's maximum permissible property tax levy limit under IC 6-1.1-18.5; or

(B) the approved property tax rate for any fund.

SECTION 18. IC 6-3.6-6-11, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Except as provided in this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) Subject to this chapter, any civil taxing unit that imposes an ad valorem property tax in the county that has a tax rate in effect under this chapter is eligible for an allocation under this chapter.

(c) A school corporation is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter. The distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1 as provided in section ~~3(1)~~ **3(2)** of this chapter is not considered an allocation of certified

shares. A school corporation's allocation amount for purposes of section ~~3(1)~~ **3(2)** of this chapter shall be determined under section 12 of this chapter.

(d) A county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter unless a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving the distribution.

(e) A resolution passed by a county fiscal body under subsection (d) may:

- (1) expire on a date specified in the resolution; or
- (2) remain in effect until the county fiscal body revokes or rescinds the resolution.

SECTION 19. IC 6-3.6-6-12, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) The allocation amount of a civil taxing unit during a calendar year is equal to the amount determined using the following formula:

STEP ONE: Determine the sum of the total property taxes being imposed by the civil taxing unit during the calendar year of the distribution.

STEP TWO: Determine the sum of the following:

- (A) Amounts appropriated from property taxes to pay the principal of or interest on any debenture or other debt obligation issued after June 30, 2005, other than an obligation described in subsection (c).
- (B) Amounts appropriated from property taxes to make payments on any lease entered into after June 30, 2005, other than a lease described in subsection (d).

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Determine the sum of:

- (A) the STEP THREE amount; plus
- (B) the civil taxing unit's certified shares plus the amount distributed under section ~~3(1)~~ **3(2)** of this chapter for the

previous calendar year.

The allocation amount is subject to adjustment as provided in IC 36-8-19-7.5.

(c) Except as provided in this subsection, an appropriation from property taxes to repay interest and principal of a debt obligation is not deducted from the allocation amount for a civil taxing unit if:

(1) the debt obligation was issued; and

(2) the proceeds were appropriated from property taxes;

to refund or otherwise refinance a debt obligation or a lease issued before July 1, 2005. However, an appropriation from property taxes related to a debt obligation issued after June 30, 2005, is deducted if the debt extends payments on a debt or lease beyond the time in which the debt or lease would have been payable if the debt or lease had not been refinanced or increases the total amount that must be paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not been refinanced. The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.

(d) Except as provided in this subsection, an appropriation from property taxes to make payments on a lease is not deducted from the allocation amount for a civil taxing unit if:

(1) the lease was issued; and

(2) the proceeds were appropriated from property taxes;

to refinance a debt obligation or lease issued before July 1, 2005. However, an appropriation from property taxes related to a lease entered into after June 30, 2005, is deducted if the lease extends payments on a debt or lease beyond the time in which the debt or lease would have been payable if the debt or lease had not been refinanced or increases the total amount that must be paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not been refinanced. The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.

SECTION 20. IC 6-3.6-6-20, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) This section applies to any allocation or distribution of revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter that is made on the basis of property tax levies. If a school

corporation or civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter is being allocated or distributed, that school corporation or civil taxing unit is entitled to receive a part of the revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter (as appropriate) to be distributed within the county. The fractional amount that such a school corporation or civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount of revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter to be distributed on the basis of property tax levies during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that school corporation or civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all school corporations or civil taxing units of that county for that calendar year.

(b) If for a calendar year a school corporation or civil taxing unit is allocated a part of a county's revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter by subsection (a), the calculations used to determine the shares of revenue of all other school corporations and civil taxing units under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter (as appropriate) shall be changed each month for that same year by reducing the amount of revenue to be distributed by the amount of revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter allocated under subsection (a) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

SECTION 21. IC 6-3.6-9-10, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The budget agency shall also certify information concerning the part of the certified distribution that is attributable to each of the following:

- (1) The tax rate imposed under IC 6-3.6-5.
- (2) The tax rate imposed under IC 6-3.6-6, **separately stating the part of the distribution attributable to a tax rate imposed under IC 6-3.6-6-2.5.**
- (3) Each tax rate imposed under IC 6-3.6-7.

The amount certified shall be adjusted to reflect any adjustment in the certified distribution under this chapter.

SECTION 22. IC 36-2-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) If the county legislative body adopts an ordinance electing to implement section 15 of this chapter, the county legislative body shall establish a nonreverting county prisoner reimbursement fund.

(b) All amounts collected under section 15 of this chapter must be deposited in the county prisoner reimbursement fund.

(c) Any amount earned from the investment of amounts in the fund becomes part of the fund.

(d) Notwithstanding any other law, upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for the operation, construction, repair, remodeling, enlarging, and equipment of:

(1) a county jail; or

(2) a juvenile detention center to be operated under IC 31-31-8 or IC 31-31-9.

(e) For a county that has a balance in the fund that exceeds the amount needed for the purposes set forth in subsection (d), the fund may be used by the county for the costs of care, maintenance, and housing of prisoners, including the cost of housing prisoners in the facilities of another county.

SECTION 23. IC 36-7-15.1-26, AS AMENDED BY SEA 321-2016, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

- (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.
- (2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:
- (A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.
- (3) If:
- (A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and
- (B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;
- the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).
- (4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).
- (5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.
- (6) If an allocation area established in a redevelopment project

area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, ~~an expiration date imposed by this subsection does not apply to~~ **for** an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter, **the expiration date of any allocation provisions for the allocation area is January 1, 2051.** A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an

expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made;
or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when

collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

- (A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.
- (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.
- (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.
- (D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.
- (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.
- (F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.
- (G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.
- (H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.
- (I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:
 - (i) in the allocation area; and
 - (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before June 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus

the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund

derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to

the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 24. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on fiscal policy during the 2016 legislative interim the study of the fiscal needs of municipalities that have percentage growth in assessed value in a year that was at least two (2) times the percentage growth allowed in property tax levies under IC 6-1.1-18.5.

(b) This SECTION expires January 1, 2017.

SECTION 25. An emergency is declared for this act.

P.L.181-2016
[S.309. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-20-5-15.5, AS AMENDED BY P.L.211-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15.5. (a) The governing body of an eligible entity that receives a grant under this chapter shall, by resolution, establish an affordable housing fund to be administered, subject to the terms of the resolution, by a department, a division, or an agency designated by the governing body.

(b) The affordable housing fund consists of:

- (1) payments in lieu of taxes deposited in the fund under IC 36-1-8-14.2 (**before its expiration**);
- (2) gifts and grants to the fund;
- (3) investment income earned on the fund's assets;
- (4) money deposited in the fund under IC 36-2-7-10; and
- (5) other funds from sources approved by the commission.

(c) The governing body shall, by resolution, establish uses for the affordable housing fund. However, the uses must be limited to:

- (1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
- (2) paying expenses of administering the fund;
- (3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with

disabilities, and homeless individuals and families; and

(4) providing technical assistance to nonprofit developers of affordable housing.

(d) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 2. IC 6-1.1-10-16, AS AMENDED BY P.L.151-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

(1) a building that is exempt under subsection (a) or (b) is situated on it;

(2) a parking lot or structure that serves a building referred to in subdivision (1) is situated on it; or

(3) the tract:

(A) is owned by a nonprofit entity established for the purpose of retaining and preserving land and water for their natural characteristics;

(B) does not exceed five hundred (500) acres; and

(C) is not used by the nonprofit entity to make a profit.

(d) A tract of land is exempt from property taxation if:

(1) it is purchased for the purpose of erecting a building that is to be owned, occupied, and used in such a manner that the building will be exempt under subsection (a) or (b); and

(2) not more than four (4) years after the property is purchased, and for each year after the four (4) year period, the owner demonstrates substantial progress and active pursuit towards the erection of the intended building and use of the tract for the exempt purpose. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or

other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within four (4) years.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within eight (8) years considering the circumstances of the owner.

If the owner of the property sells, leases, or otherwise transfers a tract of land that is exempt under this subsection, the owner is liable for the property taxes that were not imposed upon the tract of land during the period beginning January 1 of the fourth year following the purchase of the property and ending on December 31 of the year of the sale, lease, or transfer. The county auditor of the county in which the tract of land is located may establish an installment plan for the repayment of taxes due under this subsection. The plan established by the county auditor may allow the repayment of the taxes over a period of years equal to the number of years for which property taxes must be repaid under this subsection.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property that is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization that is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e).

(h) This section does not exempt from property tax an office or a

practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-2 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

- (1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- (2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program alone does not entitle an office, practice, or other property described in this subsection to an exemption under this section.

(i) The exemption provided in this subsection applies only for an assessment date occurring before January 2, 2017. A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

- (1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:
 - (A) in a charitable manner;
 - (B) by a nonprofit organization; and
 - (C) to low income individuals who will:
 - (i) use the land as a family residence; and
 - (ii) not have an exemption for the land under this section;
- (2) the tract does not exceed three (3) acres; **and**
- (3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section. **and**
- ~~(4) not more than four (4) years after the property is acquired for the purpose described in subdivision (1); and for each year after the four (4) year period the owner demonstrates substantial progress and active pursuit towards the erection, renovation, or improvement of the intended structure. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:~~

- ~~(A)~~ Organization of and activity by a building committee or other oversight group.
- ~~(B)~~ Completion and filing of building plans with the appropriate local government authority.
- ~~(C)~~ Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within five (5) years of the initial exemption received under this subsection.
- ~~(D)~~ The breaking of ground and the beginning of actual construction.
- ~~(E)~~ Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:
 - (i) completed; and
 - (ii) transferred to a low income individual who does not receive an exemption under this section;
 within eight (8) years considering the circumstances of the owner.

This subsection expires January 1, 2028.

- (j) An exemption under subsection (i) terminates:
 - (1) when the property is conveyed by the nonprofit organization to another owner; **or**
 - (2) **January 2, 2017;**

whichever occurs first. This subsection expires January 1, 2028.

(k) When the property that is exempt in any year under subsection (i) is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. The county auditor shall immediately forward a copy of the certified statement to the county assessor. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

- ~~(k)~~ (l) If property is granted an exemption in any year under subsection (i) and the owner:
 - (1) ceases to be eligible for the exemption under subsection (i)(4);
 - (2) (1) fails to transfer the tangible property within eight (8) years

after the assessment date for which the exemption is initially granted; or

~~(3)~~ **(2)** transfers the tangible property to a person who:

(A) is not a low income individual; or

(B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1) **or** (2) ~~or (3)~~ occurs. The county auditor shall immediately inform the county assessor of a notification received under this subsection. **This subsection expires January 1, 2028.**

~~(k)~~ **(m)** If subsection ~~(k)(1)~~, ~~(k)(2)~~, ~~or (k)(3)~~ **(l)(1) or (l)(2)** applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

(1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.

(2) Interest on the property taxes at the rate of ten percent (10%) per year.

This subsection expires January 1, 2028.

~~(m)~~ **(n)** The liability imposed by subsection ~~(m)~~ **(m)** is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection ~~(m)~~ **(m)** shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected. **This subsection expires January 1, 2028.**

~~(n)~~ **(o)** Property referred to in this section shall be assessed to the extent required under IC 6-1.1-11-9.

~~(o)~~ **(p)** A for-profit provider of early childhood education services to children who are at least four (4) but less than six (6) years of age on the annual assessment date may receive the exemption provided by this section for property used for educational purposes only if all the requirements of section 46 of this chapter are satisfied. A for-profit provider of early childhood education services that provides the services only to children younger than four (4) years of age may not receive the exemption provided by this section for property used for educational purposes.

SECTION 3. IC 6-1.1-10-16.7, AS AMENDED BY P.L.181-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.7. **(a) Except as otherwise provided in this section**, all or part of real property is exempt from property taxation if:

- (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42;
- (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana housing and community development authority; and
- (3) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.2 **(before its expiration)**, IC 36-2-6-22 **(before its expiration)**, or IC 36-3-2-11 **(before its expiration)**.

(b) For assessment dates after December 31, 2017, all or part of real property is exempt from property taxation if:

(1) the conditions specified in subsection (a)(1) through (a)(3) are met; and

(2) before January 1, 2018:

- (A) the real property was exempt from property taxation under this section for one (1) or more assessment dates;**
- (B) a person filed an application seeking bond financing with a political subdivision with respect to the real property;**
- (C) a person filed an application with the Indiana housing and community development authority seeking tax credits under 26 U.S.C. 42 with respect to the real property; or**
- (D) the real property was the subject of a resolution for affordable housing adopted by a political subdivision.**

(c) This section may not be construed in such a way as to:

- (1) alter the terms of an agreement with the holders of any outstanding notes, bonds, or other obligations of an issuing body;**
- (2) authorize the issuing body to alter the terms of an agreement described in subdivision (1); or**
- (3) impair, or authorize the issuing body to impair, the rights and remedies of any creditor of the issuing body.**

SECTION 4. IC 6-1.1-12-18, AS AMENDED BY P.L.247-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. **(a) This section applies only to rehabilitation of residential real property that occurs before January 2, 2017.**

~~(a)~~ **(b)** If the assessed value of residential real property described in subsection ~~(d)~~ **(e)** is increased because it has been rehabilitated, the owner may have deducted from the assessed value of the property an amount not to exceed the lesser of:

- (1) the total increase in assessed value resulting from the rehabilitation **(excluding an increase in assessed value that occurs after January 1, 2017)**; or
- (2) eighteen thousand seven hundred twenty dollars (\$18,720) per rehabilitated dwelling unit.

The owner is entitled to this deduction annually for a five (5) year period, or if subsection ~~(e)~~ **(f)** applies, the period established under subsection ~~(e)~~: **(f)**.

~~(b)~~ **(c)** For purposes of this section, the term "rehabilitation" means significant repairs, replacements, or improvements to an existing structure which are intended to increase the livability, utility, safety, or value of the property under rules adopted by the department of local government finance.

~~(e)~~ **(d)** For the purposes of this section, the term "owner" or "property owner" includes any person who has the legal obligation, or has otherwise assumed the obligation, to pay the real property taxes on the rehabilitated property.

~~(d)~~ **(e)** The deduction provided by this section applies only:

- (1) for the rehabilitation of residential real property which is located within this state and which is described in one (1) of the following classifications:
 - (A) A single family dwelling if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed thirty-seven thousand four hundred forty dollars (\$37,440).
 - (B) A two (2) family dwelling if before rehabilitation the assessed value (excluding exemptions or deductions) of the improvements does not exceed forty-nine thousand nine hundred twenty dollars (\$49,920).

(C) A dwelling with more than two (2) family units if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed eighteen thousand seven hundred twenty dollars (\$18,720) per dwelling unit; and

(2) if the property owner:

(A) owns the residential real property; or

(B) is buying the residential real property under contract;

on the assessment date of the year in which an application must be filed under section 20 of this chapter.

~~(e)~~ (f) A county, city, or town fiscal body may adopt an ordinance to establish a deduction period that is longer than five (5) years but not to exceed fifteen (15) years for any rehabilitated property covered by this section that has also been determined to be abandoned or vacant for purposes of IC 6-1.1-24.

(g) This section expires January 1, 2033.

SECTION 5. IC 6-1.1-12-19, AS AMENDED BY P.L.112-2012, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) The deduction from assessed value provided by section 18 of this chapter (**before its expiration**) is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue for the following four (4) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the real property. A:

(1) general reassessment of real property under IC 6-1.1-4-4; or

(2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

(b) This section expires January 1, 2023.

SECTION 6. IC 6-1.1-12-20, AS AMENDED BY P.L.1-2009, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter (**before its expiration**) must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing

must be postmarked on or before the last day for filing. Except as provided in subsection (b) and subject to section 45 of this chapter, the application must be filed in the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before December 1 of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The application required by this section shall contain the following information:

- (1) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (2) Statements of the ownership of the property.
- (3) The assessed value of the improvements on the property before rehabilitation.
- (4) The number of dwelling units on the property.
- (5) The number of dwelling units rehabilitated.
- (6) The increase in assessed value resulting from the rehabilitation.
- (7) The amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township, the county auditor shall make the deduction.

(f) This section expires January 1, 2023.

SECTION 7. IC 6-1.1-12-22, AS AMENDED BY P.L.247-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. **(a) This section applies only to rehabilitation of property that occurs before January 2, 2017.**

~~(a)~~ **(b)** If the assessed value of property is increased because it has been rehabilitated and the owner has paid at least ten thousand dollars (\$10,000) for the rehabilitation, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent

(50%) of the increase in assessed value resulting from the rehabilitation **(excluding an increase in assessed value that occurs from rehabilitation after January 1, 2017)**. The owner is entitled to this deduction annually for a five (5) year period, or if subsection ~~(e)~~ **(f)** applies, the period established under subsection ~~(e)~~: **(f)**. However, the maximum deduction which a property owner may receive under this section for a particular year is:

- (1) one hundred twenty-four thousand eight hundred dollars (\$124,800) for a single family dwelling unit; or
- (2) three hundred thousand dollars (\$300,000) for any other type of property.

~~(b)~~ **(c)** For purposes of this section, the term "property" means a building or structure which was erected at least fifty (50) years before the date of application for the deduction provided by this section. The term "property" does not include land.

~~(c)~~ **(d)** For purposes of this section, the term "rehabilitation" means significant repairs, replacements, or improvements to an existing structure that are intended to increase the livability, utility, safety, or value of the property under rules adopted by the department of local government finance.

~~(d)~~ **(e)** The deduction provided by this section applies only if the property owner:

- (1) owns the property; or
- (2) is buying the property under contract;

on the assessment date of the year in which an application must be filed under section 24 of this chapter.

~~(e)~~ **(f)** A county, city, or town fiscal body may adopt an ordinance to establish a deduction period that is longer than five (5) years but not to exceed seven (7) years for any rehabilitated property covered by this section that has also been determined to be abandoned or vacant for purposes of IC 6-1.1-24.

(g) This section expires January 1, 2025.

SECTION 8. IC 6-1.1-12-23, AS AMENDED BY P.L.112-2012, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. **(a)** The deduction from assessed value provided by section 22 of this chapter **(before its expiration)** is first available after the first assessment date following the rehabilitation and shall continue for the taxes first due and payable in the following five

(5) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the property. Any:

- (1) general reassessment of real property under IC 6-1.1-4-4; or
- (2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

(b) This section expires January 1, 2023.

SECTION 9. IC 6-1.1-12-24, AS AMENDED BY P.L.113-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter **(before its expiration)** must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b) and subject to section 45 of this chapter, the application must be filed in the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before December 1 of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The application required by this section shall contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements on the property before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation.
- (5) The amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application

being filed.

(e) On verification of the correctness of an application by the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township, the county auditor shall make the deduction.

(f) This section expires January 1, 2023.

SECTION 10. IC 6-1.1-12-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) For repairs or improvements made to a particular building or structure, a person may receive either the deduction provided by section 18 of this chapter **(before its expiration)** or the deduction provided by section 22 of this chapter **(before its expiration)**. ~~He~~ **A person** may not receive deductions under both sections for the repairs or improvements.

(b) This section expires January 1, 2025.

SECTION 11. IC 6-1.1-12-46, AS AMENDED BY P.L.250-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 46. (a) This section applies to real property for an assessment date in 2011 or a later year if:

- (1) the real property is not exempt from property taxation for the assessment date;
- (2) title to the real property is transferred after the assessment date and on or before the December 31 that next succeeds the assessment date;
- (3) the transferee of the real property applies for an exemption under IC 6-1.1-11 for the next succeeding assessment date; and
- (4) the county property tax assessment board of appeals determines that the real property is exempt from property taxation for that next succeeding assessment date.

(b) For the assessment date referred to in subsection (a)(1), real property is eligible for any deductions for which the transferor under subsection (a)(2) was eligible for that assessment date under the following:

- (1) IC 6-1.1-12-1.
- (2) IC 6-1.1-12-9.
- (3) IC 6-1.1-12-11.
- (4) IC 6-1.1-12-13.
- (5) IC 6-1.1-12-14.
- (6) IC 6-1.1-12-16.

- (7) IC 6-1.1-12-17.4 (before its expiration).
- (8) IC 6-1.1-12-18 **(before its expiration)**.
- (9) IC 6-1.1-12-22 **(before its expiration)**.
- (10) IC 6-1.1-12-37.
- (11) IC 6-1.1-12-37.5.

(c) For the payment date applicable to the assessment date referred to in subsection (a)(1), real property is eligible for the credit for excessive residential property taxes under IC 6-1.1-20.6 for which the transferor under subsection (a)(2) would be eligible for that payment date if the transfer had not occurred.

SECTION 12. IC 6-1.1-12.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if ~~he~~ **the property owner** receives a deduction under either IC 6-1.1-12-18 **(before its expiration)** or IC 6-1.1-12-22 **(before its expiration)** for those same repairs or improvements. **This subsection expires January 1, 2033.**

(b) A property owner may not receive a deduction under this chapter if the property owner receives a deduction under IC 6-1.1-12-28.5 for the same property.

SECTION 13. IC 6-1.1-42-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) The designating body shall determine whether to approve a deduction.

(b) A designating body may not grant a deduction for a facility described in IC 6-1.1-12.1-3(e).

(c) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if the owner receives a deduction under either IC 6-1.1-12.1, IC 6-1.1-12-18 **(before its expiration)**, IC 6-1.1-12-22 **(before its expiration)**, or IC 6-1.1-12-28.5 for the same property.

(d) A designating body may approve a deduction only if the following findings are made in the affirmative:

- (1) The applicant:
 - (A) has never had an ownership interest in an entity that contributed; and
 - (B) has not contributed;
 a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written

standards adopted by the department of environmental management.

(2) The proposed improvement or property will be located in a zone.

(3) The estimate of the value of the remediation and redevelopment is reasonable for projects of that nature.

(4) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(5) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(6) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described remediation and redevelopment.

(7) The totality of benefits is sufficient to justify the deduction.

SECTION 14. IC 6-2.5-1-14.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 14.7. "Construction material" means any tangible personal property to be converted into real property.**

SECTION 15. IC 6-2.5-1-14.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 14.9. "Contractor" means any person engaged in converting construction material into real property on behalf of another person. The term includes, but is not limited to, general or prime contractors, subcontractors, and specialty contractors.**

SECTION 16. IC 6-2.5-1-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 19.5. "Facilitator" means a person who:**

- (1) contracts or otherwise enters into an agreement:**
 - (A) with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and**
 - (B) to market the rooms, lodgings, or accommodations**

through the Internet; and

(2) accepts payment from the consumer for the room, lodging, or accommodation.

The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act (IC 25-34.1) or the owner of the room, lodging, or accommodation.

SECTION 17. IC 6-2.5-1-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 27.7. "Time and material contract" means a contract in which the cost of construction material and the cost of labor or other charges are stated separately.**

SECTION 18. IC 6-2.5-3-2, AS AMENDED BY P.L.13-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.**

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

- (1) is acquired in a transaction that is an isolated or occasional sale; and
- (2) is required to be titled, licensed, or registered by this state for use in Indiana.

(c) The use tax is imposed on ~~the addition of tangible personal property to a structure or facility, if, after its addition, the property becomes part of the real estate on which the structure or facility is located:~~ **a contractor's conversion of construction material into real property if that construction material was purchased by the contractor.** However, the use tax does not apply to ~~additions conversions of tangible personal property~~ **construction material** described in this subsection, if:

- (1) the state gross retail or use tax has been previously imposed on the ~~sale~~ **contractor's acquisition** or use of that ~~property, or construction material;~~
- (2) the ~~ultimate purchaser or recipient of that property would have~~

~~been~~ **person for whom the construction material is being converted could have purchased the material** exempt from the state gross retail and use taxes, **as evidenced by a properly issued exemption certificate**, if that ~~purchaser or recipient~~ **person** had directly purchased the ~~property from the supplier for addition to the structure or facility.~~ **construction material from a retail merchant in a retail transaction; or**
(3) the conversion of the construction material into real property is governed by a time and material contract as described in IC 6-2.5-4-9(b).

(d) The use tax is imposed on a person who:

- (1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and
- (2) uses, stores, distributes, or consumes tangible personal property in Indiana.

(e) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property, if:

- (1) the property is delivered into Indiana by or for the purchaser of the property;
- (2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and
- (3) the property is subsequently transported out of state for use solely outside Indiana.

(f) As used in subsection (g) and IC 6-2.5-5-42:

(1) "completion work" means the addition of tangible personal property to or reconfiguration of the interior of an aircraft, if the work requires the issuance of an airworthiness certificate from the:

- (A) Federal Aviation Administration; or
- (B) equivalent foreign regulatory authority;

due to the change in the type certification basis of the aircraft resulting from the addition to or reconfiguration of the interior of the aircraft;

(2) "delivery" means the physical delivery of the aircraft regardless of who holds title; and

(3) "prepurchase evaluation" means an examination of an aircraft by a potential purchaser for the purpose of obtaining information relevant to the potential purchase of the aircraft.

(g) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over an aircraft, if:

- (1) the aircraft is or will be titled, registered, or based (as defined in IC 6-6-6.5-1(m)) in another state or country;
- (2) the aircraft is delivered to Indiana by or for a nonresident owner or purchaser of the aircraft;
- (3) the aircraft is delivered to Indiana for the sole purpose of being repaired, refurbished, remanufactured, or subjected to completion work or a prepurchase evaluation; and
- (4) after completion of the repair, refurbishment, remanufacture, completion work, or prepurchase evaluation, the aircraft is transported to a destination outside Indiana.

(h) The amendments made to this section by P.L.153-2012 shall be interpreted to specify and not to change the general assembly's intent with respect to this section.

SECTION 19. IC 6-2.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations, such as booths, display spaces, banquet facilities, and cubicles or spaces used for adult relaxation, massage, modeling, dancing, or other entertainment to another person:

- (1) if those rooms, lodgings, or accommodations are rented or furnished for periods of less than thirty (30) days; and
- (2) if the rooms, lodgings, and accommodations are located in:
 - (A) a hotel, motel, inn, tourist camp, tourist cabin, gymnasium, hall, coliseum, or other place, where rooms, lodgings, or accommodations are regularly furnished for consideration; **or**
 - (B) a house, condominium, or apartment in which rooms, lodgings, or accommodations are rented or furnished for transient residential housing for consideration.

(b) A facilitator is a retail merchant making a retail transaction when the facilitator accepts payment from the consumer for a room, lodging, or accommodation rented or furnished in Indiana.

~~(b)~~ **(c)** Except as provided in section 4.2 of this chapter, each rental or furnishing by a retail merchant under subsection (a) or **(b)** is a separate unitary transaction regardless of whether consideration is paid to an independent contractor or directly to the retail merchant.

~~(c)~~ **(d)** For purposes of this section, "consideration" includes a membership fee charged to a customer.

~~(d)~~ **(e)** Notwithstanding subsection (a), a person is not a retail merchant making a retail transaction if:

- (1) the person is a promoter that rents a booth or display space to an exhibitor; and
- (2) the booth or display space is located in a facility that:
 - (A) is described in subsection (a)(2); and
 - (B) is operated by a political subdivision (including a capital improvement board established under IC 36-10-8 or IC 36-10-9) or the state fair commission.

This subsection does not exempt from the state gross retail tax the renting of accommodations by a political subdivision or the state fair commission to a promoter or an exhibitor.

SECTION 20. IC 6-2.5-4-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4.2. (a) A person or a facilitator who is a retail merchant making a retail transaction described in section 4 of this chapter shall give to the consumer of the room, lodging, or accommodation an itemized statement separately stating all the following:**

- (1) The part of the gross retail income that is charged by the person for renting or furnishing the room, lodging, or accommodation.**
- (2) Any amount collected by the person renting or furnishing the room, lodging, or accommodation for:**
 - (A) the state gross retail or use tax; and**
 - (B) any innkeeper's tax due under IC 6-9.**
- (3) Any part of the gross retail income that is a fee, commission, or other charge of a facilitator.**

(b) A penalty of twenty-five dollars (\$25) is imposed for each transaction described in subsection (a) in which a facilitator fails to separately state the information required to be separately stated by subsection (a).

SECTION 21. IC 6-2.5-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 9. (a) A person is a retail merchant making a retail transaction when the person sells tangible personal property which:

- (1) is to be added to a structure or facility by the purchaser; and
- (2) after its addition to the structure or facility, would become a part of the real estate on which the structure or facility is located.

(b) A contractor is a retail merchant making a retail transaction when the contractor:

- (1) disposes of tangible personal property; or**
- (2) converts tangible personal property into real property; under a time and material contract. As such a retail merchant, a contractor described in this subsection shall collect, as an agent of the state, the state gross retail tax on the resale of the construction material and remit the state gross retail tax as provided in this article.**

~~(b)~~ (c) Notwithstanding ~~subsection (a)~~, **subsections (a) and (b)**, a transaction described in subsection (a) **or (b)** is not a retail transaction, if the ultimate purchaser or recipient of the property to be added to ~~the~~ **a** structure or facility would be exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.

SECTION 22. IC 6-2.5-5-3, AS AMENDED BY P.L.250-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) For purposes of this section:

- (1) the:
 - (A) retreading of tires; **and**
 - ~~(B) cutting of steel bars into billets; and~~
 - ~~(C)~~ **(B)** felling of trees for further use in production or for sale in the ordinary course of business;
 shall be treated as the processing of tangible personal property; and
- (2) commercial printing shall be treated as the production and manufacture of tangible personal property.

(b) Except as provided in subsection (c), transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly,

extraction, mining, processing, refining, or finishing of other tangible personal property, including material handling equipment purchased for the purpose of transporting materials into such activities from an onsite location.

(c) The exemption provided in subsection (b) does not apply to transactions involving distribution equipment or transmission equipment acquired by a public utility engaged in generating electricity.

SECTION 23. IC 6-3-1-3.5, AS AMENDED BY SEA 23-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); ~~and~~
 - (B) for taxable years beginning after December 31, 2017,**

one thousand five hundred dollars (\$1,500) for each exemption allowed under Section 151(c) of the Internal Revenue Code for an individual:

(i) who is less than nineteen (19) years of age or is a full-time student who is less than twenty-four (24) years of age;

(ii) for whom the taxpayer is the legal guardian; and

(iii) for whom the taxpayer does not claim an exemption under clause (A); and

~~(B)~~ (C) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not

allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(13) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(18) Add an amount equal to the amount that a taxpayer claimed

as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(19) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(20) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(21) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(22) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed

or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to

shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal

Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income

arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

- (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (9) Subtract income that is:
- (A) exempt from taxation under IC 6-3-2-21.7; and
 - (B) included in the insurance company's taxable income under the Internal Revenue Code.
- (10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.
- (11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.
- (12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political

subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(9) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

SECTION 24. IC 6-3-3-5.1 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 5-1. (a) At the election of the taxpayer, a credit against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, is permitted in an amount (subject to the applicable limitations provided by this section) equal to fifty percent (50%) of the aggregate amount of contributions made by the taxpayer during the taxable year to the twenty-first century scholars program support fund established under IC 21-12-7-1.

(b) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year may not exceed:

- (1) one hundred dollars (\$100) in the case of a single return; or
- (2) two hundred dollars (\$200) in the case of a joint return.

(c) In the case of a taxpayer that is a corporation, the amount allowable as a credit under this section for any taxable year may not exceed the lesser of the following amounts:

- (1) Ten percent (10%) of the corporation's total adjusted gross income tax under IC 6-3-1 through IC 6-3-7 for the taxable year

(as determined without regard to any credits against that tax):

(2) One thousand dollars (\$1,000):

(d) The credit permitted under this section may not exceed the amount of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

SECTION 25. IC 6-3-3-12, AS AMENDED BY P.L.182-2009(ss), SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As used in this section, "account" has the meaning set forth in IC 21-9-2-2.

(b) As used in this section, "account beneficiary" has the meaning set forth in IC 21-9-2-3.

(c) As used in this section, "account owner" has the meaning set forth in IC 21-9-2-4.

(d) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.

(e) As used in this section, "contribution" means the amount of money directly provided to a college choice 529 education savings plan account by a taxpayer. A contribution does not include any of the following:

(1) Money credited to an account as a result of bonus points or other forms of consideration earned by the taxpayer that result in a transfer of money to the account.

(2) Money transferred from any other qualified tuition program under Section 529 of the Internal Revenue Code or from any other similar plan.

(f) As used in this section, "nonqualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is not a qualified withdrawal.

(g) As used in this section, "qualified higher education expenses" has the meaning set forth in IC 21-9-2-19.5.

(h) As used in this section, "qualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is made:

(1) to pay for qualified higher education expenses, excluding any withdrawals or distributions used to pay for qualified higher

education expenses if the withdrawals or distributions are made from an account of a college choice 529 education savings plan that is terminated within twelve (12) months after the account is opened;

- (2) as a result of the death or disability of an account beneficiary;
- (3) because an account beneficiary received a scholarship that paid for all or part of the qualified higher education expenses of the account beneficiary, to the extent that the withdrawal or distribution does not exceed the amount of the scholarship; or
- (4) by a college choice 529 education savings plan as the result of a transfer of funds by a college choice 529 education savings plan from one (1) third party custodian to another.

A qualified withdrawal does not include a rollover distribution or transfer of assets from a college choice 529 education savings plan to any other qualified tuition program under Section 529 of the Internal Revenue Code or to any other similar plan.

(i) As used in this section, "taxpayer" means:

- (1) an individual filing a single return; or
- (2) a married couple filing a joint return.

(j) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

- (1) Twenty percent (20%) of the amount of the total contributions made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year.
- (2) One thousand dollars (\$1,000).
- (3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(k) A taxpayer who makes a contribution to a college choice 529 education savings plan is considered to have made the contribution on the date that:

- (1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a college choice 529 education savings plan by mail or delivery service; or**
- (2) the taxpayer's electronic funds transfer is initiated, for**

contributions that are submitted to a college choice 529 education savings plan by electronic funds transfer.

~~(k)~~ **(l)** A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

~~(j)~~ **(m)** A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

~~(m)~~ **(n)** To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

~~(n)~~ **(o)** An account owner of an account of a college choice 529 education savings plan must repay all or a part of the credit in a taxable year in which any nonqualified withdrawal is made from the account. The amount the taxpayer must repay is equal to the lesser of:

- (1) twenty percent (20%) of the total amount of nonqualified withdrawals made during the taxable year from the account; or
- (2) the excess of:

(A) the cumulative amount of all credits provided by this section that are claimed by any taxpayer with respect to the taxpayer's contributions to the account for all prior taxable years beginning on or after January 1, 2007; over

(B) the cumulative amount of repayments paid by the account owner under this subsection for all prior taxable years beginning on or after January 1, 2008.

~~(o)~~ **(p)** Any required repayment under subsection (o) shall be reported by the account owner on the account owner's annual state income tax return for any taxable year in which a nonqualified withdrawal is made.

~~(p)~~ **(q)** A nonresident account owner who is not required to file an annual income tax return for a taxable year in which a nonqualified withdrawal is made shall make any required repayment on the form required under IC 6-3-4-1(2). If the nonresident account owner does not make the required repayment, the department shall issue a demand notice in accordance with IC 6-8.1-5-1.

~~(q)~~ **(r)** The executive director of the Indiana education savings authority shall submit or cause to be submitted to the department a copy of all information returns or statements issued to account owners,

account beneficiaries, and other taxpayers for each taxable year with respect to:

- (1) nonqualified withdrawals made from accounts of a college choice 529 education savings plan for the taxable year; or
- (2) account closings for the taxable year.

SECTION 26. IC 6-3-3-14.6, AS ADDED BY P.L.213-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.6. (a) This section applies only to taxable years beginning after December 31, 2015.

(b) As used in this section, "hospital" means an acute care hospital that:

- (1) is licensed under IC 16-21-2;
- (2) is operated on a for-profit basis;
- (3) is subject to the adjusted gross income tax at the rate specified in IC 6-3-2-1(b);
- (4) provides health care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services; and
- (5) is not primarily providing care and treatment of patients:
 - (A) with a cardiac condition;
 - (B) with an orthopedic condition; or
 - (C) receiving a surgical procedure.

(c) Each taxable year, a hospital is entitled to a credit against the hospital's adjusted gross income tax liability for the taxable year equal to ten percent (10%) of the property taxes paid in Indiana for the taxable year on property used as a hospital.

(d) The credit provided by this section may not exceed the amount of the taxpayer's adjusted gross income tax liability for the taxable year, reduced by the sum of all credits for the taxable year that are applied before the application of the credit provided by this section. The amount of any unused credit under this section for a taxable year may ~~not~~ be carried forward to a succeeding taxable year. ~~carried back to a preceding taxable year, or refunded.~~

SECTION 27. IC 6-3-4-12, AS AMENDED BY P.L.242-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their distributive shares of partnership income, for a

taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and IC 6-3.5 exceeds an aggregate amount of fifty dollars (\$50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

Where the aggregate amount due under IC 6-3 and IC 6-3.5 does not exceed fifty dollars (\$50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every partnership shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident partners, the amount deducted therefrom in accordance with the provisions of this section, and such other information as the department may require. Every partnership making the deduction and retention provided in this section shall furnish to its nonresident partners annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax deducted and retained from such partners on forms to be prescribed by the department.

(c) All money deducted and retained by the partnership, as provided in this section, shall immediately upon such deduction be the money of the state of Indiana and every partnership which deducts and retains any amount of money under the provisions of IC 6-3 shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any partnership may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of

Indiana with respect to money deducted and retained pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to partnerships subject to the provisions of this section, and for these purposes any amount deducted, or required to be deducted and remitted to the department under this section, shall be considered to be the tax of the partnership, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts deducted from payments or credits to a nonresident partner during any taxable year of the partnership in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such nonresident partner for the nonresident partner's taxable year within or with which the partnership's taxable year ends. A return made by the partnership under subsection (b) shall be accepted by the department as evidence in favor of the nonresident partner of the amount so deducted for the nonresident partner's distributive share.

(f) This section shall in no way relieve any nonresident partner from the nonresident partner's obligations of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1) return and payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due on or before the fifteenth day of the fourth month after the end of the year. However, if a partnership is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as an extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.

(h) If a partnership fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the partners, the amounts of tax as paid by the partners shall not be collected from the partnership but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

~~(i)~~ (i) A partnership shall file a composite adjusted gross income tax

return on behalf of all nonresident partners. The composite return must include each nonresident partner regardless of whether or not the nonresident partner has other Indiana source income.

~~(j)~~ **(j)** If a partnership does not include all nonresident partners in the composite return, the partnership is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

~~(k)~~ **(k)** For taxable years beginning after December 31, 2013, the department may not impose a late payment penalty on a partnership for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section if the partnership pays the department before the fifteenth day of the fourth month after the end of the partnership's taxable year at least:

- (1) eighty percent (80%) of the withholding tax due for the current year; or
- (2) one hundred percent (100%) of the withholding tax due for the preceding year.

~~(l)~~ **(l)** Notwithstanding subsection (a) or ~~(h)~~; **(i)**, a pass through entity is not required to withhold tax or file a composite adjusted gross income tax return for a nonresident member if the entity:

- (1) is a publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code;
- (2) meets the exception for partnerships under Section 7704(c) of the Internal Revenue Code; and
- (3) has agreed to file an annual information return reporting the name, address, taxpayer identification number, and other information requested by the department of each unit holder.

The department may issue written guidance explaining circumstances under which limited partnerships or limited liability companies owned by a publicly traded partnership may be excluded from the withholding requirements of this section.

~~(m)~~ **(m)** Notwithstanding subsection ~~(j)~~; **(k)**, a partnership is subject to a late payment penalty for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section for any amounts of withholding tax, including any interest under IC 6-8.1-10-1, reported or paid after the due date of the return, as adjusted by any extension under IC 6-8.1-6-1.

~~(m)~~ (n) For purposes of this section, a "nonresident partner" is:

- (1) an individual who does not reside in Indiana;
- (2) a trust that does not reside in Indiana;
- (3) an estate that does not reside in Indiana;
- (4) a partnership not domiciled in Indiana;
- (5) a C corporation not domiciled in Indiana; or
- (6) an S corporation not domiciled in Indiana.

SECTION 28. IC 6-3-4-15, AS AMENDED BY P.L.242-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) A trust or estate shall, at the time that it distributes income (except income attributable to interest or dividends) to a nonresident beneficiary, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. The trust or estate so distributing income to a nonresident beneficiary:

- (1) is liable to this state for the tax which it is required to deduct and retain under this section and is not liable to the beneficiary for the amount deducted from the distribution and paid to the department in compliance, or intended compliance, with this section; and
- (2) shall pay the amount deducted to the department before the thirtieth day of the month following the distribution, unless an earlier date is specified by section 8.1 of this chapter.

(b) A trust or estate shall, at the time that it makes a payment to the department under this section, deliver to the department a return which shows the total amounts distributed to the trust's or estate's nonresident beneficiaries, the amount deducted from the distributions under this section, and any other information required by the department. The trust or estate shall file the return on the form prescribed by the department. A trust or estate which makes the deduction and retention required by this section shall furnish to its nonresident beneficiaries annually, but not later than thirty (30) days after the end of the trust's or estate's taxable year, a record of the amount of tax deducted and retained from the beneficiaries. The trust or estate shall furnish the information on the form prescribed by the department.

(c) The money deducted and retained by a trust or estate under this section is money of this state. Every trust or estate which deducts and retains any money under this section shall hold the money in trust for

this state until it pays the money to the department in the manner and at the time provided in this section. The department may require a trust or estate to post a surety bond to protect this state with respect to money deducted and retained by the trust or estate under this section. The department shall determine the amount of the surety bond.

(d) The provisions of IC 6-8.1 relating to penalties or to additions to tax in case of a delinquency apply to trusts and estates which are subject to this section. For purposes of this subsection, any amount deducted, or required to be deducted and remitted to the department, under this section is considered the tax of the trust or estate, and with respect to that amount, it is considered the taxpayer.

(e) Amounts deducted from distributions to nonresident beneficiaries under this section during a taxable year of the trust or estate are considered a partial payment of the tax imposed on the nonresident beneficiary for his taxable year within or with which the trust's or estate's taxable year ends. The department shall accept a return made by the trust or estate under subsection (b) as evidence of the amount of tax deducted from the income distributed to a nonresident beneficiary.

(f) This section does not relieve a nonresident beneficiary of his duty to file a return at the time required under IC 6-3. The nonresident beneficiary shall pay any unpaid tax at the time prescribed by section 5 of this chapter.

(g) If a trust or estate fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the beneficiaries, the amount of tax paid by the beneficiaries may not be collected from the trust or estate but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

~~(g)~~ **(h)** A trust or estate shall file a composite adjusted gross income tax return on behalf of all nonresident beneficiaries. The composite return must include each nonresident beneficiary regardless of whether the nonresident beneficiary has other Indiana source income.

~~(h)~~ **(i)** For purposes of this section, a "nonresident beneficiary" is:

- (1) an individual who does not reside in Indiana;
- (2) a trust that does not reside in Indiana;
- (3) an estate that does not reside in Indiana;
- (4) a partnership that is not domiciled in Indiana;

(5) a C corporation that is not domiciled in Indiana; or

(6) an S corporation that is not domiciled in Indiana.

(j) If a trust or estate is permitted an extension to file its income tax return under IC 6-8.1-6-1, then the return and payment due under this subsection shall be allowed the same treatment as the extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.

SECTION 29. IC 6-8.1-8-2, AS AMENDED BY P.L.242-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in IC 6-8.1-5-3 and sections 16 and 17 of this chapter, the department must issue a demand notice for the payment of a tax and any interest or penalties accrued on the tax, if a person files a tax return without including full payment of the tax or if the department, after ruling on a protest, finds that a person owes the tax before the department issues a tax warrant. The demand notice must state the following:

(1) That the person has ~~ten (10)~~ **twenty (20)** days from the date the department mails the notice to either pay the amount demanded or show reasonable cause for not paying the amount demanded.

(2) The statutory authority of the department for the issuance of a tax warrant.

(3) The earliest date on which a tax warrant may be filed and recorded.

(4) The statutory authority for the department to levy against a person's property that is held by a financial institution.

(5) The remedies available to the taxpayer to prevent the filing and recording of the judgment.

If the department files a tax warrant in more than one (1) county, the department is not required to issue more than one (1) demand notice.

(b) If the person does not pay the amount demanded or show reasonable cause for not paying the amount demanded within the ~~ten (10)~~ **twenty (20)** day period, the department may issue a tax warrant for the amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and fees established under section 4(b) of this chapter when applicable. When the department issues a tax warrant, a collection fee of ten percent (10%) of the unpaid tax is added to the total amount due.

(c) When the department issues a tax warrant, it may not file the warrant with the circuit court clerk of any county in which the person owns property until at least twenty (20) days after the date the demand notice was mailed to the taxpayer. The department may also send the warrant to the sheriff of any county in which the person owns property and direct the sheriff to file the warrant with the circuit court clerk:

- (1) at least twenty (20) days after the date the demand notice was mailed to the taxpayer; and
- (2) no later than five (5) days after the date the department issues the warrant.

(d) When the circuit court clerk receives a tax warrant from the department or the sheriff, the clerk shall record the warrant by making an entry in the judgment debtor's column of the judgment record, listing the following:

- (1) The name of the person owing the tax.
- (2) The amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and fees established under section 4(b) of this chapter when applicable.
- (3) The date the warrant was filed with the clerk.

(e) When the entry is made, the total amount of the tax warrant becomes a judgment against the person owing the tax. The judgment creates a lien in favor of the state that attaches to all the person's interest in any:

- (1) chose in action in the county; and
- (2) real or personal property in the county;

excepting only negotiable instruments not yet due.

(f) A judgment obtained under this section is valid for ten (10) years from the date the judgment is filed. The department may renew the judgment for additional ten (10) year periods by filing an alias tax warrant with the circuit court clerk of the county in which the judgment previously existed.

(g) A judgment arising from a tax warrant in a county shall be released by the department:

- (1) after the judgment, including all accrued interest to the date of payment, has been fully satisfied; or
- (2) if the department determines that the tax assessment or the issuance of the tax warrant was in error.

(h) Subject to subsections (p) and (q), if the department determines

that the filing of a tax warrant was in error or if the commissioner determines that the release of the judgment and expungement of the tax warrant are in the best interest of the state, the department shall mail a release of the judgment to the taxpayer and the circuit court clerk of each county where the warrant was filed. The circuit court clerk of each county where the warrant was filed shall expunge the warrant from the judgment debtor's column of the judgment record. The department shall mail the release and the order for the warrant to be expunged as soon as possible but no later than seven (7) days after:

(1) the determination by the department that the filing of the warrant was in error; and

(2) the receipt of information by the department that the judgment has been recorded under subsection (d).

(i) If the department determines that a judgment described in subsection (h) is obstructing a lawful transaction, the department shall immediately upon making the determination mail:

(1) a release of the judgment to the taxpayer; and

(2) an order requiring the circuit court clerk of each county where the judgment was filed to expunge the warrant.

(j) A release issued under subsection (h) or (i) must state that the filing of the tax warrant was in error. Upon the request of the taxpayer, the department shall mail a copy of a release and the order for the warrant to be expunged issued under subsection (h) or (i) to each major credit reporting company located in each county where the judgment was filed.

(k) The commissioner shall notify each state agency or officer supplied with a tax warrant list of the issuance of a release under subsection (h) or (i).

(l) If the sheriff collects the full amount of a tax warrant, the sheriff shall disburse the money collected in the manner provided in section 3(c) of this chapter. If a judgment has been partially or fully satisfied by a person's surety, the surety becomes subrogated to the department's rights under the judgment. If a sheriff releases a judgment:

(1) before the judgment is fully satisfied;

(2) before the sheriff has properly disbursed the amount collected;

or

(3) after the sheriff has returned the tax warrant to the department; the sheriff commits a Class B misdemeanor and is personally liable for

the part of the judgment not remitted to the department.

(m) A lien on real property described in subsection (e)(2) is void if both of the following occur:

- (1) The person owing the tax provides written notice to the department to file an action to foreclose the lien.
- (2) The department fails to file an action to foreclose the lien not later than one hundred eighty (180) days after receiving the notice.

(n) A person who gives notice under subsection (m) by registered or certified mail to the department may file an affidavit of service of the notice to file an action to foreclose the lien with the circuit court clerk in the county in which the property is located. The affidavit must state the following:

- (1) The facts of the notice.
- (2) That more than one hundred eighty (180) days have passed since the notice was received by the department.
- (3) That no action for foreclosure of the lien is pending.
- (4) That no unsatisfied judgment has been rendered on the lien.

(o) Upon receipt of the affidavit described in subsection (n), the circuit court clerk shall make an entry showing the release of the judgment lien in the judgment records for tax warrants.

(p) The department shall adopt rules to define the circumstances under which a release and expungement may be granted based on a finding that the release and expungement would be in the best interest of the state. The rules may allow the commissioner to expunge a tax warrant in other circumstances not inconsistent with subsection (q) that the commissioner determines are appropriate. Any releases or expungements granted by the commissioner must be consistent with these rules.

(q) The commissioner may expunge a tax warrant in the following circumstances:

- (1) If the taxpayer has timely and fully filed and paid all of the taxpayer's state taxes, or has otherwise resolved any outstanding state tax issues, for the preceding five (5) years.
- (2) If the warrant was issued more than ten (10) years prior to the expungement.
- (3) If the warrant is not subject to pending litigation.
- (4) Other circumstances not inconsistent with subdivisions (1)

through (3) that are specified in the rules adopted under subsection (p).

(r) Notwithstanding any other provision in this section, the commissioner may decline to release a judgment or expunge a warrant upon a finding that the warrant was issued based on the taxpayer's fraudulent, intentional, or reckless conduct.

(s) The rules required under subsection (p) shall specify the process for requesting that the commissioner release and expunge a tax warrant.

SECTION 30. IC 6-8.1-10-2.1, AS AMENDED BY P.L.293-2013(ts), SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. (a) Except as provided in ~~IC 6-3-4-12(j)~~ **IC 6-3-4-12(k)** and IC 6-3-4-13(l), a person that:

- (1) fails to file a return for any of the listed taxes;
- (2) fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment;
- (3) incurs, upon examination by the department, a deficiency that is due to negligence;
- (4) fails to timely remit any tax held in trust for the state; or
- (5) is required to make a payment by electronic funds transfer (as defined in IC 4-8.1-2-7), overnight courier, or personal delivery and the payment is not received by the department by the due date in funds acceptable to the department;

is subject to a penalty.

(b) Except as provided in subsection (g), the penalty described in subsection (a) is ten percent (10%) of:

- (1) the full amount of the tax due if the person failed to file the return;
- (2) the amount of the tax not paid, if the person filed the return but failed to pay the full amount of the tax shown on the return;
- (3) the amount of the tax held in trust that is not timely remitted;
- (4) the amount of deficiency as finally determined by the department; or
- (5) the amount of tax due if a person failed to make payment by electronic funds transfer, overnight courier, or personal delivery by the due date.

(c) For purposes of this section, the filing of a substantially blank or

unsigned return does not constitute a return.

(d) If a person subject to the penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit tax held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty.

(e) A person who wishes to avoid the penalty imposed under this section must make an affirmative showing of all facts alleged as a reasonable cause for the person's failure to file the return, pay the amount of tax shown on the person's return, pay the deficiency, or timely remit tax held in trust, in a written statement containing a declaration that the statement is made under penalty of perjury. The statement must be filed with the return or payment within the time prescribed for protesting departmental assessments. A taxpayer may also avoid the penalty imposed under this section by obtaining a ruling from the department before the end of a particular tax period on the amount of tax due for that tax period.

(f) The department shall adopt rules under IC 4-22-2 to prescribe the circumstances that constitute reasonable cause and negligence for purposes of this section.

(g) A person who fails to file a return for a listed tax that shows no tax liability for a taxable year, other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250).

(h) A:

- (1) corporation which otherwise qualifies under IC 6-3-2-2.8(2);
- (2) partnership; or
- (3) trust;

that fails to withhold and pay any amount of tax required to be withheld under IC 6-3-4-12, IC 6-3-4-13, or IC 6-3-4-15 shall pay a penalty equal to twenty percent (20%) of the amount of tax required to be withheld under IC 6-3-4-12, IC 6-3-4-13, or IC 6-3-4-15. This penalty shall be in addition to any penalty imposed by section 6 of this chapter.

(i) Subsections (a) through (c) do not apply to a motor carrier fuel tax return.

(j) If a partnership or an S corporation fails to include all

nonresidential individual partners or nonresidential individual shareholders in a composite return as required by ~~IC 6-3-4-12(h)~~ **IC 6-3-4-12(i)** or IC 6-3-4-13(j), a penalty of five hundred dollars (\$500) per partnership or S corporation is imposed on the partnership or S corporation.

SECTION 31. IC 6-9-29-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If an ordinance has been adopted requiring the payment of the innkeeper's tax to the county treasurer instead of the department of state revenue, the county treasurer has the same rights and powers with respect to collecting **and refunding** the county innkeeper's tax as the department of state revenue.

SECTION 32. IC 8-15-3-23, AS AMENDED BY P.L.47-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 23. (a) The exercise of the powers granted by this chapter to the department or the authority must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department or the authority constitutes the performance of essential governmental functions, neither the department nor the authority is required to pay any taxes or assessments upon a tollway or any property acquired or used by the department under this chapter or IC 8-15.7 or upon the income from a tollway.

(c) The operator under a public-private agreement is not required to pay taxes or assessments upon a tollway, any property or property interest acquired by the operator under a public-private agreement, or any possessory interest in the tollway or in property granted or created by the public-private agreement under this chapter or IC 8-15.7.

(d) An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in:

- (1) a tollway; or
 - (2) property granted or created by the public-private agreement;
- is entitled to the exemption from gross retail tax and use tax provided

under ~~IC 6-2.5-4-9(b)~~ **IC 6-2.5-4-9(c)** and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

SECTION 33. IC 8-15.5-1-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

- (1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).
- (2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.
- (3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) ~~Except as provided in subsection (c)(1),~~ The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) The following apply to a public-private agreement for

communications systems infrastructure under subsection (f)(2):

(1) The authority may:

(A) use the procedures set forth in IC 8-15.5-4; or

(B) at the authority's option and in its sole discretion, negotiate an agreement with a single offeror.

The authority must issue a request for information before entering into negotiations with a single offeror. If an agreement is negotiated with a single offeror, IC 8-15.5-4-11 and IC 8-15.5-4-12 are the only sections in IC 8-15.5-4 that apply.

(2) This article, and any other applicable laws with respect to establishing, charging, and collecting user fees, including IC 8-15.5-7, do not apply, and the operator may establish, charge, and collect user fees as set forth in the public-private agreement.

(3) Notwithstanding IC 8-15.5-5-2(2) providing that all improvements and real property must be owned by the authority in the name of the state or by a governmental entity, or both, the public-private agreement may provide that any improvements on any real property interests may be owned by the authority, a governmental entity, an operator, or a private entity.

(4) The authority shall transfer money received from an operator under a ~~lease~~ **public-private agreement for ~~communications systems infrastructure under subdivision (f)(2)~~ to the state bicentennial capital account established under IC 4-12-1-14.9.**

SECTION 34. IC 8-15.5-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. If a **public-private agreement for communications systems infrastructure is negotiated with a single offeror under IC 8-15.5-1-2(g)(1)(B), the requirements of this chapter, except sections 11 and 12 of this chapter, do not apply.**

SECTION 35. IC 8-15.5-4-11, AS AMENDED BY P.L.205-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After the **applicable procedures required in this chapter have been completed, the authority shall make a determination as to whether the offeror that submitted the**

selected offer should be designated as the operator for the project and shall submit the authority's determination to the governor and the budget committee.

(b) After review of the authority's determination by the budget committee, the governor may accept or reject the determination of the authority. If the governor accepts the determination of the authority, the governor shall designate the offeror who submitted the selected offer as the operator for the project. The authority shall publish notice of the designation of the operator for the project one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the operator for the project, the authority may execute the public-private agreement with that operator.

(d) The budget committee shall hold a meeting and conduct a review of the determination not later than ninety (90) days after the date the authority's determination is submitted for review.

SECTION 36. IC 8-15.7-7-2, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 2. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in a project is entitled to the exemption from gross retail tax and use tax provided under ~~IC 6-2.5-4-9(b)~~ **IC 6-2.5-4-9(c)** and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

SECTION 37. IC 21-12-7-4 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 4: A contributor to the fund is entitled to an income tax credit under IC 6-3-3-5.1.~~

SECTION 38. IC 36-1-8-14.2, AS AMENDED BY P.L.146-2008, SECTION 686, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.2. **(a) PILOTS may not be imposed under this section for an assessment date occurring after January 1, 2017.**

~~(a)~~ **(b)** As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.

(5) Property taxation.

(6) Real property.

(7) Township assessor.

~~(b)~~ **(c)** As used in this section, "PILOTS" means payments in lieu of taxes.

~~(c)~~ **(d)** As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7.

~~(d)~~ **(e)** Subject to **subsection (a) and** the approval of a property owner, the governing body of a political subdivision may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. ~~if the improvements that qualify the real property for an exemption were begun or acquired after December 31, 2001.~~ The ordinance remains in full force and effect until:

(1) the date the ordinance is repealed or modified by the governing body, subject to the approval of the property owner; **or**

(2) subject to subsection (a), December 31, 2018;

whichever occurs first.

~~(e)~~ **(f)** The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied by the governing body for the political subdivision upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation.

~~(f)~~ **(g)** PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection ~~(d)~~ **(e)**. Except as provided in subsection ~~(j)~~ **(k)**, the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection ~~(d)~~ **(e)** as though the property were not subject to an exemption.

~~(g)~~ **(h)** PILOTS collected under this section shall be deposited in the unit's affordable housing fund established under IC 5-20-5-15.5 and used for any purpose for which the affordable housing fund may be used.

~~(h)~~ **(i)** PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

~~(i)~~ **(j)** This section does not apply to a county that contains a

consolidated city or to a political subdivision of the county.

~~(j)~~ **(k)** If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

(l) This section expires January 1, 2020.

SECTION 39. IC 36-2-6-22, AS AMENDED BY P.L.146-2008, SECTION 690, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. **(a) PILOTS may not be imposed under this section for an assessment date occurring after January 1, 2017.**

~~(a)~~ **(b)** As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

~~(b)~~ **(c)** As used in this section, "PILOTS" means payments in lieu of taxes.

~~(c)~~ **(d)** As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is not located in a county containing a consolidated city.

~~(d)~~ **(e)** Subject to **subsection (a) and** the approval of a property owner, the fiscal body of a county may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until:

(1) the date the ordinance is repealed or modified by the legislative body, subject to the approval of the property owner; or

(2) subject to subsection (a), December 31, 2018;

whichever occurs first.

~~(e)~~ **(f)** The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation.

~~(f)~~ (g) PILOTS shall be imposed in the same manner as property taxes and shall be based on the assessed value of the real property described in subsection ~~(d)~~ (e). Except as provided in subsection ~~(i)~~ (j), the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection ~~(d)~~ (e) as though the property were not subject to an exemption.

~~(g)~~ (h) PILOTS collected under this section shall be distributed in the same manner as if they were property taxes being distributed to taxing units in the county.

~~(h)~~ (i) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

~~(i)~~ (j) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

(k) This section expires January 1, 2020.

SECTION 40. IC 36-3-2-11, AS AMENDED BY P.L.146-2008, SECTION 702, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. **(a) PILOTS may not be imposed under this section for an assessment date occurring after January 1, 2017.**

~~(a)~~ (b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

~~(b)~~ (c) As used in this section, "PILOTS" means payments in lieu of taxes.

~~(c)~~ (d) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

~~(d)~~ **(e)** Subject to **subsection (a) and** the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until:

- (1) the date the ordinance is** repealed or modified by the legislative body, subject to the approval of the property owner; **or**
- (2) subject to subsection (a), December 31, 2018;**

whichever occurs first.

~~(e)~~ **(f)** The PILOTS must be calculated so that the PILOTS are in an amount that is:

- (1) agreed upon by the property owner and the legislative body of the consolidated city;
- (2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation; and
- (3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation.

~~(f)~~ **(g)** PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection ~~(d)~~ **(e)**. Except as provided in subsection ~~(i)~~ **(j)**, the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection ~~(d)~~ **(e)** as though the property were not subject to an exemption.

~~(g)~~ **(h)** PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

~~(h)~~ **(i)** PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

~~(i)~~ **(j)** If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the

township assessor in this section is considered to be a reference to the county assessor.

(k) This section expires January 1, 2020.

SECTION 41. IC 36-7-4-1104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1104. (a) As used in this section, "state agency" means all agencies, boards, commissions, departments, and institutions, including state educational institutions, of the state.

(b) **ADVISORY—AREA.** This chapter does not restrict or regulate (or authorize any political subdivision, legislative body, plan commission, or board of zoning appeals to restrict or regulate) the exercise of the power of eminent domain by the state, ~~or~~ by any state agency, **or by the Indiana finance authority (IC 4-4-11-4)**, or the use of property owned or occupied by the state, ~~or~~ by any state agency, **or by the Indiana finance authority.**

SECTION 42. IC 36-7-15.1-35.5, AS AMENDED BY P.L.144-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35.5. (a) The general assembly finds the following:

- (1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.
- (2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.
- (3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.
- (4) The establishment of a supplemental housing program under this section will do the following:
 - (A) Benefit the health, safety, morals, and welfare of the county and the state.
 - (B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

(A) necessary in the public interest; and

(B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).

(2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

- (e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:
- (1) the housing division of the consolidated city; or
 - (2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.
- (f) The housing trust fund consists of:
- (1) amounts transferred to the fund under subsection (d);
 - (2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11 **(before its expiration)**;
 - (3) gifts and grants to the fund;
 - (4) investment income earned on the fund's assets;
 - (5) money deposited in the fund under IC 36-2-7-10(j); and
 - (6) other funds from sources approved by the commission.
- (g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:
- (1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
 - (2) paying expenses of administering the fund;
 - (3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families;
 - (4) providing technical assistance to nonprofit developers of affordable housing; and
 - (5) funding other programs considered appropriate to meet the affordable housing and community development needs of lower income families (as defined in IC 5-20-4-5) and very low income families (as defined in IC 5-20-4-6), including lower income elderly individuals, individuals with disabilities, and homeless individuals.
- (h) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for

units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.

(i) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

- (1) one (1) member appointed by the mayor, to represent the interests of low income families;
- (2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;
- (3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;
- (4) one (1) member appointed by the mayor, of the department of metropolitan development;
- (5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;
- (6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;
- (7) one (1) member appointed by and representing the Local Initiatives Support Corporation;
- (8) one (1) member appointed by and representing the Indianapolis Coalition for Neighborhood Development; and
- (9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(j) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

- (1) the development of policies and procedures for the uses of the low income housing trust fund; and
- (2) long term sources of capital for the low income housing trust fund, including:
 - (A) revenue from:
 - (i) development ordinances;
 - (ii) fees; or
 - (iii) taxes;
 - (B) financial market based income;
 - (C) revenue derived from private sources; and
 - (D) revenue generated from grants, gifts, donations, or income in any other form, from a:
 - (i) government program;
 - (ii) foundation; or
 - (iii) corporation.

(k) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 43. [EFFECTIVE JANUARY 1, 2017] (a) IC 6-3-1-3.5, as amended by this act, applies to taxable years beginning after December 31, 2016.

(b) This SECTION expires January 1, 2019.

SECTION 44. [EFFECTIVE UPON PASSAGE] (a) For any taxpayer predominately engaged in the business of cutting steel bars owned by others into billets, IC 6-2.5-5-3(a)(1)(B), as amended by P.L.250-2015, SECTION 10 (as in effect January 1, 2016), shall be applied retroactively as if it were in effect on January 1, 2011. However, a taxpayer predominantly engaged in the business of cutting steel bars owned by others into billets is not entitled to a refund of state gross retail or use taxes paid for any tax period beginning December 31, 2010, and before January 1, 2016, if that refund is based on a claim that applies under IC 6-2.5-5-3(a)(1)(B).

(b) This SECTION expires January 1, 2020.

SECTION 45. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of the eligibility of low income housing for a property tax exemption.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

SECTION 46. An emergency is declared for this act.

P.L.182-2016

[S.28. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning civil law and procedure.

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

SECTION 1. IC 34-18-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 0.5. Implementation

Sec. 1. The general assembly emphasizes, to the parties, the courts, and the medical review panels, that adhering to the timelines set forth in this article is of extreme importance in ensuring the fairness of the medical malpractice act. Absent a mutual written agreement between the parties for a continuance, all parties subject to this article, and all persons charged with implementing this article, including courts and medical review panels, shall carefully follow the timelines in this article. No party may be dilatory in the selection of the panel, the exchange of discoverable evidence, or in any other matter necessary to bring a

case to finality, and the courts and medical review panels shall enforce the timelines set forth in this article so as to carry out the intent of the general assembly.

SECTION 2. IC 34-18-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. "Anesthesiologist assistant" has the meaning set forth in IC 25-3.7-1-1.**

SECTION 3. IC 34-18-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 12.5. "Final nonappealable judgment" means a final judgment with respect to which:**

- (1) the time for filing an appeal has expired;**
- (2) all appeals have been exhausted; or**
- (3) both.**

A final nonappealable judgment is issued on the date an event described in subdivisions (1) through (3) occurs.

SECTION 4. IC 34-18-2-14, AS AMENDED BY P.L.117-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. "Health care provider" means any of the following:**

- (1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, certified nurse midwife, **anesthesiologist assistant**, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, advanced emergency medical technician, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and

scope of the person's employment.

(3) A blood bank, community mental health center, community intellectual disability center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

SECTION 5. IC 34-18-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. Financial responsibility of a health care provider and the provider's officers, agents, and employees while acting in the course and scope of their employment with the health care provider may be established under subdivision (1), (2), or (3):

(1) By the health care provider's insurance carrier filing with the commissioner proof that the health care provider is insured by a policy of malpractice liability insurance in ~~the amount of~~ at least ~~two hundred fifty thousand dollars (\$250,000)~~ **the amount specified in IC 34-18-14-3(b)** per occurrence and ~~seven hundred fifty thousand dollars (\$750,000)~~ **three (3) times that amount** in the annual aggregate, except for the following:

(A) If the health care provider is a hospital, as defined in this article, the minimum annual aggregate insurance amount is as follows:

(i) For hospitals of not more than one hundred (100) beds, ~~five million dollars (\$5,000,000)~~ **twenty (20) times the amount specified in IC 34-18-14-3(b)**.

(ii) For hospitals of more than one hundred (100) beds, ~~seven million five hundred thousand dollars (\$7,500,000):~~ **thirty (30) times the amount specified in IC 34-18-14-3(b).**

(B) If the health care provider is a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4), the minimum annual aggregate insurance amount is ~~one million seven hundred fifty thousand dollars (\$1,750,000):~~ **seven (7) times the amount specified in IC 34-18-14-3(b).**

(C) If the health care provider is a health facility, the minimum annual aggregate insurance amount is as follows:

(i) For health facilities with not more than one hundred (100) beds, ~~seven hundred fifty thousand dollars (\$750,000):~~ **three (3) times the amount specified in IC 34-18-14-3(b).**

(ii) For health facilities with more than one hundred (100) beds, ~~one million two hundred fifty thousand dollars (\$1,250,000):~~ **five (5) times the amount specified in IC 34-18-14-3(b).**

(2) By filing and maintaining with the commissioner cash or surety bond approved by the commissioner in the amounts set forth in subdivision (1).

(3) If the health care provider is a hospital or a psychiatric hospital, by submitting annually a verified financial statement that, in the discretion of the commissioner, adequately demonstrates that the current and future financial responsibility of the health care provider is sufficient to satisfy all potential malpractice claims incurred by the provider or the provider's officers, agents, and employees while acting in the course and scope of their employment up to a total of ~~two hundred fifty thousand dollars (\$250,000)~~ **the amount specified in IC 34-18-14-3(b)** per occurrence and annual aggregates as follows:

(A) For hospitals of not more than one hundred (100) beds, ~~five million dollars (\$5,000,000):~~ **twenty (20) times the amount specified in IC 34-18-14-3(b).**

(B) For hospitals of more than one hundred (100) beds, ~~seven~~

million five hundred thousand dollars (\$7,500,000): **thirty (30) times the amount specified in IC 34-18-14-3(b).**

The commissioner may require the deposit of security to assure continued financial responsibility.

SECTION 6. IC 34-18-6-4, AS AMENDED BY P.L.18-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Claims for payment from the patient's compensation fund must be computed and paid ~~as follows:~~ **not later than sixty (60) days after the issuance of a court approved settlement or final nonappealable judgment.**

(1) Claims for payment from the patient's compensation fund that become final during the first three (3) months of the calendar year must be:

(A) computed on March 31; and

(B) paid not later than April 15;

of that calendar year.

(2) Claims for payment from the patient's compensation fund that become final during the second three (3) months of the calendar year must be:

(A) computed on June 30; and

(B) paid not later than July 15;

of that calendar year.

(3) Claims for payment from the patient's compensation fund that become final during the third three (3) months of the calendar year must be:

(A) computed on September 30; and

(B) paid not later than October 15;

of that calendar year.

(4) Claims for payment from the patient's compensation fund that become final during the last three (3) months of the calendar year must be:

(A) computed on December 31 of that calendar year; and

(B) paid not later than January 15 of the following calendar year.

(b) If the balance in the fund is insufficient to pay in full all claims that have become final during a three (3) month period, the amount paid to each claimant must be prorated. Any amount left unpaid as a result of the proration must be paid before the payment of claims that

become final during the following three (3) month period.

SECTION 7. IC 34-18-6-5, AS AMENDED BY P.L.18-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The auditor of state shall issue a warrant in the amount of each claim submitted to the auditor against the fund ~~on March 31, June 30, September 30, and December 31 of each year.~~ **not later than sixty (60) days after the issuance of a court approved settlement or final nonappealable judgment.** The only claim against the fund shall be a voucher or other appropriate request by the commissioner after the commissioner receives:

- (1) a certified copy of a final **nonappealable** judgment against a health care provider; or
- (2) a certified copy of a court approved settlement against a health care provider.

SECTION 8. IC 34-18-10-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25. (a) Each health care provider member of the medical review panel is entitled to be paid:

- (1) up to ~~three hundred fifty dollars (\$350)~~ **five hundred dollars (\$500)** for all work performed as a member of the panel, exclusive of time involved if called as a witness to testify in court; and
 - (2) reasonable travel expense.
- (b) The chairman of the panel is entitled to be paid:
- (1) at the rate of two hundred fifty dollars (\$250) per diem, not to exceed two thousand ~~five hundred~~ **five hundred** dollars (~~\$2,000~~); **(\$2,500)**; and
 - (2) reasonable travel expenses.

(c) The chairman shall keep an accurate record of the time and expenses of all the members of the panel. The record shall be submitted to the parties for payment with the panel's report.

(d) Fees of the panel, including travel expenses and other expenses of the review, shall be paid by the side in whose favor the majority opinion is written. If there is no majority opinion, each side shall pay fifty percent (50%) of the cost.

SECTION 9. IC 34-18-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The total amount recoverable for an injury or death of a patient may not exceed the following:

- (1) Five hundred thousand dollars (\$500,000) for an act of

malpractice that occurs before January 1, 1990.

(2) Seven hundred fifty thousand dollars (\$750,000) for an act of malpractice that occurs:

(A) after December 31, 1989; and

(B) before July 1, 1999.

(3) One million two hundred fifty thousand dollars (\$1,250,000) for an act of malpractice that occurs:

(A) after June 30, 1999; and

(B) before July 1, 2017.

(4) One million six hundred fifty thousand dollars (\$1,650,000) for an act of malpractice that occurs:

(A) after June 30, 2017; and

(B) before July 1, 2019.

(5) One million eight hundred thousand dollars (\$1,800,000) for an act of malpractice that occurs after June 30, 2019.

(b) A health care provider qualified under this article (or IC 27-12 before its repeal) is not liable for an amount in excess of **the following:**

(1) Two hundred fifty thousand dollars (\$250,000) for an occurrence act of malpractice that occurs:

(A) after June 30, 1999; and

(B) before July 1, 2017.

(2) Four hundred thousand dollars (\$400,000) for an act of malpractice that occurs:

(A) after June 30, 2017; and

(B) before July 1, 2019.

(3) Five hundred thousand dollars (\$500,000) for an act of malpractice that occurs after June 30, 2019.

(c) Any amount due from a judgment or settlement that is in excess of the total liability of all liable health care providers, subject to subsections (a), (b), and (d), shall be paid from the patient's compensation fund under IC 34-18-15.

(d) If a health care provider qualified under this article (or IC 27-12 before its repeal) admits liability or is adjudicated liable solely by reason of the conduct of another health care provider who is an officer, agent, or employee of the health care provider acting in the course and scope of employment and qualified under this article (or IC 27-12 before its repeal), the total amount that shall be paid to the claimant on behalf of the officer, agent, or employee and the health care provider

by the health care provider or its insurer is **the following:**

- (1) Two hundred fifty thousand dollars (\$250,000) for an act of malpractice that occurs:**
 - (A) after June 30, 1999; and**
 - (B) before July 1, 2017.**
- (2) Four hundred thousand dollars (\$400,000) for an act of malpractice that occurs:**
 - (A) after June 30, 2017; and**
 - (B) before July 1, 2019.**
- (3) Five hundred thousand dollars (\$500,000) for an act of malpractice that occurs after June 30, 2019.**

The balance of an adjudicated amount to which the claimant is entitled shall be paid by other liable health care providers or the patient's compensation fund, or both.

SECTION 10. IC 34-18-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) If the possible liability of the health care provider to the patient is discharged solely through an immediate payment, the limitations on recovery from a health care provider stated in section 3(b) and 3(d) of this chapter apply. ~~without adjustment.~~

(b) If the health care provider agrees to discharge its possible liability to the patient through a periodic payments agreement, the amount of the patient's recovery from a health care provider in a case under this subsection is the amount of any immediate payment made by the health care provider or the health care provider's insurer to the patient, plus the cost of the periodic payments agreement to the health care provider or the health care provider's insurer. For the purpose of determining the limitations on recovery stated in section 3(b) and 3(d) of this chapter and for the purpose of determining the question under IC 34-18-15-3 of whether the health care provider or the health care provider's insurer has agreed to settle its liability by payment of its policy limits, the sum of ~~(1)~~ the present payment of money to the patient (or the patient's estate) by the health care provider (or the health care provider's insurer) plus ~~(2)~~ the cost of the periodic payments agreement expended by the health care provider (or the health care provider's insurer) must exceed:

- (1) one hundred eighty-seven thousand dollars (\$187,000) for an act of malpractice that occurs:**

- (A) after June 30, 1999; and**
- (B) before July 1, 2017; and**
- (2) seventy-five percent (75%) of the maximum amount a health care provider is responsible for under section 3(b) and 3(d) of this chapter for an act of malpractice that occurs after June 30, 2017.**

(c) More than one (1) health care provider may contribute to the cost of a periodic payments agreement, and in such an instance the sum of the amounts expended by each health care provider for immediate payments and for the cost of the periodic payments agreement shall be used to determine whether the ~~one hundred eighty-seven thousand dollar (\$187,000)~~ requirement in subsection (b) has been satisfied. However, one (1) health care provider or its insurer must be liable for at least fifty thousand dollars (\$50,000).

SECTION 11. IC 34-18-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. If a health care provider or its insurer has agreed to settle its liability on a claim by payment of its policy limits of ~~two hundred fifty thousand dollars (\$250,000)~~, **established in IC 34-18-14-3(b) and IC 34-18-14-3(d)**, and the claimant is demanding an amount in excess of that amount, the following procedure must be followed:

- (1) A petition shall be filed by the claimant in the court named in the proposed complaint, or in the circuit or superior court of Marion County, at the claimant's election, seeking:
 - (A) approval of an agreed settlement, if any; or
 - (B) demanding payment of damages from the patient's compensation fund.
- (2) A copy of the petition with summons shall be served on the commissioner, the health care provider, and the health care provider's insurer, and must contain sufficient information to inform the other parties about the nature of the claim and the additional amount demanded.
- (3) The commissioner and either the health care provider or the insurer of the health care provider may agree to a settlement with the claimant from the patient's compensation fund, or the commissioner, the health care provider, or the insurer of the health care provider may file written objections to the payment of the amount demanded. The agreement or objections to the

payment demanded shall be filed within twenty (20) days after service of summons with copy of the petition attached to the summons.

(4) The judge of the court in which the petition is filed shall set the petition for approval or, if objections have been filed, for hearing, as soon as practicable. The court shall give notice of the hearing to the claimant, the health care provider, the insurer of the health care provider, and the commissioner.

(5) At the hearing, the commissioner, the claimant, the health care provider, and the insurer of the health care provider may introduce relevant evidence to enable the court to determine whether or not the petition should be approved if the evidence is submitted on agreement without objections. If the commissioner, the health care provider, the insurer of the health care provider, and the claimant cannot agree on the amount, if any, to be paid out of the patient's compensation fund, the court shall, after hearing any relevant evidence on the issue of claimant's damage submitted by any of the parties described in this section, determine the amount of claimant's damages, if any, in excess of the ~~two hundred fifty thousand dollars (\$250,000)~~ **health care provider's policy limits established in IC 34-18-14-3(b) and IC 34-18-14-3(d)** already paid by the insurer of the health care provider. The court shall determine the amount for which the fund is liable and make a finding and judgment accordingly. In approving a settlement or determining the amount, if any, to be paid from the patient's compensation fund, the court shall consider the liability of the health care provider as admitted and established.

(6) A settlement approved by the court may not be appealed. A judgment of the court fixing damages recoverable in a contested proceeding is appealable pursuant to the rules governing appeals in any other civil case tried by the court.

(7) A release executed between the parties does not bar access to the patient's compensation fund unless the release specifically provides otherwise.

SECTION 12. IC 34-18-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. When a plaintiff is represented by an attorney in the prosecution of the plaintiff's claim

subject to IC 34-18-8-4, the plaintiff's attorney's fees from any award made from the patient's compensation fund may not exceed, for an act of malpractice committed:

- (1) before July 1, 2017, fifteen percent (15%) of any recovery from the fund; and**
- (2) after June 30, 2017, thirty-two percent (32%) of any recovery under IC 34-18-14-3.**

SECTION 13. An emergency is declared for this act.

P.L.183-2016

[S.310. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 6-1.1-24.5-2, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) ~~Each year,~~ After the county treasurer certifies the tracts or items of real property ~~on the tax sale list as eligible for tax sale~~ under IC 6-1.1-24-1, if the county executive reasonably believes that:

- (1) ten (10) or more of the tracts or items of real property that appear ~~on the tax sale list as eligible for tax sale~~ are owned by:
 - (A) one (1) person; or
 - (B) two (2) or more persons in a group of affiliated persons, in any ownership relation between persons in the group of affiliated persons and the tracts or items of real property; and
- (2) the tracts or items of real property identified in subdivision (1) were acquired ~~by their respective owners~~ in a previous tax sale under IC 6-1.1-24;

the county executive may petition the court for a finding that serial tax

delinquencies exist with respect to the tracts or items of real property identified in subdivision (1).

(b) If each of the tracts or items of real property described in subsection (a)(1) and (a)(2) are located in the same city or town, the executive of the city or town may petition the court for a finding that serial tax delinquencies exist with respect to the tracts or items of real property identified in subsection (a)(1), if the county executive consents in writing to allow the city or town to file the petition.

SECTION 2. IC 6-1.1-24.5-3, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A petition filed with a court under this chapter must include all of the following:

- (1) The legal description and parcel ~~description or property number~~ for each of the tracts or items of real property. ~~that are the subject of the petition.~~
- (2) A statement that the tracts or items of real property that are the subject of the petition are located within the petitioner's territory.
- (3) For each tract or item of real property that is the subject of the petition, the names of the persons who own the tract or item of real property. If the petitioner is alleging that the tracts or items of real property are owned by a group of affiliated persons, the petitioner must also specify each person's affiliation with at least one (1) other person in the group of affiliated persons.
- (4) A statement that each ~~person that owns~~ **owner of record of a** tract or item of real property that is the subject of the petition:
 - (A) acquired the tract or item of real property in one (1) or more tax sales; and
 - (B) subsequently received a ~~tax~~ deed for the real property.
- (5) For each tract or item of real property that is the subject of the petition, the amounts of the delinquent property taxes and special assessments that are owed at the time ~~the petition is filed.~~ **the property is certified as eligible for tax sale under IC 6-1.1-24-1.**
- (6) A statement that the delinquent property taxes and special assessments are payable to the county treasurer.
- (7) A statement that if:
 - (A) the delinquent property taxes and special assessments on the tracts or items of real property that are the subject of the

petition; **and**

(B) the property taxes and special assessments that accrue after the property is certified as eligible for tax sale under IC 6-1.1-24-1;

are not paid on or before the appearance date and time, the petitioner will be entitled to an order directing the county auditor to issue a deed to each of the tracts or items of real property to the petitioner, without a right of redemption.

(8) A statement that if proof of payment of the **total amount of delinquent property taxes and special assessments for all tracts or items of real property specified under subdivision (1)** is tendered to the court on or before the appearance date and time, the court will dismiss the petition.

(9) If the petitioner is a city or town, a representation that the petitioner has furnished the county executive with a copy of the petition and the county executive consents to the requested relief.

SECTION 3. IC 6-1.1-24.5-4, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A petition filed under this chapter must be served on

(~~1~~) each person who has a substantial property interest of public record in any of the tracts or items of real property that are the subject of the petition **and**

(~~2~~) **any other appropriate party;**

in the manner prescribed by the Indiana Rules of Trial Procedure.

SECTION 4. IC 6-1.1-24.5-5, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. When a court receives a petition from a county, city, or town seeking a determination of serial tax delinquency under this chapter, the court shall issue an order to each ~~person who owns~~ **owner of record of** a tract or item of real property that is the subject of the petition **and any other person the court considers appropriate** that directs the **person owner of record** to appear before the court at a date and time specified in the order and to show cause as to why the tracts or items of real property that are the subject of the petition should not be found to be serially delinquent. The court's order under this section must do the following:

(1) Direct the parties subject to the order to appear before the

court at a date and time specified by the court. The date specified under this subdivision must not be:

- (A) earlier than ~~fifteen (15)~~ **thirty (30)** days; or
 - (B) later than ~~twenty-five (25)~~ **sixty (60)** days; after the date of the court's order.
- (2) Notify the parties subject to the order that any party ordered to appear:
- (A) may present evidence or objections on the issue of serial delinquency to the court:
 - (i) in writing before the appearance date specified by the court under subdivision (1); or
 - (ii) in writing or by oral testimony at the date and time specified by the court under subdivision (1); and
 - (B) has the right to be represented by an attorney when appearing before the court.
- (3) Notify the parties subject to the order that if the parties:
- (A) fail to submit written evidence or objections to the court before the appearance date specified in subdivision (1); and
 - (B) fail to appear before the court at the date and time specified by the court order under subdivision (1);
- the party's failure to submit evidence or objections or to appear before the court will result in a finding of serial tax delinquencies with respect to the tracts or items of real property that are the subject of the petition.

SECTION 5. IC 6-1.1-24.5-6, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:

- (1) the owners of the tracts or items of real property do not have a right of redemption with respect to the tracts or items of real property; and
 - (2) the tracts or items of real property may be disposed of by the petitioner in any lawful manner.
- (b) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:
- (1) the court shall send a copy of the order to the county auditor;

~~and~~

(2) the county auditor shall remove the tracts or items of real property from the tax sale list maintained by the county auditor under IC 6-1.1-24; **and**

(3) the county auditor shall remove the taxes and special assessments for which the tract or item of real property became eligible for tax sale and all subsequent taxes, special assessments, interest, penalties, and costs of sale, from the tax duplicate in the same manner that taxes are removed by certificate of error.

SECTION 6. IC 6-1.1-24.5-9, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Subject to section ~~6(a)(1)~~ **6(a)** of this chapter, a deed issued under section 7 of this chapter conveys the same fee simple interest in a tract or item of real property as a deed issued under IC 6-1.1-25.

SECTION 7. IC 6-1.1-25-4.6, AS AMENDED BY P.L.236-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than three (3) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, the county executive's assignee, or the purchaser of the certificate of sale under IC 6-1.1-24-6.1 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in accordance with subsection (b) in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or item of real property may file a written objection to the

petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection. If there is not a written objection that is timely filed, the court may consider the petition without conducting a hearing.

(b) Unless the county auditor and the county treasurer have entered into an agreement under section 4.7 of this chapter, a verified petition filed under subsection (a) ~~must~~ **may** include the following:

- (1) Copies of all notices sent under section 4.5 of this chapter.
- (2) Copies of all notices sent under this section.
- (3) Copies of all certified mail mailing receipts, return receipts, and returned mailing envelopes for notices sent under section 4.5 of this chapter.
- (4) Copies of all certified mail mailing receipts, return receipts, and returned mailing envelopes for notices sent under this section.
- (5) Copies or descriptions of the evidence used by the petitioner or the petitioner's assignor to identify the owner and other persons with a substantial property interest of public record in the real property.

(c) If the purchaser or the purchaser's assignee ~~fails to include~~ **includes** the documents described in subsection (b), the issuance of a tax deed ~~does not constitute~~ **constitutes** prima facie evidence of the sale referenced in subsection (k).

(d) If a verified petition is brought by the county auditor under an agreement provided for under section 4.7 of this chapter, a tax deed constitutes prima facie evidence of the validity of the sale referenced in subsection (k) upon timely production by the county of all documents described in subsection (b) in response to a challenge to a tax deed.

(e) If the issuance of a tax deed does not constitute prima facie evidence of the validity of the sale due to the failure to comply with this section, the purchaser or the purchaser's successor has the burden of proving the validity of the sale by a preponderance of the evidence in any subsequent challenge to the sale.

(f) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the

following conditions exist:

- (1) The time of redemption has expired.
- (2) The tract or item of real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, or with respect to penalties described in section 4(j) of this chapter, all taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by this section and section 4.5 of this chapter have been given.
- (5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(g) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(h) Except as provided in subsections (i) and (j), if:

- (1) the verified petition referred to in subsection (a) is timely filed; and
- (2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

the court shall order the return of the amount, if any, by which the purchase price exceeds the minimum bid on the property under IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the

county general fund.

(i) Notwithstanding subsection (h), in all cases in which:

- (1) the verified petition referred to in subsection (a) is timely filed;
- (2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (f) for the issuance of the tax deed but has failed to comply with these requirements;
- (3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and
- (4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(j) Notwithstanding subsections (h) and (i), the court shall not order the return of the purchase price or any part of the purchase price if:

- (1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and
- (2) the sale is otherwise valid.

(k) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue

subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. Except as provided in subsections (b), (c), (d), and (e), the deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(1) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 8. IC 36-4-3-4, AS AMENDED BY P.L.207-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

- (1) Territory that is contiguous to the municipality.
- (2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated as either of the following:
 - (A) An airport or landing field.
 - (B) A wastewater treatment facility or water treatment facility. After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.
- (3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:
 - (A) a municipally owned or regulated sanitary landfill, golf course, or hospital; or
 - (B) a police station of the municipality.

However, if territory annexed under subdivision (2) or (3) ceases to be used for the purpose for which the territory was annexed for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts

to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.

(b) This subsection applies to municipalities in a county having a ~~population~~ **any of the following populations:**

- (1) More than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000).
- (2) More than seventy-five thousand (75,000) but less than seventy-seven thousand (77,000).
- (3) More than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).
- (4) More than forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500).
- (5) More than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000).
- (6) More than thirty-seven thousand (37,000) but less than thirty-seven thousand one hundred twenty-five (37,125).
- (7) More than thirty-three thousand three hundred (33,300) but less than thirty-three thousand five hundred (33,500).
- (8) More than twenty-three thousand three hundred (23,300) but less than twenty-four thousand (24,000).
- (9) More than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000).
- (10) More than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). ~~or~~
- (11) More than thirty-two thousand five hundred (32,500) but less than thirty-three thousand (33,000).
- (12) More than seventy-seven thousand (77,000) but less than eighty thousand (80,000).**

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex

territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

- (1) annexing additional territory:
 - (A) in a county that is not described by clause (B); or
 - (B) in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;
- (2) expanding the municipality's extraterritorial jurisdictional area; or
- (3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than twenty-nine thousand nine hundred (29,900) but less than thirty-one thousand (31,000). The city legislative body may, by ordinance, annex territory that:

- (1) is not contiguous to the city;
- (2) has its entire area not more than eight (8) miles from the city's boundary;
- (3) does not extend more than:
 - (A) one and one-half (1 1/2) miles to the west;
 - (B) three-fourths (3/4) mile to the east;
 - (C) one-half (1/2) mile to the north; or
 - (D) one-half (1/2) mile to the south;of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and
- (4) is owned by the city or by a property owner that consents to the annexation.

SECTION 9. IC 36-7-14-22.5, AS AMENDED BY P.L.149-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.5. (a) This section applies to the following:

- (1) Real property:
 - (A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and
 - (B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development activity, or urban renewal activity in the project area.
- (2) Real property acquired under this chapter that is not in a redevelopment project area, economic development area, or an urban renewal project area.
- (3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.
- (4) Real property donated or transferred to the commission to be

held and disposed of under this section.

However, this section does not apply to property acquired under section 32.5 of this chapter (before its repeal).

(b) The commission may do the following to or for real property described in subsection (a):

- (1) Examine, classify, manage, protect, insure, and maintain the property.
- (2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.
- (3) Control the use of the property.
- (4) Lease the property.
- (5) Use any powers under section 12.2 of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Subject to the prior approval by the legislative body of the unit, real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

- (1) In accordance with section 22, 22.2, 22.6, or 22.7, or **22.8** of this chapter.
- (2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17 or IC 36-7-17.1.

The commission shall provide to the legislative body of the unit at a public meeting all the information supporting the action the commission proposes to take under this subsection, including any terms and conditions to which the commission would have to agree to carry out the action.

(f) In disposing of real property under subsection (e), the commission may:

- (1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of

both human and economic welfare; and

(2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 10. IC 36-7-14-22.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.8. (a) This section applies only in Lake County as a three (3) year pilot program to obtain experience with the method of disposing of real property set forth in this section.**

(b) A redevelopment commission may establish a new opportunity area in accordance with the criteria and procedures set forth in this section. A redevelopment commission may dispose of property to which section 22.5 of this chapter applies as provided in this section if the property is located in a new opportunity area.

(c) A redevelopment commission may determine that the following findings apply to an area within the jurisdiction of the redevelopment commission:

(1) At least one-third (1/3) of the parcels in the area are vacant or abandoned, as determined under IC 36-7-37 or another statute.

(2) At least one-third (1/3) of the parcels in the area have at least one (1) of the following characteristics:

(A) The dwelling on the parcel is not permanently occupied.

(B) Two (2) or more property tax payments owed on the parcel are delinquent.

(3) None of the properties in the area have been annexed within the immediately preceding five (5) years over a remonstrance of a majority of the land owners within the annexed area.

(4) The area cannot be improved by the ordinary operation of private enterprise because of:

(A) the existence of conditions that lower the value of the land below that of nearby land; or

(B) other conditions similar to the conditions described in clause (A).

(5) Each of the parcels in the area are residential parcels that

are less than one (1) acre in size.

(6) The property tax collection rate over the immediately preceding two (2) years has been less than sixty percent (60%).

(7) The sale of parcels that are held by the redevelopment commission and are located in the new opportunity area to individuals and other private entities will benefit the public health and welfare of the residents of the surrounding area and the area governed by the commission.

(d) Whenever a redevelopment commission makes the findings described in subsection (c), a redevelopment commission may adopt a resolution declaring the area to be a new opportunity area.

(e) After a redevelopment commission adopts a resolution declaring an area to be a new opportunity area, the redevelopment commission may dispose of properties to which section 22.5 of this chapter applies that are located in the new opportunity area by using the following procedure:

(1) The redevelopment commission shall give notice in accordance with IC 5-3-1 twice by publication, one (1) week apart, with the last publication occurring at least ten (10) days before the date on which the redevelopment commission intends to convene the meeting described in subdivision (2).

The notice must include the following:

(A) The date, time, and place of the meeting described in subdivision (2).

(B) A description of each parcel to be offered for sale by parcel number and common address.

(C) A statement that the redevelopment commission:

(i) is accepting bids on the properties described under clause (B); and

(ii) intends to sell each property described under clause (B) to the highest responsible and responsive bidder.

(2) The redevelopment commission shall hold a meeting on the date and at the time and place specified in the notice described in subdivision (1) at which bids for the properties described in the notice shall be opened and read aloud. The redevelopment commission may thereafter sell each property

to the highest responsible and responsive bidder.
(f) This section expires July 1, 2019.
SECTION 11. An emergency is declared for this act.

P.L.184-2016
[S.321. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-2-10, AS ADDED BY P.L.220-2011, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Any action taken by the department of local government finance before November 21, 2007, to do any of the following with respect to property taxes first due and payable in 2007 in any county is legalized and validated:

- (1) Halt billing and collection.
- (2) Invalidate the certification under ~~IC 6-1.1-17-16(f)~~ **IC 6-1.1-17-16(i)** of the department's actions concerning budgets, rates, and levies.
- (3) Revise and reissue certifications referred to in subdivision (2).
- (4) Require the preparation and delivery under IC 6-1.1-22-5 of an abstract that is based on the assessed values determined in a reassessment:
 - (A) performed by; or
 - (B) ordered by;the department of local government finance under IC 6-1.1-4 or IC 6-1.1-14.
- (5) Allow payments of installments on dates and in amounts different from the dates and amounts that applied in an earlier issuance of tax statements by the county.

(6) Allow the issuance of reconciling property tax statements to reconcile the payment of different amounts referred to in subdivision (5) as compared to the amounts finally determined to be due and payable.

(7) Waive all or part of a penalty under IC 6-1.1-37-10.

(b) The department of local government finance may take any action listed in subsection (a) on or after November 21, 2007, with respect to property taxes first due and payable in 2007 in any county.

(c) Any action taken before November 21, 2007, by a unit of local government or a public official on behalf of a unit of local government that:

(1) is in response to; and

(2) is consistent with;

an action of the department of local government finance referred to in subsection (a) is legalized and validated.

(d) A unit of local government or a public official on behalf of a unit of local government may take any action on or after November 21, 2007, that:

(1) is in response to; and

(2) is consistent with;

an action of the department of local government finance referred to in subsection (a) or (b).

SECTION 2. IC 6-1.1-14-12, AS ADDED BY P.L.257-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As part of the review under IC 6-1.1-33.5-3(4) and IC 6-1.1-33.5-3(5) of the coefficient of dispersion study and property sales assessment ratio study submitted by a county under 50 IAC 27-4-4, the department of local government finance shall conduct the review and analysis described in this section.

In 2017 and in each year thereafter, a county shall submit the coefficient of dispersion study and property sales assessment ratio study to the department not later than March 1 of the year.

(b) The department shall:

(1) conduct its review and analysis for studies submitted in 2013 through 2017; and

(2) review and analyze only data and studies for property that is classified as improved residential property in townships having a population of more than one hundred thirty thousand (130,000).

(c) The department shall separate each township described in subsection (b) into four (4) comparable groups of parcels as determined by the department. The department shall:

- (1) separately review and analyze for each group of parcels data used for the coefficient of dispersion study and the property sales assessment ratio study submitted by the county; and
- (2) prepare a coefficient of dispersion study and a property sales assessment ratio study for each group of parcels.

SECTION 3. IC 6-1.1-17-0.5, AS AMENDED BY P.L.137-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) For purposes of this section, "net assessed value" means assessed value after the application of deductions, exemptions, and abatements.

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the net assessed value of tangible property that meets the following conditions:

- (1) The net assessed value of the property is at least nine percent (9%) of the net assessed value of all tangible property subject to taxation by a taxing district.
- (2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.
- (3) The owner of the property has discontinued all business operations on the property.
- (4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing district located in the county, the county auditor may reduce for a calendar year the taxing district's net assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing district for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing district's net assessed value under this subsection only to enable the taxing district to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from any or a combination of the following:

- (1) Successful appeals of the assessed value of property located

in the taxing district.

(2) Deductions under IC 6-1.1-12-37 and IC 6-1.1-12-37.5 that result from the granting of applications for the standard deduction for the calendar year under IC 6-1.1-12-37 or IC 6-1.1-12-44 after the county auditor certifies net assessed value as described in this section.

(3) Deductions that result from the granting of applications for deductions for the calendar year under IC 6-1.1-12-44 after the county auditor certifies net assessed value as described in this section.

(4) Reassessments of real property under IC 6-1.1-4-11.5.

Not later than ~~December~~ **July** 31 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and to the department of local government finance. The certified statement must list any adjustments to the amount of the reduction under this subsection and the information submitted under section 1 of this chapter that are necessary. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing district's net assessed value for a calendar year under subsection (d) may not exceed two percent (2%) of the net assessed value of tangible property subject to assessment in the taxing district in that calendar year.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

- (1) county property tax assessment board of appeals;
- (2) Indiana board; or
- (3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 4. IC 6-1.1-17-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.7. (a) Before May 1 of each year after 2017, the fiscal officer of each political subdivision shall provide the department of local government finance with an estimate of the total amount of the political subdivision's debt service obligations (as defined in IC 6-1.1-20.6-9.8) that will be due**

in the last six (6) months of the current year and in the ensuing year.

(b) Before July 15 of each year after 2017, the department of local government finance shall provide the following to each political subdivision:

(1) An estimate of the maximum property tax rate that may be imposed by the political subdivision for property taxes payable in the ensuing year for each cumulative fund or other fund for which a maximum property tax rate is established by law.

(2) An estimate of the property tax rates that would be imposed by the political subdivision for property taxes payable in the ensuing year for debt service.

(c) The department of local government finance shall before August 1 of each year after 2017 provide to each political subdivision an estimate of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year if the political subdivision's property tax rates are imposed at the maximum allowed under law and if the political subdivision imposes the maximum permissible ad valorem property tax levy allowed under law for the political subdivision. In making each of the estimates under this subsection, the department of local government finance shall consider the estimated amount of any credits that will be granted under IC 6-1.1-20.6 against property taxes imposed by the political subdivision.

SECTION 5. IC 6-1.1-17-1, AS AMENDED BY P.L.137-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall ~~send~~ **submit** a certified statement ~~under the seal of the board of county commissioners; of the assessed value for the ensuing year to the fiscal officer of each political subdivision of the county and the department of local government finance~~ **The statement must contain:**

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar

year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years; adjusted according to procedures established by the department of local government finance to account for reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2;

(5) the amount of the political subdivision's net assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties; the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process:

in the manner prescribed by the department.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year; less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(e) **(b)** The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision. **department of local government finance shall make the certified statement available on the department's computer gateway.**

~~(d)~~ **(c)** Subject to subsection ~~(e)~~; **(d)**, after the county auditor ~~sends~~ **submits** a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section ~~16(f)~~ **16(i)** of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall ~~send~~ **submit** a certified statement amended under this subsection ~~under the seal of the board of county commissioners;~~ to

~~(1)~~ the fiscal officer of each political subdivision affected by the amendment; and

~~(2)~~ the department of local government finance **in the manner prescribed by the department.**

~~(c)~~ **(d)** Except as provided in subsection ~~(f)~~; **(e)**, before the county auditor makes an amendment under subsection ~~(d)~~; **(c)**, the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

~~(f)~~ **(e)** The county auditor is not required to hold a public hearing under subsection ~~(e)~~ **(d)** if:

(1) the amendment under subsection ~~(d)~~ **(c)** is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection ~~(d)~~ **(c)** is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection ~~(d)~~ **(c)** will not result in an increase in the tax rate or tax rates of the political subdivision.

(f) Beginning in 2018, each county auditor shall submit to the department of local government finance parcel level data of certified net assessed values as required by the department. A county auditor shall submit the parcel level data in the manner and format required by the department and according to a schedule determined by the department.

SECTION 6. IC 6-1.1-17-3, AS AMENDED BY P.L.183-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. **In formulating a political subdivision's estimated budget under this section, the proper officers of the political subdivision must consider the net**

property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimate by the department of local government finance under IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's distribution of property taxes will be reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, and after taking into account the estimate by the department of local government finance under section 0.7 of this chapter of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall ~~(before January 1, 2015)~~ at least ten ~~(10)~~ days before the public hearing, ~~give notice to taxpayers~~ ~~of submit the following information to the department's computer gateway:~~

- (1) The estimated budget.
- (2) The estimated maximum permissible levy, **as provided by the department under IC 6-1.1-18.5-24.**
- (3) The current and proposed tax levies of each fund.
- (4) The amount by which the political subdivision's distribution of property taxes may be reduced by credits granted under IC 6-1.1-20.6, as estimated by the department of local government finance under IC 6-1.1-20.6-11. and**
- ~~(4)~~ **(5) The amounts of excessive levy appeals to be requested.**
- ~~(6) The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these the items described in subdivisions (1) through (5).~~

The political subdivision or appropriate fiscal body shall ~~(before January 1, 2015)~~ publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten ~~(10)~~ days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice. The political subdivision **or appropriate fiscal body** shall submit this information to the department's computer gateway ~~before September 14 of each year and~~ at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department.

The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

~~(b)~~ For taxes due and payable in 2015 and 2016, each county shall publish a notice in accordance with IC 5-3-1 in two (2) newspapers published in the county stating the Internet address at which the information under subsection (a) is available and the telephone number through which taxpayers may request copies of a political subdivision's information under subsection (a). If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. The department of local government finance shall prescribe the notice. Notice under this subsection shall be published before September 14. Counties may seek reimbursement from the political subdivisions within their legal boundaries for the cost of the notice required under this subsection. The actions under this subsection shall be completed in the manner prescribed by the department.

~~(c)~~ (b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(d)~~ (c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(e)~~ (d) A political subdivision for which any of the information under subsection (a) is not (before January 1, 2015) published and is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual

appropriations and annual tax levy continued for the ensuing budget year.

(f) (e) If a political subdivision or appropriate fiscal body timely publishes (before January 1, 2015) and timely submits the information under subsection (a) but subsequently discovers the information contains a typographical an error, the political subdivision or appropriate fiscal body may request permission from the department to submit amended information to the department's computer gateway. and (before January 1, 2015) to publish the amended information. However, such a request submission of amended information must occur not later than seven (7) at least ten (10) days before the public hearing held under subsection (a). Acknowledgment of the correction of an error shall be posted on the department's computer gateway and communicated by the political subdivision or appropriate fiscal body to the fiscal body of the county in which the political subdivision and appropriate fiscal body are located.

SECTION 7. IC 6-1.1-17-3.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3-5: (a) This section does not apply to taxing units located in a county in which a county board of tax adjustment reviews budgets; tax rates; and tax levies. This section does not apply to a taxing unit that has its proposed budget and proposed property tax levy approved under section 20 or 20.3 of this chapter or IC 36-3-6-9.

(b) This section applies to a taxing unit other than a county. Except as provided in section 3-7 of this chapter; if a taxing unit will impose property taxes due and payable in the ensuing calendar year, the taxing unit shall file the following information in the manner prescribed by the department of local government finance with the fiscal body of the county in which the taxing unit is located:

(1) A statement of the proposed or estimated tax rate and tax levy for the taxing unit for the ensuing budget year.

(2) In the case of a taxing unit other than a school corporation; a copy of the taxing unit's proposed budget for the ensuing budget year.

(c) In the case of a taxing unit located in more than one (1) county; the taxing unit shall file the information under subsection (b) with the fiscal body of the county in which the greatest part of the taxing unit's net assessed valuation is located.

(d) A taxing unit must file the information under subsection (b)

before September 2 of a year.

(e) A county fiscal body shall complete the following in a manner prescribed by the department of local government finance before October 2 of a year:

(1) Review any proposed or estimated tax rate or tax levy filed by a taxing unit with the county fiscal body under this section.

(2) In the case of a taxing unit other than a school corporation; review any proposed or estimated budget filed by a taxing unit with the county fiscal body under this section.

(3) In the case of a taxing unit other than a school corporation; issue a nonbinding recommendation to a taxing unit regarding the taxing unit's proposed or estimated tax rate or tax levy or proposed budget.

(f) The recommendation under subsection (e) must include a comparison of any increase in the taxing unit's budget or tax levy to:

(1) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(2) increases in the budgets and tax levies of other taxing units in the county.

(g) The department of local government finance must provide each county fiscal body with the most recent available information concerning increases in Indiana nonfarm personal income and increases in county nonfarm personal income.

(h) If a taxing unit fails to file the information required by subsection (b) with the fiscal body of the county in which the taxing unit is located by the time prescribed in subsection (d), the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(i) If a county fiscal body fails to complete the requirements of subsection (e) before the deadline in subsection (e) for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the county are continued for the ensuing budget year.

SECTION 8. IC 6-1.1-17-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.6. (a) At the first meeting of the county fiscal body in August, the county fiscal body shall review**

the following:

(1) The estimated levy limits provided by the department of local government finance under IC 6-1.1-18.5-24.

(2) The estimate provided by the department of local government finance under IC 6-1.1-20.6-11.1 of how each taxing unit's distribution of property taxes will be reduced by credits under IC 6-1.1-20.6.

(b) The county fiscal body may request that representatives from the taxing units located within the county attend the meeting described in subsection (a).

(c) The county fiscal body must allow a representative of a taxing unit that attends the meeting described in subsection (a) to comment on the taxing unit's proposed budgets, tax levies, and tax rates for the ensuing calendar year.

(d) After the county fiscal body has held the meeting required by this section, the county fiscal body may prepare and distribute a written recommendation for taxing units in the county. If the county fiscal body does not prepare a written recommendation, the minutes of the meeting held under this section shall be distributed by the county auditor to all taxing units in the county after the minutes have been approved by the county fiscal body.

SECTION 9. IC 6-1.1-17-3.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3-7: (a) This section authorizes a three (3) year pilot program to allow county fiscal bodies of designated counties to carry out a more thorough nonbinding review of the proposed budgets, property tax rates, and property tax levies of all taxing units in those counties. The general assembly finds that, because of the enactment of property tax credits under IC 6-1.1-20.6, there is an even greater need for taxing units to cooperate in the adoption of their budgets, property tax rates, and property tax levies:

(b) The department of local government finance may establish a pilot program concerning nonbinding review of budgets, property tax rates, and property tax levies as provided in this section. The role of the department of local government finance in the pilot program is to develop the framework for the continuation of a more thorough nonbinding review in all counties without the direct involvement of the department of local government finance:

(c) For a county to be eligible for designation as a pilot county

participating in the pilot program:

(1) the county fiscal body must adopt a resolution approving the submission of an application to be designated as a pilot county; and

(2) the county fiscal body must submit to the department of local government finance before the date specified by the department:

(A) an application in the form and containing the information prescribed by the department; and

(B) a copy of the resolution adopted under subdivision (1).

(d) After reviewing applications submitted under subsection (c), the department of local government finance may designate not more than three (3) counties that submit an application under subsection (c) as pilot counties under this section. In determining which counties are designated as pilot counties, the department of local government finance shall attempt to achieve diversity among designated counties based on:

(1) the geographical location of the counties;

(2) the population of the counties; and

(3) whether the counties are primarily rural or urban.

(e) The department of local government finance shall notify each taxing unit in a pilot county of:

(1) the designation of the county as a pilot county; and

(2) the duties of the taxing unit under this section.

(f) The following apply in 2014 and thereafter:

(1) Each taxing unit in a pilot county shall, before September 2 of each year, file with the department of local government finance and with the county fiscal body:

(A) the taxing unit's proposed budgets, property tax rates, and property tax levies for the following calendar year;

(B) a statement of whether:

(i) a petition and remonstrance process has been initiated under IC 6-1.1-20 concerning a controlled project of the taxing unit;

(ii) a public question under IC 6-1.1-20 concerning a controlled project of the taxing unit has been certified and will be on the election ballot;

(iii) a referendum tax levy question under IC 20-46-1 has been certified and will be on the election ballot; or

(iv) the taxing unit anticipates that it will during the following eighteen (18) months either adopt a resolution or ordinance under IC 6-1.1-20 making a preliminary determination to issue bonds or enter into a lease concerning a controlled project of the taxing unit; or adopt a resolution under IC 20-46-1 to place a referendum tax levy question on the election ballot; and

(C) any additional information required by the department to prepare the analysis required under subdivision (4).

A school corporation providing information to the department of local government finance shall provide the information through the department's interactive and searchable Internet web site containing local government information (the Indiana gateway for governmental units). When formulating the taxing unit's estimated budget, property tax rate, and property tax levy under section 3 of this chapter, the proper officers of the taxing unit shall consider the estimated consequences of the property tax credits under IC 6-1.1-20.6 on the property taxes that will be collected by the taxing unit and the calculation of fund balances:

(2) A taxing unit in a pilot county that would otherwise be required to submit its proposed budgets, property tax rates, and property tax levies for nonbinding review under section 3.5 of this chapter is not required to do so; but the taxing unit must instead submit the information required by subdivision (1) to the department of local government finance:

(3) A taxing unit that is located in a pilot county and that is subject to binding review and approval of the taxing unit's budgets, property tax rates, and property tax levies under section 20 of this chapter or IC 36-3-6-9:

(A) remains subject to binding review and approval under those statutes and must submit the information required under those statutes to the appropriate fiscal body; and

(B) must also submit the information required by subdivision (1) to the department of local government finance:

(4) The department shall prepare an analysis of the proposed budgets, property tax rates, and property tax levies submitted by taxing units in each pilot county. The department of local government finance may establish appropriate procedures and

conduct the appropriate analysis that meets the department's requirements for the review of a unit's budget under this chapter. The analysis prepared by the department must include at least the following:

- (A) The estimated total property tax rate for each taxing district in the pilot county;
 - (B) The estimated total amount of property taxes to be levied in the pilot county;
 - (C) The estimated consequences of the property tax credits under IC 6-1.1-20.6 on:
 - (i) the property tax rates of each taxing unit and taxing district in the pilot county;
 - (ii) the expected total tax rate of each taxing district in the county; and
 - (iii) the property taxes that will be collected by each taxing unit in the pilot county.
- (5) The department of local government finance shall, before October 2 of each year, provide the analysis prepared under subdivision (4) for a pilot county to the county fiscal body of the pilot county and to the fiscal body of each taxing unit in the pilot county. Upon request by the county fiscal body, representatives of the department of local government finance shall appear before the county fiscal body to review the analysis.
- (6) The county fiscal body of a pilot county shall, on or before October 15 of each year:
- (A) review the proposed budgets, property tax rates, and property tax levies of each taxing unit in the pilot county;
 - (B) review the expected total tax rate of each taxing district in the county; and
 - (C) issue a nonbinding recommendation to each taxing unit in the pilot county regarding the taxing unit's proposed budgets, property tax rates, and property tax levies.

The review and recommendation required to be carried out under this subdivision may be carried out by the full county fiscal body or by a committee appointed by the county fiscal body for that purpose.

- (7) A recommendation by a county fiscal body must include a comparison of any increase in a taxing unit's budgets, property tax

rates, and property tax levies to:

(A) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(B) increases in the budgets, property tax rates, and property tax levies of other taxing units in the county.

(8) After review under this section, a taxing unit must adopt its budget, property tax rates, and property tax levies by the date required under section 5 of this chapter.

(g) The county fiscal body of a pilot county may, before July 1 of a year, adopt a resolution discontinuing the county's participation in the pilot program. If a county fiscal body adopts such a resolution:

(1) the county fiscal body shall certify a copy of the resolution to the department of local government finance;

(2) the county's participation in the pilot program is terminated; and

(3) the department of local government finance shall attempt to replace the pilot county with another county that has applied to be designated as a pilot county.

(h) The department of local government finance shall, before November 1, 2014, and each year thereafter, report to the interim study committee on fiscal policy established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 concerning the pilot program and whether the nonbinding review under the pilot program is fostering cooperation among taxing units in the adoption of their budgets, property tax rates, and property tax levies.

(i) This section expires January 1, 2017.

SECTION 10. IC 6-1.1-17-5.6, AS AMENDED BY P.L.233-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.6. (a) Each school corporation may elect to adopt a budget under this section that applies from July 1 of the year through June 30 of the following year. In the initial budget adopted by a school corporation under this section, the first six (6) months of that initial budget must be consistent with the last six (6) months of the budget adopted by the school corporation for the calendar year in which the school corporation elects by resolution to begin adopting budgets that correspond to the state fiscal year. A corporation shall

submit a copy of the resolution to the department of local government finance and the department of education not more than thirty (30) days after the date the governing body adopts the resolution.

(b) Before April 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before November 1.

(c) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

- (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;
- (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and
- (3) any written notification from the department of local government finance under section ~~16(i)~~ **16(l)** of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the

school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 11. IC 6-1.1-17-16, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) ~~Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter. The department of local government finance shall certify the tax rates and tax levies for all funds of political subdivisions subject to the department of local government finance's review.~~

(b) ~~Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.~~

(b) **For a fund of a political subdivision subject to levy limits under IC 6-1.1-18.5-3, the department of local government finance shall calculate and certify the allowable budget of the fund if the political subdivision adopts a tax levy that exceeds the estimated maximum levy limits as provided by the department of local government finance under IC 6-1.1-18.5-24.**

(c) **For a fund of a political subdivision subject to levy limits under IC 6-1.1-18.5-3 and for which the political subdivision adopts a tax levy that is not more than the levy limits under IC 6-1.1-18.5-3, the department of local government finance shall review the fund to ensure the adopted budget is fundable based on the unit's adopted tax levy and estimates of available revenues. If the adopted budget is fundable, the department of local government finance shall use the adopted budget as the approved**

appropriation for the fund for the budget year. As needed, the political subdivision may complete the additional appropriation process through IC 6-1.1-18-5 for these funds during the budget year.

(d) For a fund of the political subdivision subject to levy limits under IC 6-1.1-18.5-3 and for which the political subdivision adopts a tax levy that is not more than the levy limits under IC 6-1.1-18.5-3, if the department of local government finance has determined the adopted budget is not fundable based on the unit's adopted tax levy and estimates of available revenues, the department of local government finance shall calculate and certify the allowable budget that is fundable based on the adopted tax levy and the department's estimates of available revenues.

(e) For all other funds of a political subdivision not described in subsections (b), (c), and (d), the department of local government finance shall certify a budget for the fund.

~~(e)~~ **(f)** Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

~~(d)~~ **(g)** Except as provided in subsection ~~(f)~~; **(l)**, IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) (before its expiration) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b) (before its expiration). The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a

response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

~~(e)~~ **(h)** The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

~~(f)~~ **(i)** The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

~~(g)~~ **(j)** The following may petition for judicial review of the final determination of the department of local government finance under subsection ~~(f)~~: **(i)**:

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department:
 - (A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection ~~(f)~~; **(i)**;

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection ~~(f)~~; **(i)**.

~~(f)~~ **(k)** The department of local government finance is expressly directed to complete the duties assigned to it under this section **as follows:**

(1) For each budget year before 2019, not later than February 15 of each that budget year. for taxes to be collected during that year:

(2) For each budget year after 2018, not later than December 31 of the year preceding that budget year, unless a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal under IC 6-1.1-18.5-16.

(3) For each budget year after 2018, not later than January 15 of the budget year if a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal under IC 6-1.1-18.5-16.

~~(f)~~ **(l)** Subject to the provisions of all applicable statutes, and notwithstanding IC 6-1.1-18-1, the department of local government finance shall, unless the department finds extenuating circumstances, increase a political subdivision's tax levy to an amount that exceeds the amount originally advertised or adopted by the political subdivision if:

(1) the increase is requested in writing by the officers of the political subdivision;

(2) the requested increase is published on the department's advertising Internet web site and (before January 1, 2015) is published by the political subdivision according to a notice provided by the department; and

(3) notice is given to the county fiscal body of ~~the error and~~ the department's correction.

If the department increases a levy beyond what was advertised or adopted under this subsection, it shall, unless the department finds extenuating circumstances, reduce the certified levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars (\$100,000).

~~(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.~~

SECTION 12. IC 6-1.1-17-16.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.7. (a) A political subdivision that in any year adopts a proposal to establish a cumulative fund or sinking fund under any of the following provisions must submit the proposal to the department of local government finance before August 2 of that year, **for years before 2018, and before May 1 of that year, for years after 2017:**

- IC 3-11-6
- IC 8-10-5
- IC 8-16-3
- IC 8-16-3.1
- IC 8-22-3
- IC 14-27-6
- IC 14-33-21
- IC 16-22-5
- IC 16-22-8
- IC 36-8-14
- IC 36-9-4
- IC 36-9-14
- IC 36-9-14.5
- IC 36-9-15
- IC 36-9-15.5
- IC 36-9-16
- IC 36-9-17
- IC 36-9-26

IC 36-9-27
IC 36-10-3
IC 36-10-4
IC 36-10-7.5

(b) If a proposal described in subsection (a) is not submitted to the department of local government finance before August 2 of a year, **for years before 2018, and before May 1 of a year, for years after 2017**, the political subdivision may not levy a tax for the cumulative fund or sinking fund in the ensuing year.

SECTION 13. IC 6-1.1-18-5, AS AMENDED BY P.L.184-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the proper officers of a political subdivision desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

(b) If the additional appropriation by the political subdivision is made from a fund that receives:

- (1) distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4; or
- (2) revenue from property taxes levied under IC 6-1.1;

the political subdivision must report the additional appropriation to the department of local government finance. If the additional appropriation is made from a fund described under this subsection, subsections (f), (g), (h), and (i) apply to the political subdivision.

(c) However, if the additional appropriation is not made from a fund described under subsection (b), subsections (f), (g), (h), and (i) do not apply to the political subdivision. Subsections (f), (g), (h), and (i) do not apply to an additional appropriation made from the cumulative bridge fund if the appropriation meets the requirements under IC 8-16-3-3(c).

(d) A political subdivision may make an additional appropriation without approval of the department of local government finance if the additional appropriation is made from a fund that is not described under subsection (b). However, the fiscal officer of the political

subdivision shall report the additional appropriation to the department of local government finance.

(e) After the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information to the department of local government finance.

(f) When the department of local government finance receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of a determination of the department of local government finance under this section by filing a written request for reconsideration. A request for reconsideration must:

- (1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and
- (2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

(j) This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or IC 36-1-23 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional

appropriation by ordinance before the department of local government finance may approve the additional appropriation.

(k) This subsection applies to a public library that

- (1) is required to submit the public library's budgets, tax rates, and tax levies for nonbinding review under IC 6-1.1-17-3.5; and
- (2) is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20.

If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or IC 6-1.1-17-20(d), as appropriate.

SECTION 14. IC 6-1.1-18.5-2, AS AMENDED BY P.L.230-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "Indiana nonfarm personal income" means the estimate of total nonfarm personal income for Indiana in a calendar year as computed by the federal Bureau of Economic Analysis using any actual data for the calendar year and any estimated data determined appropriate by the federal Bureau of Economic Analysis.

(b) For purposes of determining a civil taxing unit's maximum permissible ad valorem property tax levy for an ensuing calendar year, the civil taxing unit shall use the assessed value growth quotient determined in the last STEP of the following STEPS:

STEP ONE: For each of the six (6) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year, divide the Indiana nonfarm personal income for the calendar year by the Indiana nonfarm personal income for the calendar year immediately preceding that calendar year, rounding to the nearest one-thousandth (0.001).

STEP TWO: Determine the sum of the STEP ONE results.

STEP THREE: Divide the STEP TWO result by six (6), rounding

to the nearest one-thousandth (0.001).

STEP FOUR: Determine the lesser of the following:

(A) The STEP THREE quotient.

(B) One and six-hundredths (1.06).

(c) The budget agency shall provide the assessed value growth quotient for the ensuing year to civil taxing units, school corporations, and the department of local government finance before July 1 of each year.

SECTION 15. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.13-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9.8. (a) For purposes of determining the property tax levy limit imposed on a city, town, or county under section 3 of this chapter, the city, town, or county's ad valorem property tax levy for a particular calendar year does not include an amount equal to the lesser of:

(1) the amount of ad valorem property taxes that would be first due and payable to the city, town, or county during the ensuing calendar year if the taxing unit imposed the maximum permissible property tax rate per one hundred dollars (\$100) of assessed valuation that the civil taxing unit may impose for the particular calendar year under the authority of IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town). or

(2) the excess, if any, of:

(A) the property taxes imposed by the city, town, or county under the authority of:

~~IC 3-11-6-9;~~

~~IC 8-16-3;~~

~~IC 8-16-3.1;~~

~~IC 8-22-3-25;~~

~~IC 14-27-6-48;~~

~~IC 14-33-9-3;~~

~~IC 16-22-8-41;~~

~~IC 16-22-5-2 through IC 16-22-5-15;~~

~~IC 16-23-1-40;~~

~~IC 36-8-14;~~

~~IC 36-9-4-48;~~

~~IC 36-9-14;~~

~~IC 36-9-14.5;~~

~~IC 36-9-15;~~
~~IC 36-9-15.5;~~
~~IC 36-9-16;~~
~~IC 36-9-16.5;~~
~~IC 36-9-17;~~
~~IC 36-9-26;~~
~~IC 36-9-27-100;~~
~~IC 36-10-3-21; or~~
~~IC 36-10-4-36;~~

that are first due and payable during the ensuing calendar year;
over

(B) the property taxes imposed by the city, town, or county under the authority of the citations listed in clause (A) that were first due and payable during calendar year 1984.

(b) Before July 15 of each year, the department of local government finance shall provide to each county, city, and town an estimate of the maximum permissible property tax rate per one hundred dollars (\$100) of assessed valuation that the county, city, or town may impose for the ensuing year under IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town).

SECTION 16. IC 6-1.1-18.5-10, AS AMENDED BY P.L.117-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

- (1) community mental health centers under:
 - (A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this section does not exceed the levy authorized in 2002;
 - (B) IC 12-29-2-2 through IC 12-29-2-5; and
 - (C) IC 12-29-2-13; or
- (2) community intellectual disability and other developmental disabilities centers under IC 12-29-1-1.

to the extent that those property taxes are attributable to any increase in the assessed value of the civil taxing unit's taxable property caused by a general reassessment of real property under IC 6-1.1-4-4 or a reassessment of real property under a reassessment plan prepared under

~~IC 6-1-1-4-4.2 that took effect after February 28, 1979.~~

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

(c) This subsection applies to property taxes first due and payable after December 31, 2008. Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater than the result of:

- (1) the assessed value growth quotient determined under section 2 of this chapter; minus
- (2) one (1).

(d) For a county that:

- (1) did not impose an ad valorem property tax levy in 2008 for the county general fund to provide financial assistance under IC 12-29-1 (community intellectual disability and other developmental disabilities center) or IC 12-29-2 (community mental health center); and
- (2) determines for 2009 or a later calendar year to impose a levy as described in subdivision (1);

the ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the part of the county's general fund levy that is used in the first calendar year for which a determination is made under subdivision (2) to provide financial assistance under IC 12-29-1 or IC 12-29-2. The department of local government finance shall review a county's proposed budget that is submitted under IC 12-29-1-1 or IC 12-29-2-1.2 and make a final determination of the amount to which the levy limits do not apply under this subsection for the first calendar year for which a determination is made under subdivision (2).

(e) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the county's general fund levy in the amount determined by the department of local government finance under subsection (d) in each calendar year following the calendar year for which the determination under subsection (b) is made.

(d) Before July 15 of each year, the department of local government finance shall provide to each county an estimate of the

maximum amount of property taxes imposed for community mental health centers or community intellectual disability and other developmental disabilities centers that are exempt from the levy limits for the ensuing year.

SECTION 17. IC 6-1.1-18.5-10.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 10.1.~~ (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a county, city, or town to supplemental juror fees adopted under IC 33-37-10-1, to the extent provided in subsections (b) and (c):

(b) Subject to subsection (c), for purposes of determining the property tax levy limit imposed on a county, city, or town under section 3 of this chapter, the county, city, or town's ad valorem property tax levy for a calendar year does not include an amount equal to:

- (1) the average annual expenditures for nonsupplemental juror fees under IC 33-37-10-1, using the five (5) most recent years for which expenditure amounts are available; multiplied by
- (2) the percentage increase in juror fees that is attributable to supplemental juror fees under the most recent ordinance adopted under IC 33-37-10-1.

(c) For property taxes first due and payable after December 31, 2008, property taxes may be excluded under subsection (b) from the ad valorem property tax levy limits imposed by section 3 of this chapter only to the extent that:

- (1) the county fiscal body adopts a resolution approving some or all of the property taxes that may be excluded by a city or town under subsection (b); in the case of property taxes imposed by a city or town; or
- (2) the county fiscal body adopts a resolution:
 - (A) that approves some or all of the property taxes that may be excluded by the county under subsection (b); and
 - (B) that explains why the exclusion under subsection (b) is necessary and in the best interest of taxpayers;

in the case of property taxes imposed by the county:

In the case of a city or town located in more than one (1) county, the exclusion under subsection (b) must be approved by the fiscal body of the county in which the greatest part of the city's or town's net assessed valuation is located.

SECTION 18. IC 6-1.1-18.5-19.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19.1. (a) **This subsection does not apply for property taxes first due and payable after December 31, 2016.** The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed on personal property of banks that became subject to assessment in 1989 and thereafter because of IC 6-1.1-2-7.

(b) **This subsection does not apply for property taxes first due and payable after December 31, 2016.** For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter, a civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed on bank personal property as provided in subsection (a).

(c) **For budget year 2017, the department of local government finance shall make a one (1) time permanent adjustment to the ad valorem property tax levy limits imposed by section 3 of this chapter in an amount equal to the excluded levy under subsection (b) for budget year 2016.**

(d) **This section expires July 1, 2018.**

SECTION 19. IC 6-1.1-18.5-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) **Before July 15 of each year, the department of local government finance shall provide to each taxing unit that levies property taxes an estimate of the maximum permissible property tax levies under section 3 of this chapter that will apply for the ensuing calendar year.**

(b) **The department's estimates shall, as necessary, provide guidance on calculating allowable adjustment to the maximum permissible property tax levies under section 3 of this chapter.**

(c) **The department's estimate under this section is not binding for the purposes of budget adoption by a taxing unit.**

SECTION 20. IC 6-1.1-20.6-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.1. (a) **Before August 1 of each year, the department of local government finance shall provide to each taxing unit that levies property taxes an estimate of the amount by which the taxing unit's distribution of property taxes will be reduced under section 9.5 of this chapter in the ensuing**

year.

(b) To determine the estimates required by subsection (a), the department of local government finance shall use the best available assessed value data and the levy limitation estimates determined under IC 6-1.1-18.5-24.

(c) The department of local government finance may also require taxing units to provide information on proposed debt issuance, excess levy appeals, and fund establishments occurring in the current year that may affect the tax levies and tax rates for the ensuing year. This information shall be collected in a manner prescribed by the department of local government finance. Taxing units shall provide the requested information to the department of local government finance by the deadline established by the department of local government finance, which may not be later than June 30 of each year.

SECTION 21. IC 6-1.1-41-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A political subdivision that in any year adopts a proposal under this chapter must submit the proposal to the department of local government finance:

- (1) before August 2 of that year, for years before 2018; and**
- (2) before May 1 of that year, for years after 2017.**

SECTION 22. IC 6-3.6-9-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Before August 2 of each calendar year **before 2018, and before June 1 of each calendar year after 2017**, the budget agency shall provide to the department of local government finance and the county auditor of each adopting county an estimate of the amount determined under section 4 of this chapter that will be distributed to the county, based on known tax rates. Not later than fifteen (15) days after receiving the estimate of the certified distribution, **for calendar years before 2018, and not later than July 1 of each year, for calendar years after 2017**, the department of local government finance shall determine for each taxing unit and notify the county auditor of the estimated amount of property tax credits, school distributions, public safety revenue, economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the

county auditor shall notify each taxing unit of the amounts estimated for the taxing unit.

(b) Before October 1 of each calendar year, the budget agency shall certify to the department of local government finance and the county auditor of each adopting county:

- (1) the amount determined under section 4 of this chapter; and
- (2) the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year.

The amount certified is the county's certified distribution for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under sections 6, 7, and 8 of this chapter. Not later than fifteen (15) days after receiving the amount of the certified distribution, the department of local government finance shall determine for each taxing unit and notify the county auditor of the certified amount of property tax credits, school distributions, public safety revenue, economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the certified amounts for the taxing unit.

SECTION 23. IC 12-29-1-1, AS AMENDED BY P.L.117-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The county executive of a county may authorize the furnishing of financial assistance to a community intellectual disability and other developmental disabilities center that is located or will be located in the county.

(b) Assistance authorized under this section shall be used for the following purposes:

- (1) Constructing a center.
- (2) Operating a center.

(c) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in subsection (b). **For property taxes first due and payable before January 1, 2017**, the appropriation may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars

(\$100) of taxable property within the county.

(d) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation for the purposes described in subsection (b) is equal to the result of:

(1) the maximum allowable appropriation by the county for the preceding year; multiplied by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year.

~~(d)~~ **(e)** For purposes of this subsection, "first calendar year" refers to the first calendar year after 2008 in which the county imposes an ad valorem property tax levy for the county general fund to provide financial assistance under this chapter. If a county did not provide financial assistance under this chapter in 2008, the county for a following calendar year:

(1) may propose a financial assistance budget; and

(2) shall refer its proposed financial assistance budget for the first calendar year to the department of local government finance before the tax levy is advertised.

The ad valorem property tax levy to fund the budget for the first calendar year is subject to review and approval under IC 6-1.1-18.5-10.

SECTION 24. IC 12-29-1-2, AS AMENDED BY P.L.117-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a community intellectual disability and other developmental disabilities center is organized to provide services to at least two (2) counties, the county executive of each county may authorize the furnishing of financial assistance for the purposes described in section 1(b) of this chapter.

(b) Upon the request of the county executive of the county, the county fiscal body of each county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. **For property taxes first due and payable before January 1, 2017**, the appropriation of each county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

(c) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation by each county for the

purposes described in section 1(b) of this chapter is equal to the result of:

- (1) the maximum allowable appropriation by the county for the preceding year; multiplied by**
- (2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year.**

SECTION 25. IC 12-29-1-3, AS AMENDED BY P.L.117-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The county executive of each county whose residents may receive services from a community intellectual disability and other developmental disabilities center may authorize the furnishing of a share of financial assistance for the purposes described in section 1(b) of this chapter if the following conditions are met:

- (1) The facilities for the center are located in a state adjacent to Indiana.
- (2) The center is organized to provide services to Indiana residents.

(b) Upon the request of the county executive of a county, the county fiscal body of the county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. **For property taxes first due and payable before January 1, 2017**, the appropriations of the county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

(c) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation by the county for the purposes described in section 1(b) of this chapter is equal to the result of:

- (1) the maximum allowable appropriation by the county for the preceding year; multiplied by**
- (2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year.**

SECTION 26. IC 12-29-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. **Before July 15, 2016, and before July 15 of each year thereafter, the department of local government finance shall provide to counties an estimate of the**

maximum allowable appropriation under section 1, 2, or 3 of this chapter (as applicable) for the ensuing year.

SECTION 27. IC 12-29-2-2, AS AMENDED BY P.L.153-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A county shall fund the operation of community mental health centers in the amount determined under subsection (b), unless a lower tax levy amount will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

- (1) If the total population of the county is served by one (1) center.
- (2) If the total population of the county is served by more than one (1) center.
- (3) If the partial population of the county is served by one (1) center.
- (4) If the partial population of the county is served by more than one (1) center.

(b) The amount of funding under subsection (a) for taxes first due and payable in a calendar year is ~~the following:~~

~~(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:~~

~~STEP ONE: Determine the amount that was levied within the county to comply with this section from property taxes first due and payable in 2002.~~

~~STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.~~

~~STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.~~

~~(2) Except as provided in subsection (c), for 2005 and each year thereafter, the result equal to:~~

~~(A) (1) the **maximum** amount that was **could have been** levied in the county to comply with this section from property taxes first due and payable in the calendar year immediately preceding the ensuing calendar year, **as previously determined under this section by using the amount calculated under this section in 2004 as the base amount;** multiplied by~~

~~(B)~~ (2) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

(c) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a county for which:

- (1) a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24; or
- (2) a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30;

to provide property tax relief in the county. Notwithstanding any provision in this section or any other section of this chapter, for a county subject to this subsection, the county's maximum property tax levy under this section to fund the operation of community mental health centers for the ensuing calendar year is equal to the county's maximum property tax levy to fund the operation of community mental health centers for the current calendar year.

(d) Except as provided in subsection (h), the county shall pay to the division of mental health and addiction the part of the funding determined under subsection (b) that is appropriated solely for funding the operations of a community health center. The funding required under this section for operations of a community health center shall be paid by the county to the division of mental health and addiction. These funds shall be used solely for satisfying the non-federal share of medical assistance payments to community mental health centers serving the county for:

- (1) allowable administrative services; and
- (2) community mental health rehabilitation services.

All other funding appropriated for the purposes allowed under section 1.2(b)(1) of this chapter shall be paid by the county directly to the community mental health center semiannually at the times that the payments are made under subsection (e).

(e) The county shall appropriate and disburse the funds for operations semiannually not later than December 1 and June 1 in an amount equal to the amount determined under subsection (b) and requested in writing by the division of mental health and addiction. The total funding amount paid to the division of mental health and addiction for a county for each calendar year may not exceed the amount that is calculated in subsection (b) and set forth in writing by

the division of mental health and addiction for the county. Funds paid to the division of mental health and addiction by the county shall be submitted by the county in a timely manner after receiving the written request from the division of mental health and addiction, to ensure current year compliance with the community mental health rehabilitation program and any administrative requirements of the program.

(f) The division of mental health and addiction shall ensure that the non-federal share of funding received from a county under this program is applied only for matching federal funds for the designated community mental health centers to the extent a center is eligible to receive county funding under IC 12-21-2-3(5)(D).

(g) The division of mental health and addiction:

- (1) shall first apply state funding to a community mental health center's non-federal share of funding under this program; and
- (2) may next apply county funding received under this section to any remaining non-federal share of funding for the community mental health center.

The division shall distribute any excess state funds that exceed the community mental health rehabilitation services non-federal share applied to a community mental health center that is entitled to the excess state funds.

(h) The health and hospital corporation of Marion County created by IC 16-22-8-6 may make payments to the division for the operation of a community mental health center as described in this chapter.

SECTION 28. IC 36-1.5-4-7, AS AMENDED BY P.L.26-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) In the year before the year in which the participating political subdivisions are reorganized under this chapter:

- (1) subject to subsection (b), the fiscal bodies of the reorganizing political subdivisions shall, in the manner provided by IC 6-1.1-17, adopt tax levies, tax rates, and a budget for the reorganized political subdivision either through the adoption of substantially identical resolutions adopted by each of the fiscal bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the fiscal bodies on which the members of each of the fiscal bodies are represented; and

(2) if the reorganized political subdivision will have elected offices and different election districts than any of the reorganizing political subdivisions, the legislative bodies of the reorganizing political subdivisions shall establish the election districts either through the adoption of substantially identical resolutions adopted by each of the legislative bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the legislative bodies on which the members of each of the legislative bodies are represented.

(b) This subsection applies to two (2) or more school corporations that participate in a reorganization in which the voters approve a plan of reorganization in a general election and the plan of reorganization provides for the reorganization to become effective for property taxes first due and payable in the immediately following calendar year. The participating school corporations may publish notices, hold public hearings, and take final action for the adoption of property tax levies, property tax rates, and a budget for the reorganized school corporation after the voters approve the plan of reorganization. The alternative schedule must comply with the following:

(1) Each participating school corporation shall give notice by publication to taxpayers of:

- (A) the estimated budget;
- (B) the estimated maximum permissible levy;
- (C) the current and proposed tax levies of each fund; and
- (D) the amounts of excessive levy appeals to be requested;

for the ensuing year. The notice must be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing and with the last publication not later than November 24 of the year the public question is approved by the voters.

(2) Each participating school corporation must conduct a public hearing on the proposed tax levies, tax rates, and budget at least ten (10) days before the date the participating school corporation adopts the proposed tax levies, tax rates, and budget.

(3) The governing body of each participating school corporation must meet to fix the tax levies, tax rates, and budget for the ensuing year before December 6 of the year the public question is approved by the voters.

(4) The county auditor shall certify the adopted property tax levies, property tax rates, and budget for the reorganized school corporation to the department of local government finance before December 8 in the year in which the public question is approved by the voters.

Subject to subsection (c), the department of local government finance may adjust any other applicable time limit specified in IC 6-1.1-17 to be consistent with this section. ~~However,~~

(c) The department of local government finance is expressly directed to complete the duties assigned to it under IC 6-1.1-17-16 with respect to the submitted property tax levies, property tax rates, and budget **as follows:**

(1) For each budget year before 2019, not later than February 15 in the ensuing of that budget year.

(2) For each budget year after 2018, not later than December 31 of the year preceding that budget year, unless a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal under IC 6-1.1-18.5-16.

(3) For each budget year after 2018, not later than January 15 of the budget year if a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal under IC 6-1.1-18.5-16.

~~(e)~~ **(d)** If a school is converted into a charter school under IC 20-24-11, the charter school must, before December 1 of each year, publish its estimated annual budget for the ensuing year in accordance with IC 5-3-1.

SECTION 29. IC 36-7-14-39, AS AMENDED BY P.L.87-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

- (A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
 - (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.
- (2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:
- (A) the net assessed value of all the property as finally determined for the assessment date immediately provision of the declaratory resolution, as adjusted under subsection (h); plus
 - (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.
- (3) If:
- (A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and
 - (B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;
- the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).
- (4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).
- (5) If an allocation area established in an economic development

area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the

allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made;

or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that

may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts

under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The

reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before ~~July~~ **June 15** of each year, the commission shall do the following:

- (A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).
- (B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the

department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

- (i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus
- (ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective

date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax

proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

- (1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;
- (2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and
- (3) may decrease base assessed value only to the extent that

assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 30. IC 36-7-14-48, AS AMENDED BY P.L.87-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

(1) The construction, rehabilitation, or repair of residential units within the allocation area.

(2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.

(3) The acquisition of real property and interests in real property within the allocation area.

(4) The demolition of real property within the allocation area.

(5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(6) The provision of financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) For property taxes first due and payable before January 1, 2009, providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) (before its repeal) for that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) (before its repeal) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal) that under IC 6-1.1-22-9 are due and payable in a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

- (1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.
- (2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.
- (3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may only be used to do one (1) or more of the following:

- (1) Accomplish one (1) or more of the actions set forth in section 39(b)(3)(A) through 39(b)(3)(H) and 39(b)(3)(J) of this chapter for property that is residential in nature.
- (2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before ~~July 1~~ **June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 39(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 39(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 39(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

(3) If:

(A) the amount of excess assessed value determined by the commission is expected to generate more than two hundred

percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (1); plus

(B) the amount necessary for other purposes described in subdivision (1);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (2). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (2).

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-12-37) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) (before its repeal) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal).

SECTION 31. IC 36-7-14-52, AS AMENDED BY P.L.87-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 52. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of the purposes of an age-restricted housing program adopted under section 49 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for an age-restricted housing program adopted under section 49 of this chapter may be used only for purposes related to the accomplishment of the purposes of the program, including, but not limited to, the following:

- (1) The construction of any infrastructure (including streets, sidewalks, and sewers) or local public improvements in, serving, or benefiting the allocation area.
 - (2) The acquisition of real property and interests in real property within the allocation area.
 - (3) The preparation of real property in anticipation of development of the real property within the allocation area.
 - (4) To do any of the following:
 - (A) Pay the principal of and interest on bonds or any other obligations payable from allocated tax proceeds in the allocation area that are incurred by the redevelopment district for the purpose of financing or refinancing the age-restricted housing program established under section 49 of this chapter for the allocation area.
 - (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the allocation area.
 - (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in the allocation area and from the special tax levied under section 27 of this chapter.
 - (D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to the allocation area.
 - (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the allocation area.
 - (F) Make payments on leases payable from allocated tax proceeds in the allocation area under section 25.2 of this chapter.
 - (G) Reimburse the unit for expenditures made by the unit for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to the allocation area.
- (c) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for an age-restricted housing program adopted under section 49 of this chapter, do the following before ~~July~~

† **June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 39(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 39(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 39(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (b)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

SECTION 32. IC 36-7-15.1-26, AS AMENDED BY P.L.87-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of

property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation

areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the

expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, an expiration date imposed by this subsection does not apply to an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public

question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into

under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before ~~July~~ **June 15** of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance.

The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit

the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived

from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this

section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 33. IC 36-7-15.1-35, AS AMENDED BY P.L.87-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) Notwithstanding section 26(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 32 of this chapter, "base assessed value" means the net assessed value of all of the land as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 26(h) of this chapter. However, "base assessed value" does not include the value of real property improvements to the land.

(b) The special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

(1) The construction, rehabilitation, or repair of residential units within the allocation area.

(2) The construction, reconstruction, or repair of infrastructure (such as streets, sidewalks, and sewers) within or serving the allocation area.

(3) The acquisition of real property and interests in real property within the allocation area.

(4) The demolition of real property within the allocation area.

(5) To provide financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(6) To provide financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) For property taxes first due and payable before 2009, to provide each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, this credit may be provided by the commission only if the city-county legislative body establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 32 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for

that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) Except as provided in subsection (g), the commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c), by applying one-half (1/2) of the credit to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)) that under IC 6-1.1-22-9 are due and payable in a year. Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)). The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 17.1 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 26(b) of this chapter, the special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 26(b)(3)(A) through 26(b)(3)(H) of this chapter.

- (2) Reimburse the consolidated city for expenditures made by the city in order to accomplish the housing program in that allocation area.

The special fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 26(b) of this chapter, the commission shall, relative to the special fund established under section 26(b) of this chapter for an allocation area for a program adopted under section 32 of this chapter, do the following before ~~July 1~~ **June 15** of each year:

- (1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

- (A) make the distribution required under section 26(b)(2) of this chapter;

- (B) make, when due, principal and interest payments on bonds described in section 26(b)(3) of this chapter;

- (C) pay the amount necessary for other purposes described in section 26(b)(3) of this chapter; and

- (D) reimburse the consolidated city for anticipated expenditures described in subsection (e)(2).

- (2) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (A) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter; or

- (B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter.

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the

commission.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1 (before its repeal)) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2 (before its repeal)) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)).

SECTION 34. IC 36-7-15.1-53, AS AMENDED BY P.L.87-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

- (1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the

allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made;

or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local

public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(4) Before ~~July 1~~ **June 15** of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection

(b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 or reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the

department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the county's reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 35. IC 36-7-15.1-62, AS AMENDED BY P.L.87-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 62. (a) Notwithstanding section 26(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of the purposes of an age-restricted housing program adopted under section 59 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 26(h) of this chapter.

(b) The allocation fund established under section 26(b) of this

chapter for the allocation area for an age-restricted housing program adopted under section 59 of this chapter may be used only for purposes related to the accomplishment of the purposes of the program, including, but not limited to, the following:

- (1) The construction of any infrastructure (including streets, sidewalks, and sewers) or local public improvements in, serving, or benefiting the allocation area.
- (2) The acquisition of real property and interests in real property within the allocation area.
- (3) The preparation of real property in anticipation of development of the real property within the allocation area.
- (4) To do any of the following:
 - (A) Pay the principal of and interest on bonds or any other obligations payable from allocated tax proceeds in the allocation area that are incurred by the redevelopment district for the purpose of financing or refinancing the age-restricted housing program established under section 59 of this chapter for the allocation area.
 - (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the allocation area.
 - (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in the allocation area and from the special tax levied under section 19 of this chapter.
 - (D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to the allocation area.
 - (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the allocation area.
 - (F) Make payments on leases payable from allocated tax proceeds in the allocation area under section 17.1 of this chapter.
 - (G) Reimburse the unit for expenditures made by the unit for local public improvements (which include buildings, parking facilities, and other items described in section 17(a) of this chapter) that are physically located in or physically connected to the allocation area.

(c) Notwithstanding section 26(b) of this chapter, the commission shall, relative to the allocation fund established under section 26(b) of this chapter for an allocation area for an age-restricted housing program adopted under section 59 of this chapter, do the following before ~~July~~ **June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 26(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 26(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 26(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (b)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

SECTION 36. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "political subdivision" has the meaning set forth in

IC 36-1-2-13.

(b) The general assembly urges the legislative council to assign to an interim study committee during the 2016 legislative interim the study of the available procedures (if any) by which a political subdivision in a county may:

(1) transfer the political subdivision's funds to another political subdivision located in the same county; and

(2) transfer additional money from the political subdivision's other funds into the political subdivision's:

(A) rainy day fund under IC 36-1-8-5.1; or

(B) general operating fund.

(c) This SECTION expires January 1, 2017.

SECTION 37. An emergency is declared for this act.

P.L.185-2016

[S.323. Approved March 24, 2016.]

AN ACT concerning taxation.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The legislative services agency shall do the following:

(1) Study the following:

(A) The combined reporting approach to apportioning income for income tax purposes.

(B) Issues related to transfer pricing under the adjusted gross income tax law.

(2) Submit a report before October 1, 2016, to the legislative council (in an electronic format under IC 5-14-6) and to the interim study committee on fiscal policy established by IC 2-5-1.3-4 containing the results of the legislative services agency's studies under this SECTION. The report must

include at least the following:

(A) A review of the practices in other states regarding combined reporting.

(B) A review of the administrative costs of implementing combined reporting, including information on the administrative costs incurred by other states that have implemented combined reporting.

(C) A review of studies and reports that have been prepared on the issue of combined reporting.

(D) An estimate of the fiscal impact of implementing combined reporting in Indiana.

(E) A review of the issues related to transfer pricing under the adjusted gross income tax law.

(b) The interim study committee on fiscal policy shall hold at least one (1) public hearing at which the legislative services agency presents the results of each study under this SECTION.

(c) The legislative services agency may request the department of state revenue to furnish information necessary to complete each study required by this SECTION. The department of state revenue shall cooperate with the legislative services agency in providing the requested information. The legislative services agency shall adhere to the department of state revenue's requirements and procedures concerning the confidential nature of the information.

(d) This SECTION expires December 31, 2016.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 4-33-2 and IC 4-33-23 apply throughout this SECTION.

(b) The legislative council is urged to assign to an appropriate interim study committee a study of the following:

(1) The extent to which local governments rely on tax revenues received under IC 4-33-12 and IC 4-33-13, including revenues received under IC 4-33-13-5 as revenue sharing or supplemental distributions.

(2) The extent to which local governments rely on economic development payments received under development agreements.

(3) The extent to which the local governments receiving tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments share revenue with other local governments.

(4) The purposes for which local governments use tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments.

(5) The extent to which liability for the riverboat admissions tax affects the competitiveness of Indiana's riverboats within the regional gaming industry.

(6) The extent to which obligations under economic development agreements affect the competitiveness of Indiana's riverboats within the regional gaming industry.

(7) The extent to which the statutory wagering tax rates affect the competitiveness of Indiana's gaming facilities within Indiana and within the regional gaming industry.

(8) The extent to which providing supplemental distributions under IC 4-33-13 affects the ability of the general assembly to provide a flexible regulatory environment that allows the state to react to changing market conditions.

(9) Whether a taxpayer subject to the riverboat wagering tax (IC 4-33-13) or the slot machine wagering tax (IC 4-35-8) should be exempted from adding back wagering taxes deducted for federal income tax purposes under Section 63 of the Internal Revenue Code when determining the taxpayer's adjusted gross income for Indiana income tax purposes under IC 6-3-1-3.5.

(c) If an interim study committee is assigned the topics described in subsection (b), the interim study committee shall report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2016.

(d) This SECTION expires January 1, 2017.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to the interim study committee on fiscal policy the following topics:

(1) New requirements from the Centers for Medicare and Medicaid Services pertaining to home and community based settings.

(2) The effect of the requirements described in subdivision (1) on Indiana waiver services for individuals with disabilities, rate reimbursement, and rate methodology.

(3) The fiscal impact of the requirements described in

subdivision (1).

(4) The impact of the change from daily rate billing to hourly billing for facility based habitation services on the services provided and the providers of the services.

(b) If the topic described in subsection (a) is assigned to the interim study committee on fiscal policy, the family and social services administration shall before October 1, 2016, provide to the interim study committee a written report on the following:

(1) The requirements described in subsection (a)(1).

(2) The effect of the requirements described in subsection (a)(1) on Indiana waiver services for individuals with disabilities.

(3) The fiscal impact of the requirements described in subsection (a)(1).

(4) The impact of the change from daily rate billing to hourly billing for facility based habitation services on the services provided and the providers of the services.

(5) The options identified by the family and social services administration for ensuring the viability of facility based habitation services.

(c) This SECTION expires December 31, 2016.

SECTION 4. An emergency is declared for this act.

P.L.186-2016
[S.330. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-43-2-7.5, AS AMENDED BY P.L.213-2015, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) Before July 1 of each year, the budget agency, with the assistance of the department, shall estimate the amount of the distributions that will be made for choice scholarships for the following state fiscal year.

(b) In the state fiscal year beginning July 1, 2014, the budget agency may transfer money from the state tuition reserve account to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated amount of the distributions for choice scholarships for the state fiscal year, as determined under subsection (a). The maximum amount that may be transferred to the state general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or
- (2) twenty-five million dollars (\$25,000,000).

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter.

(c) (b) In the state fiscal year beginning July 1, 2015, the budget agency may transfer money from the state tuition reserve account to the

state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the ~~amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated~~ amount of the distributions for choice scholarships for the state fiscal year as ~~determined under subsection (a)~~ **exceeds the latest estimate prepared by the legislative services agency and provided to members of the general assembly before May 1, 2015, concerning the amount of the distributions for choice scholarships for the state fiscal year beginning July 1, 2015.** The maximum amount that may be transferred to the state general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or
- (2) twenty-five million dollars (\$25,000,000).

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter.

~~(d)~~ **(c)** In the state fiscal year beginning July 1, 2016, the budget agency may transfer money from the state tuition reserve account to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the ~~amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated~~ amount of the distributions for choice scholarships for the state fiscal year as ~~determined under subsection (a)~~ **exceeds the latest estimate prepared by the legislative services agency and provided to members of the general assembly before May 1, 2015, concerning the amount of the distributions for choice scholarships for the state fiscal year beginning July 1, 2016.** The maximum amount that may be transferred to the state general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or

(2) twenty-five million dollars (\$25,000,000).

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter.

~~(c)~~ (d) Transfers under this section are in addition to any transfers made from the state tuition reserve account under IC 4-12-1-15.7 or any other law.

~~(f)~~ (e) This section expires June 30, 2017.

SECTION 2. IC 20-43-4-2, AS AMENDED BY P.L.205-2013, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

- (1) the school corporation; or
- (2) a transferee corporation;

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school ~~corporation~~ **corporation** if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

(b) Each school corporation shall in June of 2013 and in May of each year thereafter provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department.

(c) A new charter school shall submit an enrollment estimate to the department before April 1 of the year the new charter school will be open for enrollment. The department shall use the new charter school's enrollment estimate as the basis for the new charter school's distribution beginning in July and until actual ADM is available, subject to section 9 of this chapter. However, if the new charter school's enrollment estimate is greater than eighty

percent (80%) of the new charter school's authorized enrollment cap, the department may use that enrollment estimate if the department has requested and reviewed other enrollment data that support that enrollment estimate. However, if the enrollment data requested and reviewed by the department does not support the enrollment estimate submitted by the new charter school, the department shall determine the estimated ADM based on the enrollment data requested and reviewed by the department.

SECTION 3. IC 20-43-4-2, AS AMENDED BY HEA 1109-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

- (1) the school corporation; or
- (2) a transferee corporation;

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school corporation if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

(b) Each school corporation shall, before April 1 of each year, provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department. In each odd-numbered year, the department shall provide the updated and adjusted estimate of the school corporation's ADM to the legislative services agency before April 10 of that year.

(c) A new charter school shall submit an enrollment estimate to the department before April 1 of the year the new charter school will be open for enrollment. The department shall use the new charter school's enrollment estimate as the basis for the new charter school's distribution beginning in July and until actual ADM is available, subject to section 9 of this chapter. However, if

the new charter school's enrollment estimate is greater than eighty percent (80%) of the new charter school's authorized enrollment cap, the department may use that enrollment estimate if the department has requested and reviewed other enrollment data that support that enrollment estimate. However, if the enrollment data requested and reviewed by the department does not support the enrollment estimate submitted by the new charter school, the department shall determine the estimated ADM based on the enrollment data requested and reviewed by the department. In each odd-numbered year, the department shall provide the new charter school's estimated ADM to the legislative services agency before April 10 of that year.

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) This SECTION applies to a participating innovation network charter school that entered into an agreement under IC 20-25.7-5-2 before January 1, 2016.

(b) Notwithstanding IC 20-25.7-5-2(d)(2), the department of education shall treat a participating innovation network charter school in the same manner as a charter school under IC 20-43 when calculating the total amount of state funding to be distributed to the school corporation.

(c) This SECTION expires June 30, 2017.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The general assembly intends for IC 20-43-4-2, as amended by SECTION 3 of this act to supersede IC 20-43-4-2, as amended by SECTION 2 of this act, on January 1, 2017.

(b) This SECTION expires January 1, 2018.

SECTION 6. An emergency is declared for this act.

P.L.187-2016

[S.355. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-24-1.5, AS AMENDED BY P.L.247-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

(1) In a county not containing a consolidated city, the county executive or the county executive's designee.

(2) In a county containing a consolidated city, the executive of the consolidated city.

(b) If:

(1) any property taxes or special assessments from the prior year's fall installment or before are delinquent on real property as determined under IC 6-1.1-37-10; and

(2) an order from a court or a determination of a hearing authority has been obtained under IC 36-7-37 that the real property is vacant or abandoned;

the executive of the county, city, or town may, after providing either the notice required by IC 36-7-37 or section 2.3 of this chapter, certify a list of vacant or abandoned property to the county auditor. This list must be delivered to the county auditor not later than fifty-one (51) days after the first tax payment due date each calendar year.

(c) Upon receiving lists described in subsection (b), the county auditor shall do all the following:

(1) Prepare a combined list of the properties certified by the executive of the county, city, or town.

(2) Delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

(3) Provide public notice of the sale of the properties under

subsection (d) at least thirty (30) days before the date of the sale, which shall be published in accordance with IC 5-3-1, and post a copy of the notice at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the date of sale.

(4) Certify to the county treasurer that the real property is to be sold at auction under this chapter as required by section 5(j) of this chapter.

(5) Issue a deed to the real property that conveys a fee simple interest to the highest bidder as long as the bid is at least the minimum bid specified in this section.

The minimum bid for a property at the auction under this section is the proportionate share of the actual costs incurred by the county in conducting the sale. Any amount collected from the sale of all properties under this section above the total minimum bids shall first be used to pay the costs of the county, city, or town that certified the property vacant or abandoned for title search and court proceedings. Any amount remaining from the sale shall be certified by the county treasurer to the county auditor for distribution to other taxing units during settlement.

(d) Notice of the sale under this section must contain the following:

(1) A list of real property eligible for sale under this chapter.

(2) A statement that:

(A) the real property included in the list will be sold at public auction to the highest bidder;

(B) the county auditor will issue a deed to the real property that conveys a fee simple interest to the highest bidder that bids at least the minimum bid; and

(C) the owner will have no right to redeem the real property after the date of the sale.

A deed issued under this subdivision to the highest bidder conveys the same fee simple interest in the real property as a deed issued under IC 6-1.1-25.

(3) A statement that the real property will not be sold for less than an amount equal to actual proportionate costs incurred by the county that are directly attributable to the abandoned property sale.

(4) A statement for informational purposes only, of the location

of each item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(5) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(6) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all real property has been offered for sale.

(7) A statement that the sale will take place at the times and dates designated in the notice.

Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

(e) For properties that are not sold when initially offered for sale under this section, the county auditor may omit from the notice the descriptions of the tracts or items of real property specified in subsections (d)(1) and (d)(4) for those properties that are to be offered again at subsequent sales under this section if:

(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county auditor upon request; and

(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county auditor in an alternative form upon request in accordance with section 3.4 of this chapter.

SECTION 2. IC 6-1.1-24-3, AS AMENDED BY P.L.251-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 3. (a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.

(b) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by section 2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in section 2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(c) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by section 2 of this chapter by certified mail, return receipt requested, to any mortgagee, or purchaser under an installment land contract recorded in the office of the county recorder, who annually requests, by certified mail, a copy of the notice.

(d) The notices mailed under this section are considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

(e) For properties not sold at their initial tax sale, the county auditor may omit the descriptions of the tracts or items of real property specified in section 2(b)(1) and 2(b)(5) of this chapter for those properties when they come up for sale at subsequent tax sales if:

(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the ~~county government's~~ Internet web site **of the county government or the county government's contractor** and the information may be obtained in ~~printed~~ **an alternative** form from the county auditor upon request; and

(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time are made available on the ~~county government~~ Internet web site **of the county government or the county government's contractor** and ~~in printed form~~ **may be obtained** from the county auditor **in an alternative form** upon request **in accordance with section 3.4**

of this chapter.

SECTION 3. IC 6-1.1-24-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.4. (a) This section applies to a request for information in an alternative form under this chapter in those circumstances in which a county auditor or county executive may omit descriptions of tracts or items of real property from a published notice of sale or other transfer under this chapter if the county auditor or county executive, as applicable, makes the information available on the Internet web site of the county government or the county government's contractor and in an alternative form upon request.**

(b) A person who requests information in an alternative form concerning descriptions of tracts or items of real property to which this section applies may specify whether the person prefers to receive the information in an electronic format, on a digital storage medium, or in printed form. A county auditor or county executive, as applicable, who has a duty under this chapter to make the information available in an alternative form upon request shall furnish the information in the alternative form specified by the requesting person. The department of local government finance shall prescribe the allowable file formats when the information is requested in an electronic format or on a digital storage medium.

SECTION 4. IC 6-1.1-24-6.1, AS AMENDED BY P.L.251-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) The county executive may do the following:**

(1) By resolution, identify properties concerning which the county executive desires to offer to the public the certificates of sale acquired by the county executive under section 6 of this chapter.

(2) Except as otherwise provided in subsection (c), in conformity with IC 5-3-1-4, publish:

(A) notice of the date, time, and place for a public sale; and

(B) a listing of parcels on which certificates will be offered by parcel number and minimum bid amount;

once each week for three (3) consecutive weeks, with the final advertisement being not less than thirty (30) days before the sale date. The expenses of the publication shall be paid out of the

county general fund.

(3) Sell each certificate of sale covered by the resolution for a price that:

(A) is less than the minimum sale price prescribed by section 5 of this chapter; and

(B) includes any costs to the county executive directly attributable to the sale of the certificate of sale.

(b) **Except as otherwise provided in subsection (c)**, notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:

(1) include a description of the property by parcel number and common address;

(2) specify that the county executive will accept bids for the certificates of sale for the price referred to in subsection (a)(3);

(3) specify the minimum bid for each parcel;

(4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:

(A) the amount of the minimum bid under section 5 of this chapter for which the tract or item of real property was last offered for sale;

(B) ten percent (10%) of the amount for which the certificate is sold;

(C) the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5;

(D) the costs of a title search or of examining and updating the abstract of title for the tract or item of real property;

(E) all taxes and special assessments on the tract or item of real property paid by the purchaser after the sale of the certificate plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property; and

(F) all costs of sale, advertising costs, and other expenses of the county directly attributable to the sale of certificates of sale; and

(5) include a statement that, if the certificate is sold for an amount more than the minimum bid under section 5 of this chapter for which the tract or item of real property was last offered for sale

and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(c) For properties identified under subsection (a) for which the certificates of sale are not sold when initially offered for sale under this section, the county executive may omit from the notice the descriptions of the tracts or items of real property under subsection (b)(1) and the associated minimum bids under subsection (b)(3) if:

(1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and

(2) the descriptions of those tracts or items of real property for which a certificate of sale is eligible for sale under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.

SECTION 5. IC 6-1.1-24-6.7, AS AMENDED BY P.L.251-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) A county executive may transfer to a nonprofit entity:

(1) property under this section; or

(2) a tax sale certificate under section 17 of this chapter.

(c) As used in this section, "nonprofit entity" means an organization exempt from federal income taxation under 26 U.S.C. 501(c)(3).

(d) The county executive may:

(1) by resolution, identify the property described under section 6 of this chapter that the county executive desires to transfer to nonprofit entities for use for the public good; and

(2) set a date, time, and place for a public hearing to consider the transfer of the property to nonprofit entities.

(e) **Except as otherwise provided in subsection (f)**, notice of the property identified under subsection (d) and the date, time, and place for the hearing on the proposed transfer of the property on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:

- (1) legal description; and
- (2) parcel number or street address, or both.

The notice must specify that the county executive will accept applications submitted by nonprofit entities as provided in subsection ~~(g)~~ (h) and hear any opposition to a proposed transfer.

(f) For properties or tax sale certificates that are not transferred when initially identified for transfer under this section, the county executive may omit from the notice the descriptions of the properties identified under subsection (d) if:

- (1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and**
- (2) the descriptions of those tracts or items of real property eligible for transfer under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.**

~~(f)~~ (g) After the hearing set under subsection (d), the county executive shall by resolution make a final determination concerning:

- (1) the properties that are to be transferred to a nonprofit entity;
- (2) the nonprofit entity to which each property is to be transferred; and
- (3) the terms and conditions of the transfer.

~~(g)~~ (h) To be eligible to receive property under this section, a nonprofit entity must file an application with the county executive. The application must state the property that the nonprofit entity desires to acquire, the use to be made of the property, and the time period anticipated for implementation of the use. The application must be accompanied by documentation verifying the nonprofit status of the

entity and be signed by an officer of the nonprofit entity. If more than one (1) application for a single property is filed, the county executive shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area.

~~(f)~~ (i) After the hearing set under subsection (d) and the final determination of properties to be transferred under subsection ~~(f)~~; (g), the county executive, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the nonprofit entity is entitled to a tax deed prepared by the county auditor, if the conditions of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied. The deed shall provide for:

- (1) the use to be made of the property;
- (2) the time within which the use must be implemented and maintained;
- (3) any other terms and conditions that are established by the county executive; and
- (4) the reversion of the property to the county executive if the grantee nonprofit entity fails to comply with the terms and conditions.

If the grantee nonprofit entity fails to comply with the terms and conditions of the transfer and title to the property reverts to the county executive, the property may be retained by the county executive or disposed of under any of the provisions of this chapter or IC 6-1.1-25, or both.

SECTION 6. IC 6-1.1-24-6.9, AS ADDED BY P.L.203-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.9. (a) For purposes of this section, in a county having a consolidated city, "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) The county executive may:

- (1) by resolution, identify the property described in section 6 of this chapter that the county executive desires to transfer to a person able to satisfactorily repair and maintain the property, if repair and maintenance of the property are in the public interest; and
- (2) set a date, time, and place for a public hearing to consider the

transfer of the property.

(c) Notice of the property identified under subsection (b) and the date, time, and place for the hearing on the proposed transfer of the property shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:

- (1) legal description; and
- (2) parcel number or street address, or both.

The notice must specify that the county executive will accept applications submitted by persons able to satisfactorily repair and maintain the property as provided in subsection ~~(e)~~ (f) and hear any opposition to a proposed transfer.

(d) For properties that are not transferred when initially identified for transfer under this section, the county executive may omit from the notice the descriptions of the properties identified under subsection (b) if:

- (1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and**
- (2) the descriptions of those tracts or items of real property eligible for transfer under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.**

~~(d)~~ (e) After the hearing set under subsection (b), the county executive shall by resolution make a final determination concerning:

- (1) the properties that are to be transferred;
- (2) the person to which each property is to be transferred; and
- (3) the terms and conditions of the transfer.

~~(e)~~ (f) To be eligible to receive a property under this section, a person must file an application with the county executive. The application must identify the property that the person desires to acquire, the use to be made of the property, and the time anticipated for implementation of the use. The application must be accompanied by documentation demonstrating the person's ability to satisfactorily repair

and maintain the property, including evidence of the person's:

- (1) ability to repair and maintain the property personally, if applicable;
- (2) financial resources, if the services of a contractor may be required to satisfactorily repair or maintain the property; and
- (3) previous experience in repairing or maintaining property, if applicable.

The application must be signed by the person. If more than one (1) application for a single property is filed, the county executive shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood, the suitability of the stated use for the property and the surrounding area, and the likelihood that the person will satisfactorily repair and maintain the property. The county executive may require the person to pay a reasonable deposit or post a performance bond to be forfeited if the person does not satisfactorily repair and maintain the property.

~~(f)~~ **(g)** After the hearing set under subsection (b) and the final determination of the properties to be transferred under subsection ~~(d)~~; **(e)**, the county executive, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the person is entitled to a tax deed if the conditions of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied. The deed must provide for:

- (1) the use to be made of the property;
- (2) the time within which the use must be implemented and maintained;
- (3) any other terms and conditions that are established by the county executive;
- (4) the reversion of the property to the county executive if the grantee fails to comply with the terms and conditions; and
- (5) the forfeiture of any bond or deposit to the county executive if the grantee fails to comply with the terms and conditions.

If the grantee fails to comply with the terms and conditions of the transfer and title to the property reverts to the county executive, the property may be retained by the county executive or disposed of under any of the provisions of this chapter or IC 6-1.1-25, or both.

SECTION 7. IC 6-1.1-24-7, AS AMENDED BY P.L.251-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

- (1) first, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter;
- (2) second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b); and
- (3) third, to a separate "tax sale surplus fund".

(b) For any tract or item of real property for which a tax sale certificate is sold under this chapter, if taxes or special assessments, or both, become due on the tract or item of real property during the period of redemption specified under IC 6-1.1-25-4, the county treasurer may pay the taxes or special assessments, or both, on the tract or item of real property from the tax sale surplus held in the name of the taxpayer, if any, after the taxes or special assessments become due.

(c) The:

- (1) owner of record of the real property at the time the ~~tax deed is issued who is divested of ownership by real property was certified for sale under this chapter and before~~ the issuance of a tax deed; or
- (2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(d) If the person who claims money deposited in the tax sale surplus fund under subsection (c) is:

- (1) a person **who has a contract or agreement described under section 7.5 of this chapter with a person** described in subsection (c)(1); ~~who acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter;~~ or
- (2) a person ~~not described in subsection (c)(1);~~ including a person who acts ~~under a power of attorney executed by the~~ **as an executor, attorney-in-fact, or legal guardian of a person** described in subsection (c)(1);

the county auditor may issue a warrant to the person only as directed

by the court having jurisdiction over the tax sale of the parcel for which the surplus claim is made.

(e) A court may direct the issuance of a warrant only:

(1) on petition by the claimant; **and**

(2) within three (3) years after the date of sale of the parcel in the tax sale; **and**

(3) in the case of a petitioner to whom subsection (d)(1) applies, if the petitioner has satisfied the requirements of section 7.5 of this chapter.

(f) Unless the redemption period specified under IC 6-1.1-25 has been extended under federal bankruptcy law, an amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection (c) if it is not claimed within the three (3) year period after the date of its receipt.

(g) If an amount applied to taxes under this section is later paid out of the county general fund to the purchaser or the purchaser's successor due to the invalidity of the sale, all the taxes shall be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.

(h) When a refund is made to any purchaser or purchaser's successor by reason of the invalidity of a sale, the county auditor shall, at the December settlement immediately following the refund, deduct the amount of the refund from the gross collections in the taxing district in which the land lies and shall pay that amount into the county general fund.

SECTION 8. IC 6-1.1-24-7.5, AS ADDED BY P.L.73-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) ~~For purposes of~~ **As used in** this section, "property owner" refers to the owner of record of real property at the time the ~~tax deed is issued and who is divested of ownership by the issuance of the tax deed.~~ **real property was certified for sale under this chapter and before issuance of the tax deed.**

(b) If a property owner enters into an agreement on or after May 1, 2010, that has the primary purpose of paying compensation to locate, deliver, recover, or assist in the recovery of money deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to real property as a result of a tax sale, the agreement is valid only if the

agreement:

- (1) requires payment of compensation of not more than ten percent (10%) of the amount collected from the tax sale surplus fund with respect to the real property, unless the amount collected is fifty dollars (\$50) or less;
- (2) is in writing;
- (3) is signed by the property owner; and
- (4) clearly sets forth:
 - (A) the amount deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to the real property; and
 - (B) the value of the property owner's share of the amount collected from the tax sale surplus fund with respect to the real property after the compensation is deducted.

(c) The attorney general and the attorney general's homeowner protection unit established under IC 4-6-12 shall enforce this section.

(d) The attorney general may maintain an action in a court with jurisdiction to enforce this section. A court in which an action is brought to enforce this section may do the following:

- (1) Issue an injunction.**
- (2) Order restitution to an owner aggrieved by a violation of this section.**
- (3) Order a person that violates this section to reimburse the state for the reasonable costs of the attorney general's investigation and prosecution of the violation.**
- (4) Impose a civil penalty, in an amount determined by the court, on a person that violates this section.**

SECTION 9. IC 6-1.1-24-17, AS ADDED BY P.L.251-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) As used in this section, "nonprofit entity" means an organization exempt from federal income taxation under 26 U.S.C. 501(c)(3).

(c) The county executive may by resolution:

- (1) identify tax sale certificates issued under section 6 of this chapter that the county executive desires to assign to one (1) or

more nonprofit entities; and

(2) set a date, time, and place for a public hearing to consider the assignment of the tax sale certificates to the nonprofit entities.

(d) **Except as otherwise provided in subsection (e)**, notice of the tax sale certificates identified under subsection (c) and the date, time, and place for the hearing on the proposed transfer of the tax sale certificates on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the properties associated with the tax sale certificates being considered for assignment by:

- (1) parcel number;
- (2) legal description; and
- (3) street address or other common description.

The notice must specify that the county executive will hear any opposition to the proposed assignments.

(e) **For tax sale certificates that are not assigned when initially identified for assignment under this section, the county executive may omit from the notice the descriptions of the tax sale certificates and the properties associated with the tax sale certificates identified under subsection (c) if:**

- (1) **the county executive includes in the notice a statement that the descriptions of those tax sale certificates and the tracts or items of real property associated with the tax sale certificates are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter; and**
- (2) **the descriptions of those tax sale certificates and the tracts or items of real property associated with the tax sale certificates are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.**

(~~e~~) (f) After the hearing set under subsection (c), the county executive shall by resolution make a final determination concerning:

- (1) the tax sale certificates that are to be assigned to a nonprofit entity;

(2) the nonprofit entity to which each tax sale certificate is to be assigned; and

(3) the terms and conditions of the assignment.

~~(f)~~ **(g)** If a county executive assigns a tax sale certificate to a nonprofit entity under this section, the period of redemption of the real property under IC 6-1.1-25 expires one hundred twenty (120) days after the date of the assignment to the nonprofit entity. If a nonprofit entity takes assignment of a tax sale certificate under this section, the nonprofit entity acquires the same rights and obligations as a purchaser of a tax sale certificate under section 6.1 of this chapter.

SECTION 10. IC 6-1.1-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a)** Any person may redeem the tract or real property:

(1) sold; or

(2) for which the certificate of sale is sold under IC 6-1.1-24; under IC 6-1.1-24 at any time before the expiration of the period of redemption specified in section 4 of this chapter by paying to the county treasurer the amount required for redemption under section 2 of this chapter.

(b) If a tract or real property to which subsection (a) applies is conveyed to a person before the expiration of the period of redemption and the person wishes to redeem the tract or real property, the person shall:

(1) redeem the tract or real property in accordance with section 2 of this chapter; and

(2) satisfy the requirements of IC 32-21-8-7.

SECTION 11. IC 6-1.1-25-2, AS AMENDED BY P.L.251-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a)** The total amount of money required for the redemption of real property equals **the following amount, as applicable:**

(1) If a tract or item of real property is redeemed under section 4(c) of this chapter, the amount prescribed in subsection (g).

(2) If subdivision (1) does not apply and the real property is conveyed before the expiration of the period of redemption by the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24, the sum of:

(A) the amounts prescribed in subsections (b) through (f); and

(B) the amount held in the tax sale surplus fund.

The amount specified in clause (B) shall be deposited with the county treasurer and made payable to the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24.

(†) (3) If subdivisions (1) and (2) do not apply, the sum of the amounts prescribed in subsections (b) through (f), reduced by any amount held in the name of the taxpayer or purchaser in the tax sale surplus fund. ~~or~~

~~(2) The amount prescribed in subsection (g):~~

(b) Except as provided in subsection (g), the total amount required for redemption includes:

- (1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or
- (2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus:

- (1) five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs after June 30, 2014; or
- (2) ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs before July 1, 2014.

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus:

- (1) five percent (5%) per annum on those taxes and special

assessments, if the date of sale occurs after June 30, 2014; or
(2) ten percent (10%) interest per annum on those taxes and special assessments, if the date of sale occurs before July 1, 2014.

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued and are delinquent after the sale.

(g) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (f), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 12. IC 6-1.1-36-7, AS AMENDED BY P.L.172-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department of local government finance may cancel any property taxes, **delinquencies, fees, special assessments, and penalties** assessed against real property owned by a county, a township, a city, a town, or a body corporate and politic established under IC 8-10-5-2(a), **regardless of whether the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) owned the property on the assessment date for which the property taxes, delinquencies, fees, special assessments, or penalties are imposed and regardless of when the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) acquired the property**, if a petition requesting that the department cancel the taxes is submitted by the auditor, assessor, and treasurer of the county in which the real property

is located. **However, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) acquired the property.**

(b) The department of local government finance may cancel any property taxes, **delinquencies, fees, special assessments, and penalties** assessed against real property owned by this state, **regardless of whether the state owned the property on the assessment date for which the property taxes, delinquencies, fees, special assessments, or penalties are imposed and regardless of when the state acquired the property**, if a petition requesting that the department cancel the taxes is submitted by:

- (1) the governor; or
- (2) the chief administrative officer of the state agency which supervises the real property.

However, if the petition is submitted by the chief administrative officer of a state agency, the governor must approve the petition. **In addition, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the state acquired the property.**

(c) If property taxes are canceled under subsection (a) or (b), any lien on the real property shall be released and canceled to the extent the lien covers any property taxes, delinquencies, fees, special assessments, or penalties that were assessed against the real property before or after the county, township, city, town, body corporate and politic established under IC 8-10-5-2(a), or state became the owner of the real property.

~~(c)~~ **(d)** The department of local government finance may compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against the fixed or distributable property owned by a bankrupt railroad, which is under the jurisdiction of:

- (1) a federal court under 11 U.S.C. 1163;
- (2) Chapter X of the Acts of Congress Relating to Bankruptcy (11 U.S.C. 701-799); or

(3) a comparable bankruptcy law.

~~(d)~~ (e) After making a compromise under subsection ~~(c)~~ (d) and after receiving payment of the compromised amount, the department of local government finance shall distribute to each county treasurer an amount equal to the product of:

- (1) the compromised amount; multiplied by
- (2) a fraction, the numerator of which is the total of the particular county's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad for the compromised years.

~~(e)~~ (f) After making the distribution under subsection ~~(d)~~; (e), the department of local government finance shall direct the auditors of each county to remove from the tax rolls the amount of all property taxes assessed against the bankrupt railroad for the compromised years.

~~(f)~~ (g) The county auditor of each county receiving money under subsection ~~(d)~~ (e) shall allocate that money among the county's taxing districts. The auditor shall allocate to each taxing district an amount equal to the product of:

- (1) the amount of money received by the county under subsection ~~(d)~~; (e); multiplied by
- (2) a fraction, the numerator of which is the total of the taxing district's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad in that county for the compromised years.

~~(g)~~ (h) The money allocated to each taxing district shall be apportioned and distributed among the taxing units of that taxing district in the same manner and at the same time that property taxes are apportioned and distributed.

~~(h)~~ (i) The department of local government finance may, with the approval of the attorney general, compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against property owned by a person that has a case pending under state or federal bankruptcy law. Property taxes that are compromised under this section shall be distributed and allocated at the same time and in the same manner as regularly collected property taxes. The department of local government finance may compromise property taxes under this

subsection only if:

- (1) a petition is filed with the department of local government finance that requests the compromise and is signed and approved by the assessor, auditor, and treasurer of each county and the assessor of each township (if any) that is entitled to receive any part of the compromised taxes;
- (2) the compromise significantly advances the time of payment of the taxes; and
- (3) the compromise is in the best interest of the state and the taxing units that are entitled to receive any part of the compromised taxes.

†(j) A taxing unit that receives funds under this section is not required to include the funds in its budget estimate for any budget year which begins after the budget year in which it receives the funds.

†(k) A county treasurer, with the consent of the county auditor and the county assessor, may compromise the amount of property taxes, interest, or penalties owed in a county by an entity that has a case pending under Title 11 of the United States Code (Bankruptcy Code) by accepting a single payment that must be at least seventy-five percent (75%) of the total amount owed in the county.

SECTION 13. IC 32-21-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14. A county recorder may not record a document of conveyance to which IC 32-21-8-7 applies unless the document of conveyance has been endorsed by the auditor of the proper county under IC 36-2-11-14.**

SECTION 14. IC 32-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. A tax sale surplus fund disclosure form must contain the following information:**

- (1) The name and address of the taxpayer transferring the property.
- (2) The name and address of the person acquiring the property.
- (3) The proposed date of transfer.
- (4) The purchase price for the transfer.
- (5) The date the property was sold at a tax sale under IC 6-1.1-24.
- (6) The amount of the tax sale purchaser's bid that was deposited into the tax sale surplus fund under IC 6-1.1-24-7.
- (7) Proof from the county treasurer that the person acquiring**

the property has paid to the county treasurer the amount required under IC 6-1.1-25 for redemption of the property.

SECTION 15. IC 32-21-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) Before a county auditor may make the endorsement required by IC 36-2-11-14 on a document of conveyance for property to which this chapter applies, the person acquiring the property must:**

(1) redeem the property by paying to the county treasurer the total amount required under IC 6-1.1-25; and

(2) provide to the county auditor proof from the county treasurer that the person made the payment specified under subdivision (1).

(b) A conveyance of property to which this chapter applies is inoperable and void if the conveyance document is not recorded with the county recorder of the county where the property is located on or before the expiration of the redemption period specified under IC 6-1.1-25 for the property.

SECTION 16. An emergency is declared for this act.

P.L.188-2016

[H.1372. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-4-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "contractor" means an individual or entity that:**

(1) enters into a contractual relationship with a city, town,

county, or township;

(2) has a fiduciary relationship with or performs a fiscal responsibility for the city, town, county, or township; and

(3) is not insured, for purposes of the individual's or entity's accounts, by the Federal Deposit Insurance Corporation.

SECTION 2. IC 5-4-1-5.1, AS AMENDED BY P.L.230-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.1. (a) "Political subdivision" as used in this section has the meaning set forth in IC 36-1-2-13 and excludes any department or agency of the state.

(b) Every elected or appointed officer, official, deputy, employee, or contractor of a political subdivision who is required by section 18 of this chapter to file an official bond for the faithful performance of duty, except the county recorder and deputies and employees of the recorder, shall file the bond with the fiscal officer of the political subdivision and in the office of the county recorder in the county of **residence office or employment** of the officer, official, deputy, ~~or~~ employee, **or contractor**. The county recorder and deputies and employees of the recorder shall file their bonds with the county auditor and in the office of the clerk of the circuit court.

(c) The bonds described in subsection (b) shall be filed within ten (10) days of their issuance or, if approval is required, within ten (10) days after their approval by the person required to approve the bonds. The recorder shall record all of the bonds filed under this section, indexing them alphabetically under the name of the principal and referring to the title, office, and page number where recorded. The bonds shall be kept in a safe and convenient place in the recorder's office with a reference to the date filed and record and page where recorded.

(d) Every county officer who is required to give bond shall have a copy of the oath of office recorded with the bond.

(e) The fiscal officer of a political subdivision with whom an official bond is filed under subsection (b) shall file a copy of the bond with the state board of accounts:

(1) contemporaneously with the filing of the political subdivision's annual financial report required under IC 5-11-1-4(a); and

(2) electronically in the manner prescribed under IC 5-14-3.8-7.

(f) The state board of accounts shall maintain a data base of bonds received under this section and make the data base available to the public on the state board of accounts Internet web site. To the extent practicable, the data base must include a list that specifies:

- (1) every individual who is required by section 18 of this chapter to file; and
- (2) whether each individual specified under subdivision (1) has obtained and filed;

an official bond for the faithful performance of duty.

SECTION 3. IC 5-4-1-18, AS AMENDED BY HEA 1035-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Except as provided in ~~subsection~~ **subsections (b), (c), and (d)**, the following individuals shall file and maintain in place an individual surety bond during each year that the individual serves as an officer, employee, or contractor:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).
- (7) Individuals:
 - (A) who are employees or contractors of a city, town, county, or township; and
 - (B) whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds:
 - (i) that belong to the federal government, the state, a political subdivision, or another governmental entity; **and**
 - (ii) **in an amount that exceeds five thousand dollars (\$5,000) per year.**

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond that:

- (1) is endorsed to include faithful performance to cover the faithful performance of; and
- (2) includes aggregate coverage sufficient to provide coverage amounts specified for;

all employees, commission members, and persons acting on behalf of the local government unit, including the officers, employees, and contractors described in subsection (a) who are required to file a bond under this chapter.

(c) The fiscal body of a city, town, or county may by ordinance or the fiscal body of a township may by resolution authorize the purchase of a name or position schedule bond that:

- (1) names each individual or each position covered under the schedule bond;**
- (2) is endorsed to include faithful performance to cover the faithful performance of all officers, employees, and contractors described in subsection (a) who are required to file a bond under this chapter; and**
- (3) includes aggregate coverage sufficient to provide coverage amounts specified for all officers, employees, and contractors described in subsection (a) who are required to file a bond under this chapter.**

~~(e)~~ **(d)** The fiscal body of a city, town, county, or township may by ordinance (or for a township, by resolution) authorize the purchase of a crime insurance policy that:

- (1) provides coverage for criminal acts or omissions committed by;**
- (2) is endorsed to include faithful performance to cover the faithful performance of; and**
- (3) includes aggregate coverage sufficient to provide coverage amounts specified for;**

all officers, employees, contractors, commission members, and persons acting on behalf of the local government unit and required to file a bond under this chapter. For the sole purpose of recovering public funds on behalf of a local government unit, the state is considered to be an additional named insured on all crime insurance policies **and endorsements** obtained under this subsection.

~~(d)~~ **(e)** Except as provided in subsections ~~(j)~~ **and (k) and (l)**, the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal thirty thousand dollars (\$30,000) for**

each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county.

~~(e)~~ **(f)** The amount of the bond of a person who is not specified in subsection ~~(d)~~ **(e)** and is required to file an individual bond shall be fixed by the fiscal body of the unit as follows:

(1) If the person is not described in subsection (a)(7), at not less than fifteen thousand dollars (\$15,000).

(2) If the person is described in subsection (a)(7), at not less than five thousand dollars (\$5,000).

~~(f)~~ **(g)** Except as provided in subsection ~~(f)~~; **(m)**, a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

(1) fixed by the board of directors of the solid waste management district; and

(2) that is at least thirty thousand dollars (\$30,000).

~~(g)~~ **(h)** Except as provided under subsection ~~(f)~~; **(g)**, a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

~~(h)~~ **(i)** In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

~~(i)~~ **(j)** The commissioner of insurance ~~shall~~ **may** prescribe the form of the bonds or crime insurance policies required by this section, in consultation with the state board of accounts and the Indiana archives and records administration under IC 5-15-5.1-6. **However**, a bond or crime insurance policy that does not conform to ~~the~~ **a** form prescribed under this subsection may ~~not~~ be used to meet the requirements of this

chapter.

~~(j)~~ **(k)** Notwithstanding subsection ~~(d)~~; **(e)**, the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

~~(k)~~ **(l)** Notwithstanding subsection ~~(e)~~; **(f)**, the state board of accounts may fix the amount of the bond for any person who is described in:

- (1) subsection ~~(e)~~~~(1)~~ **(f)(1)** and is required to file an individual bond at an amount that exceeds fifteen thousand dollars (\$15,000); or
- (2) subsection ~~(e)~~~~(2)~~ **(f)(2)** and is required to file an individual bond at an amount that exceeds five thousand dollars (\$5,000).

An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

~~(l)~~ **(m)** Notwithstanding subsection ~~(f)~~; **(g)**, the state board of accounts may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

~~(m)~~ **(n)** ~~Both of~~ The following apply to a bond that is filed to comply

with this section:

(1) Each bond must ~~have a term of~~ **provide coverage in the amount required for the individual covered under the bond** for one (1) year (**the policy year**) commencing on the first day of the:

(A) calendar year;

(B) fiscal year of the political subdivision or governmental unit; or

(C) individual's service in the office ~~employment~~, or ~~contracted~~ position for which a bond is required.

(2) ~~Consecutive yearly bonds filed by an individual must provide separate coverage for each year. A continuous bond may be used to satisfy the requirement of subdivision (1) if the bond:~~

(A) is renewed on an annual basis for the period during which the individual serves in the office or position for which a bond is required; and

(B) provides coverage in the amount required for the individual covered under the bond for each policy year.

However, any claim under a continuous bond used under this subdivision must be brought not later than six (6) years after the occurrence giving rise to the claim.

(3) The ~~maximum~~ aggregate liability of the surety or insurer for a ~~single~~ policy year is the **penal sum of the bond. In the case of a continuous bond, the maximum aggregate liability of the surety or insurer for the entire term that the bond is in effect is the penal** sum of the amounts specified in the bonds issued by the surety or insurer for that policy year. ~~bond for the current term of the bond and the penal sums of the bond for the five~~ **(5) immediately preceding years.**

SECTION 4. IC 5-4-1-19, AS AMENDED BY P.L.126-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. The bonds prescribed by IC 5-4-1-18 cover the faithful performance of the duties of the officer, ~~or~~ employee, ~~or contractor~~, including the duty to comply with IC 35-44.1-1-1 and the duty to account properly for all monies and property received by virtue of the officer's, ~~position or employment~~. **employee's, or contractor's service in the office or position.**

SECTION 5. IC 5-11-5-1, AS AMENDED BY P.L.181-2015,

SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

- (1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).
- (2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon (if the subject of the report is a municipality), and one (1) copy in an electronic format under IC 5-14-6 with the legislative services agency, as staff to the audit committee and the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the audit committee and the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general and the inspector general. The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes

a part of the examination report that is signed, verified, and filed as required by subsection (a). As part of the review of the examination report, the state examiner shall hold a gathering of the officer or chief executive officer of the state office, municipality, or entity examined, any employees or agents of the state office, municipality, or entity examined who are requested to attend by the officer or chief executive officer of the state office, municipality, or entity examined, and the members of the legislative and fiscal bodies of the municipality or entity examined. Such a gathering is referred to as an "exit conference" for purposes of this subsection. The following apply to an exit conference:

- (1) All information discussed and materials presented or delivered by any person during an exit conference are confidential and may not be discussed or shared publicly until the earliest of the occurrences set forth in subsection (g). However, the information discussed and materials presented or delivered during an exit conference may be shared with an officer, employee, consultant, adviser, or attorney of the officer or chief executive officer of the state office, municipality, or entity examined who was not present at the exit conference. An individual with whom information and materials are shared must maintain the confidentiality of the information and materials as provided in this subdivision until the earliest of the occurrences set forth in subsection (g).
- (2) An individual attending an exit conference may not electronically record the exit conference.
- (3) If a majority of a governing body (as defined in IC 5-14-1.5-2(b)) is present during an exit conference, the governing body shall be considered in an executive session under IC 5-14-1.5. However, the governing body has no obligation to give notice as prescribed by IC 5-14-1.5-5 when it participates in the exit conference.
- (4) If the state examiner determines after the exit conference that additional actions must be undertaken by a deputy examiner, field examiner, or private examiner with respect to information discussed or materials presented at the exit conference, the state examiner may call for an additional exit conference to be held.
- (5) Not more than thirty (30) days after the initial exit conference is held under this subsection, the legislative body of the

municipality or entity examined and reported upon may adopt a resolution, approved by at least a two-thirds (2/3) vote of the legislative body, requesting that an additional exit conference be held. The legislative body shall notify the state board of accounts if the legislative body adopts a resolution under this subdivision. If a legislative body adopts a resolution under this subdivision, the state board of accounts shall conduct an additional exit conference not more than sixty (60) days after the state board of accounts receives notice of the adoption of the resolution. The municipality or entity examined must pay the travel and staff costs incurred by the state board of accounts in conducting an additional exit conference under this subdivision.

(6) Except as provided in subdivision (7), a final report under subsection (a) may not be issued earlier than forty-five (45) days after the initial exit conference is held under this subsection.

(7) If:

(A) the state examiner does not call for an additional exit conference to be held as described in subdivision (4); and

(B) the:

(i) legislative body of the municipality or entity examined and reported upon provides written notice to the state examiner that the legislative body waives an additional exit conference described in subdivision (5); or

(ii) state examiner determines that a final report under subsection (a) must be issued as soon as possible;

the final report may be issued earlier than forty-five (45) days after the initial exit conference is held under this subsection.

(c) Except as provided by subsections (b), (d), and (e), it is unlawful for any person, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except:

(1) to the state examiner;

(2) if directed to give publicity to the examination report by the state examiner or by any court;

(3) to another deputy examiner, field examiner, or private examiner engaged in conducting the examination; or

(4) if directed by the state examiner, to the chair of the audit committee or the members of the audit committee acting in

executive session, or both.

If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the prosecuting attorney of the county in which the crime was committed. The state examiner shall furnish to the prosecuting attorney all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) Except as permitted in this section, the information and materials that are part of an exit conference under subsection (b) and the results of an examination, including a preliminary report under subsection (d), are confidential until the occurrence of the earliest of the following:

(1) The final report is made public under subsection (a).

(2) The results of the examination are publicized under subsection (c)(2).

(3) The attorney general institutes an action under subsection (e) on the basis of the preliminary report.

(h) Except as permitted in this section, an individual, a public agency (as defined in IC 5-14-3-2), a public employee, a public official,

or an employee or officer of a contractor or subcontractor of a public agency that knowingly or intentionally discloses information in violation of subsection (b) or (g), regardless of whether the information is received orally or by any other means, is subject to the following:

(1) A public agency (as defined in IC 5-14-3-2), a public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency commits a Class A infraction under IC 5-14-3-10.

(2) If the disclosure is by a person who is not described in subdivision (1), the person commits a Class A infraction.

(i) Unless in accordance with a judicial order or as otherwise provided in this section, the state board of accounts or its employees, former employees, counsel, or agents, or any other person may not divulge the examination workpapers and investigation records of a deputy examiner, a field examiner, or a private examiner acting as an agent of the state examiner, except to:

(1) employees and members of the state board of accounts;

(2) the audit committee;

(3) law enforcement officers, the attorney general, a prosecuting attorney, or any other legal representative of the state in any action with respect to the misappropriation or diversion of public funds; or

(4) an authorized representative of the United States.

(j) An individual described in subsection (i)(3) or (i)(4) who receives examination workpapers and investigation records described in subsection (i) may divulge the workpapers and records in any action with respect to the misappropriation or diversion of public funds.

SECTION 6. IC 5-13-10.5-18, AS AMENDED BY P.L.213-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) As used in this section, "capital improvement board" refers to a capital improvement board established under IC 36-10-9.

(b) To qualify for an investment under this section, the capital improvement board must apply to the treasurer of state in the form and manner required by the treasurer. As part of the application, the capital improvement board shall submit a plan for its use of the investment proceeds and for the repayment of the capital improvement board's

obligation to the treasurer. Within sixty (60) days after receipt of each application, the treasurer shall consider the application and review its accuracy and completeness.

(c) If the capital improvement board makes an application under subsection (b) and the treasurer approves the accuracy and completeness of the application and determines that there is an adequate method of payment for the capital improvement board's obligations, the treasurer of state shall invest or reinvest funds that are held by the treasurer and that are available for investment in obligations issued by the capital improvement board for the purposes of the capital improvement board in calendar years 2009, 2010, and 2011. The investment may not exceed nine million dollars (\$9,000,000) per calendar year for 2009, 2010, and 2011.

(d) The treasurer of state shall determine the terms of each investment and the capital improvement board's obligation, which must include the following:

- (1) Subject to subsections (f) and (g), the duration of the capital improvement board's obligation, which must be for a term of ten (10) years with an option for the capital improvement board to pay its obligation to the treasurer early without penalty.
- (2) Subject to subsections (f) and (g), the repayment schedule of the capital improvement board's obligation, which must provide that no payments are due before January 1, 2013.
- (3) A rate of interest to be determined by the treasurer.
- (4) The amount of each investment, which may not exceed the maximum amounts established for the capital improvement board by this section.
- (5) Any other conditions specified by the treasurer.

(e) The capital improvement board may issue obligations under this section by adoption of a resolution and, as set forth in IC 5-1-14, may use any source of revenue to satisfy the obligation to the treasurer of state under this section. This section constitutes complete authority for the capital improvement board to issue obligations to the treasurer. If the capital improvement board fails to make any payments on the capital improvement board's obligation to the treasurer, the amount payable shall be withheld by the auditor of state from any other money payable to the capital improvement board. The amount withheld shall be transferred to the treasurer to the credit of the capital improvement

board.

(f) Subject to subsection (g), if all principal and interest on the obligations issued by the capital improvement board under this section in calendar year 2009, are paid before July 1, 2015, the term of the obligations issued by the capital improvement board to the treasurer of state in calendar year 2010 is extended until 2025.

(g) This subsection applies if the capital improvement board before July 1, 2015, adopts a resolution:

(1) to establish a bid fund to be used to assist the capital improvement board, the Indianapolis Convention and Visitors Association (VisitIndy), or the Indiana Sports Corporation in securing conventions, sporting events, and other special events; and

(2) to designate that principal and interest payments that would otherwise be made on the obligation issued by the capital improvement board under this section in calendar year 2010 shall instead be deposited in the bid fund.

If the requirements of subdivisions (1) and (2) are satisfied and the capital improvement board deposits in the bid fund amounts equal to the principal and interests payments that would otherwise be made under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is not required to make those principal and interests payments to the treasurer of state at the time required under the repayment schedule. The amounts must be deposited in the bid fund not later than the time the principal and interest payments would otherwise be due to the treasurer of state under the repayment schedule. The state board of accounts shall ~~annually~~ examine the bid fund **under IC 5-11-1** to determine the amount of deposits made to the bid fund under this subsection and to ensure that the money deposited in the bid fund is used only for purposes authorized by this subsection. To the extent that the capital improvement board does not deposit in the bid fund an amount equal to a payment of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board must make that payment of principal and interest to the treasurer of state as provided in this section. If the capital improvement board deposits in the bid fund

amounts equal to the payments of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is only required to repay to the treasurer of state the principal amount of the obligation.

SECTION 7. IC 6-3.6-10-7, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The general assembly finds that counties and municipalities in Indiana have a need to foster economic development, the development of new technology, and industrial and commercial growth. The general assembly finds that it is necessary and proper to provide an alternative method for counties and municipalities to foster the following:

- (1) Economic development.
- (2) The development of new technology.
- (3) Industrial and commercial growth.
- (4) Employment opportunities.
- (5) The diversification of industry and commerce.

The fostering of economic development and the development of new technology under this section or section 8 of this chapter for the benefit of the general public, including industrial and commercial enterprises, is a public purpose.

(b) The fiscal bodies of two (2) or more counties or municipalities may, by resolution, do the following:

- (1) Determine that part or all the revenue described in section 2 of this chapter should be combined to foster:
 - (A) economic development;
 - (B) the development of new technology; and
 - (C) industrial and commercial growth.
- (2) Establish a regional venture capital fund.

(c) Each unit participating in a regional venture capital fund established under subsection (b) may deposit the following in the fund:

- (1) Revenues described in section 2 of this chapter.
- (2) The proceeds of public or private grants.

(d) A regional venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in

the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The fund is subject to ~~an annual~~ audit by the state board of accounts **under IC 5-11-1**. The fund must bear the full costs of the audit.

(e) The fiscal body of each participating unit shall approve an interlocal agreement created under IC 36-1-7 establishing the terms for the administration of the regional venture capital fund. The terms must include the following:

- (1) The membership of the governing board.
- (2) The amount of each unit's contribution to the fund.
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.

(f) An interlocal agreement made by the participating units under subsection (e) must provide that:

- (1) each of the participating units is represented by at least one (1) member of the governing board; and
- (2) the membership of the governing board is established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) An interlocal agreement made by the participating units under subsection (e) must be submitted to the Indiana economic development corporation for approval before the participating units may contribute to the fund.

(i) A majority of members of a governing board of a regional venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

(1) To promote significant employment opportunities for the residents of the units participating in the regional venture capital fund.

(2) To attract a major new business enterprise to a participating unit.

(3) To develop, retain, or expand a significant business enterprise in a participating unit.

(k) The expenditures of a borrower or grantee of money from a regional venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

(1) Research and development of technology.

(2) Job training and education.

(3) Acquisition of property interests.

(4) Infrastructure improvements.

(5) New buildings or structures.

(6) Rehabilitation, renovation, or enlargement of buildings or structures.

(7) Machinery, equipment, and furnishings.

(8) Funding small business development with respect to:

(A) prototype products or processes;

(B) marketing studies to determine the feasibility of new products or processes; or

(C) business plans for the development and production of new products or processes.

SECTION 8. IC 6-3.6-10-8, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The fiscal body of a county or municipality may, by resolution, establish a local venture capital fund.

(b) A unit establishing a local venture capital fund under subsection (a) may deposit the following in the fund:

(1) Revenues described in section 2 of this chapter.

(2) The proceeds of public or private grants.

(c) A local venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The

fund is subject to ~~an annual~~ audit by the state board of accounts **under IC 5-11-1**. The fund must bear the full costs of the audit.

(d) The fiscal body of a unit establishing a local venture capital fund under subsection (a) shall establish the terms for the administration of the local venture capital fund. The terms must include the following:

- (1) The membership of the governing board.
- (2) The amount of the unit's contribution to the fund.
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.

(e) A unit establishing a local venture capital fund under subsection (a) must be represented by at least one (1) member of the governing board.

(f) The membership of the governing board must be established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) The terms established under subsection (d) for the administration of the local venture capital fund must be submitted to the Indiana economic development corporation for approval before a unit may contribute to the fund.

(i) A majority of members of a governing board of a local venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

- (1) To promote significant employment opportunities for the residents of the unit establishing the local venture capital fund.
- (2) To attract a major new business enterprise to the unit.
- (3) To develop, retain, or expand a significant business enterprise

in the unit.

(k) The expenditures of a borrower or grantee of money from a local venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

- (1) Research and development of technology.
- (2) Job training and education.
- (3) Acquisition of property interests.
- (4) Infrastructure improvements.
- (5) New buildings or structures.
- (6) Rehabilitation, renovation, or enlargement of buildings or structures.
- (7) Machinery, equipment, and furnishings.
- (8) Funding small business development with respect to:
 - (A) prototype products or processes;
 - (B) marketing studies to determine the feasibility of new products or processes; or
 - (C) business plans for the development and production of new products or processes.

SECTION 9. IC 20-26-4-5, AS AMENDED BY P.L.230-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) For each school year commencing July 1:

- (1) the treasurer of each governing body and the governing body's school corporation;
- (2) a deputy treasurer, if so appointed; and
- (3) any individual whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds:
 - (A) that belong to a school corporation or the governing body of a school corporation; **and**
 - (B) **in an amount that exceeds five thousand dollars (\$5,000) per year;**

shall give a bond for the faithful performance of the treasurer's, deputy treasurer's, or individual's duties written by an insurance company licensed to do business in Indiana, in an amount determined by the governing body. The treasurer shall be responsible under the treasurer's bond for the acts of a deputy treasurer appointed as provided in section 1 of this chapter.

(b) A governing body may authorize the purchase of a blanket bond

that:

- (1) is endorsed to include faithful performance to cover the faithful performance of all employees and individuals acting on behalf of the governing body or the governing body's school corporation, including the individuals described in subsection (a); and
- (2) includes aggregate coverage sufficient to provide coverage amounts specified for each individual who is required to give a bond under this section.

P.L.189-2016

[S.366. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-21-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), each county shall, by ordinance of the county executive:

- (1) join with one (1) or more other counties in establishing a joint solid waste management district that includes the entire area of all the acting counties; or
- (2) designate itself as a county solid waste management district.

This subsection expires July 1, 2017.

(b) After June 30, 2017, a county may, by ordinance of the county executive:

- (1) join with one (1) or more other counties in establishing a joint solid waste management district that includes the entire area of all the acting counties; or**
- (2) designate itself as a county solid waste management**

district.

~~(b)~~ (c) Notwithstanding subsection (a)(1), if a county withdraws from a joint solid waste management district under IC 13-21-4, the county executive of the county may adopt an ordinance to join another or establish another joint solid waste management district with one (1) or more other counties:

- (1) not earlier than fifteen (15) days; or
- (2) not later than forty-five (45) days;

after the date the ordinance is introduced.

~~(c)~~ (d) An ordinance adopted under subsection (a)(1) or ~~(b)~~ (c) must include the approval of an agreement governing the operation of the joint district.

~~(d)~~ (e) If a county fails to comply with this section, the commissioner shall designate the county as a solid waste management district. **This subsection expires July 1, 2017.**

(f) After June 30, 2017, a county may do the following:

(1) Dissolve the county solid waste management district of the county through:

(A) the adoption by the county executive of an ordinance in favor of the dissolution of the district;

(B) the adoption by the county fiscal body of an ordinance in favor of the dissolution of the district; and

(C) the action of the county legislative body according to the procedure set forth in IC 36-1-8-17.7, including the adoption of:

(i) a plan concerning the dissolution of the district that is consistent with IC 13-21-15 and includes the content required by IC 36-1-8-17.7(b)(5); and

(ii) an ordinance dissolving the district.

(2) Withdraw from the joint solid waste management district to which the county belongs through the action of the county executive in:

(A) following the procedure set forth in IC 13-21-4;

(B) adopting a plan that is consistent with IC 13-21-15 and includes the content required by IC 36-1-8-17.7(b)(5); and

(C) adopting an ordinance under IC 13-21-15-2(a) exercising the right of the county:

(i) not to be designated as a county solid waste

management district; and

(ii) not to be a member of another joint solid waste management district.

(g) If a county, on June 30, 2017, is designated as a county solid waste management district or belongs to a joint solid waste management district, the expiration of subsection (a) and the taking effect of subsection (b) do not affect the county solid waste management district or the county's membership in the joint solid waste management district. A solid waste management district established under subsection (a) (or under IC 13-9.5-2-1, before its repeal) continues in existence after June 30, 2017, unless the county takes action under subsection (f) concerning the solid waste management district. The expiration of subsection (a) does not affect:

- (1) any rights or liabilities accrued;
- (2) any administrative or legal proceedings begun;
- (3) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (4) any tax levies made or authorized;
- (5) any fees collected;
- (6) any funds established;
- (7) any patents issued;
- (8) the validity, continuation, or termination of any contracts or leases executed; or
- (9) the validity of court decisions entered;

before July 1, 2017.

(h) A person who is:

- (1) a member of:
 - (A) the county executive;
 - (B) the county legislative body; or
 - (C) the county fiscal body; and
- (2) an employee of a district;

may not cast a vote on an ordinance under this section or in any other action concerning the dissolution of the district that employs the person.

SECTION 2. IC 13-21-3-12, AS AMENDED BY P.L.83-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this chapter and subject to subsection (b), the powers of a district include

the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
 - (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
 - (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
 - (4) The power to sue and be sued.
 - (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
 - (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
 - (B) The managing or disposal of solid waste.
 - (C) The sale or other disposition of materials or products generated by a facility.
- Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.
- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
 - (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
 - (9) The power to sell or lease any facility or part of a facility to any person.
 - (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.
 - (11) The power to enter upon property to make surveys, soundings, borings, and examinations.
 - (12) The power to:
 - (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions. ~~that have the force of law.~~ However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to

discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

- (A) in a joint district, the county or counties in which a final disposal facility is located; or
- (B) a county that:
 - (i) was part of a joint district;
 - (ii) has withdrawn from the joint district as of January 1, 2008; and
 - (iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;

(C) modifying; or

(D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; and

(B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

(i) mercury commodities; and

(ii) mercury-added products; and

(B) collection programs available to the public for:

(i) mercury commodities; and

(ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

(A) reuse and recycling of electronic waste;

(B) collection programs available to the public for the disposal of electronic waste; and

(C) proper disposal of electronic waste.

(b) Before the county district of a county that has a population of more than four hundred thousand (400,000) but less than seven

hundred thousand (700,000) may exercise a power set forth in subsection (a) to:

- (1) enter into a contract or other agreement to construct a final disposal facility;
- (2) enter into an agreement for the leasing of a final disposal facility;
- (3) sell or lease a final disposal facility; or
- (4) borrow in anticipation of taxes;

the county district must submit a recommendation to the county executive of the county concerning the county district's proposed exercise of the power, subject to subsections (c) and (d).

(c) In response to a recommendation submitted under subsection (b), the county executive may adopt a resolution:

- (1) confirming the authority of the county district to exercise the power or powers referred to in subsection (b), as proposed in the recommendation; or
- (2) denying the county district the authority to exercise the power or powers as proposed in the recommendation;

subject to subsection (d).

(d) The county district may exercise one (1) or more powers referred to in subsection (b), as proposed in a recommendation submitted to the county executive under subsection (b), if:

- (1) the county executive, in response to the recommendation, adopts a confirming resolution under subsection (c)(1) authorizing the county district to exercise the power or powers; or
- (2) the county executive adopts no resolution under subsection (c) within forty-five (45) calendar days after the day on which the county district submits the recommendation to the county executive under subsection (b).

SECTION 3. IC 13-21-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) If a county withdraws from or the county executives of a joint district remove a county from a joint district, the county:

(1) before July 1, 2017, must:

- ~~(1)~~ **(A)** designate itself as a new county district;
- ~~(2)~~ **(B)** join one (1) or more other counties to form a new joint district; or
- ~~(3)~~ **(C)** join an existing joint district;

under the procedures set forth in IC 13-21-3; or

(2) after June 30, 2017, may:

(A) take one (1) of the actions set forth in subdivision (1);

or

(B) adopt an ordinance under IC 13-21-3-1(f)(2)(C) and IC 13-21-15-2(a) exercising the right of the county:

(i) not to be designated as a county solid waste management district; and

(ii) not to be a member of another joint solid waste management district.

(b) If a county:

(1) designates itself as a new county district; or

(2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

SECTION 4. IC 13-21-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15. Dissolution of Districts

Sec. 1. (a) If a solid waste management district is a county district consisting of only one (1) county, the county may dissolve the district under IC 13-21-3-1(f)(1) and IC 36-1-8-17.7(b).

(b) The dissolution of a district through the adoption of an ordinance under IC 36-1-8-17.7(b)(7) is effective on the date specified in the ordinance.

(c) Upon the dissolution of a district, the following apply:

(1) Any legal obligations of the district that were incurred under this article before the district was dissolved, including bond obligations, loan obligations, other contractual liabilities, and civil liabilities, are transferred to the county and become legal obligations of the county, and those legal obligations shall be satisfied from assets of the district as

provided in subdivision (2).

(2) Any assets of the district that are needed to satisfy the legal obligations described in subdivision (1) shall be:

- (A) used by the district to satisfy those legal obligations; or
- (B) transferred to the county and used by the county to satisfy those legal obligations.

(3) To the extent there are assets of the district that are not needed to satisfy the legal obligations described in subdivision (1), those assets:

- (A) shall be transferred to the county and become assets of the county; and
- (B) shall be used by the county in providing services previously provided by the district.

(d) After the county district of a county is dissolved, the county is no longer subject to this article, except for this chapter, and the county is not a county district or a member of a joint district.

Sec. 2. (a) If a county is a member of a joint solid waste management district and withdraws from the joint district under IC 13-21-3-1(f)(2) and IC 13-21-4, the county executive of the county may adopt an ordinance determining that both of the following apply to the county:

- (1) The county will no longer be a member of a joint solid waste management district.
- (2) The county will not be designated as a county solid waste management district.

(b) If a county withdraws from a joint solid waste management district under IC 13-21-4 and adopts an ordinance under subsection (a):

- (1) the county is responsible for its share of legal obligations (if any) arising from its former membership in the joint district as provided under IC 13-21-4; and
- (2) any assets of the joint district that are apportioned to the county under IC 13-21-4-4 become assets of the county and:
 - (A) shall be used by the county to satisfy the legal obligations described in subdivision (1); or
 - (B) to the extent that the assets are not needed to satisfy the legal obligations described in subdivision (1), shall be used by the county in providing services previously provided by the district.

(c) If the county executive of the county adopts an ordinance under subsection (a), the county, after the date on which the withdrawal of the county from the joint solid waste management district is effective under IC 13-21-4:

(1) is no longer subject to this article, except for this chapter; and

(2) is not a county district or a member of a joint district.

Sec. 3. (a) This section applies to the imposition of property taxes in a county that:

(1) dissolves its county solid waste management district as described in section 1(a) of this chapter; or

(2) withdraws from a joint solid waste management district and determines that it will no longer be a member of a joint solid waste management district or be designated as a county district as described in section 2(a) of this chapter.

(b) The following apply to a county that dissolves its county solid waste management district as described in section 1(a) of this chapter:

(1) Subject to the limitations of this subsection, the authority of the county solid waste management district to impose property taxes for purposes of this article is transferred to the county.

(2) For property taxes first due and payable in the first year in which the county no longer has a county solid waste management district, the department of local government finance shall establish a separate solid waste management maximum permissible ad valorem property tax levy for the county that is equal to:

(A) the county solid waste management district's maximum permissible ad valorem property tax levy for the last year in which the county solid waste management district was in existence; multiplied by

(B) the assessed value growth quotient under IC 6-1.1-18.5-2 that applies to the determination of maximum permissible ad valorem property tax levies for the first year in which the county no longer has a county solid waste management district.

(3) Property taxes collected by the county under the property tax levy authorized under this subsection may be used only for

those purposes for which a property tax levy imposed by a solid waste management district under this article may be used.

(c) The following apply to a county that withdraws from a joint district and determines that it will no longer be a member of a joint district or be designated as a county district as described in section 2(a) of this chapter:

(1) Subject to the limitations of this subsection, the county has the authority to impose property taxes for purposes of this article.

(2) For property taxes first due and payable in the first year in which the county is no longer a member of the joint district, the department of local government finance shall establish a separate solid waste management maximum permissible ad valorem property tax levy for the county that is equal to:

(A) the joint solid waste management district's maximum permissible property tax levy for the last year in which the county was a member of the joint district; multiplied by

(B) a fraction equal to:

(i) the certified assessed valuation of the county for taxes payable in the last year in which the county was a member of the joint district; divided by

(ii) the certified assessed valuation of the joint solid waste management district for taxes payable in the last year in which the county was a member of the joint district; multiplied by

(C) the assessed value growth quotient under IC 6-1.1-18.5-2 that applies to the determination of maximum permissible ad valorem property tax levies for the first year in which the county is no longer a member of the joint district.

(3) For property taxes first due and payable in the first year in which the county is no longer a member of the joint district, the department of local government finance shall reduce the joint solid waste management district's maximum permissible property tax levy that would otherwise apply by the amount determined under subdivision (2) for the withdrawing county.

(4) Property taxes collected by the county under the property tax levy authorized under this subsection may be used only for

those purposes for which a property tax levy imposed by a solid waste management district under this article may be used.

Sec. 4. If:

(1) a fee on the disposal of solid waste under IC 13-21-13 or a solid waste management fee under IC 13-21-14 is in effect in a county; and

(2) the county:

(A) dissolves the county solid waste management district as described in section 1(a) of this chapter; or

(B) withdraws from a joint solid waste management district and determines that it will no longer be a member of a joint district or be designated as a county district as described in section 2(a) of this chapter;

the county may continue collecting the fee notwithstanding the action described in subdivision (2). However, the county shall use the proceeds of the fee exclusively to provide services previously provided in the county by the solid waste management district.

SECTION 5. IC 36-1-3-8, AS AMENDED BY HEA 1053-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

(1) The power to condition or limit its civil liability, except as expressly granted by statute.

(2) The power to prescribe the law governing civil actions between private persons.

(3) The power to impose duties on another political subdivision, except as expressly granted by statute.

(4) The power to impose a tax, except as expressly granted by statute.

(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.

(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

(8) The power to prescribe a penalty for conduct constituting a

crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to order or conduct an election, except as expressly granted by statute.

(13) The power to adopt or enforce an ordinance described in section 8.5 of this chapter.

(14) The power to take any action prohibited by section 8.6 of this chapter.

(15) The power to dissolve a political subdivision, except:

(A) as expressly granted by statute; or

(B) if IC 36-1-8-17.7 applies to the political subdivision, in accordance with the procedure set forth in IC 36-1-8-17.7.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 6. IC 36-1-8-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17.7. (a) This section applies to a political subdivision:**

(1) that was established by another political subdivision; and

(2) for which, except as set forth in IC 13-21-3-1(f) and

IC 13-21-15, there is no process or procedure expressly specified by law regarding the dissolution of the political subdivision.

(b) A political subdivision described in subsection (a) may be dissolved according to the following:

(1) The political subdivision described in subsection (a) may be dissolved as provided in this section only by the political subdivision that established the political subdivision described in subsection (a).

(2) The legislative body of the political subdivision that established the political subdivision described in subsection (a) must adopt a preliminary resolution stating the intent of the legislative body to dissolve the political subdivision described in subsection (a). For a county described in IC 36-1-2-5(1) and IC 36-1-2-9(1), the adoption under IC 13-21-3-1(f)(1)(A) by the county executive of an ordinance in favor of the dissolution of a solid waste management district satisfies this requirement.

(3) The legislative body that established the political subdivision described in subsection (a) must hold a separate public meeting regarding the proposed dissolution of the political subdivision described in subsection (a). Notice of the meeting shall be given in accordance with IC 5-3-1. The legislative body must hold the public meeting:

(A) except as provided in clause (B), at least ninety (90) days after adopting the preliminary resolution under subdivision (2); or

(B) at least one hundred eighty (180) days after adopting the preliminary resolution under subdivision (2), in the case of the proposed dissolution of a political subdivision described in subsection (a) that has been in existence for at least ten (10) years.

(4) At least ten (10) days before the public meeting under subdivision (3), the legislative body that established the political subdivision described in subsection (a) must make available to the public a plan regarding the proposed dissolution. If the legislative body maintains an Internet web site or an Internet web site is maintained on behalf of the legislative body, a copy of the plan must be posted on the

Internet web site at least ten (10) days before the public meeting under subdivision (3).

(5) The plan regarding the proposed dissolution must specify the following:

(A) The effective date of the dissolution.

(B) A description of the assets and obligations of the political subdivision described in subsection (a) and a proposal regarding the distribution of those assets and the satisfaction of those obligations.

(C) A description of the services currently provided by the political subdivision described in subsection (a) and (if applicable) an explanation of how those services will be provided after the dissolution of the political subdivision described in subsection (a).

(6) At the public meeting under subdivision (3), the legislative body shall allow the public an opportunity to testify and comment upon the proposed dissolution.

(7) At the public meeting under subdivision (3), the legislative body may adopt an ordinance (in the case of the legislative body of a county or municipality) or a resolution (in the case of the legislative body of any other political subdivision) dissolving the political subdivision described in subsection (a) as provided in the plan described in subdivision (5).

P.L.190-2016

[S.371. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning probate.

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

SECTION 1. IC 6-1.1-12-17.9, AS AMENDED BY P.L.250-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.9. A trust is entitled to a deduction under section 9, 11, 13, 14, 16, or 17.4 (before its expiration) of this chapter for real property owned by the trust and occupied by an individual if the county auditor determines that the individual:

(1) upon verification in the body of the deed or otherwise, has either:

(A) a beneficial interest in the trust; or

(B) the right to occupy the real property rent free under the terms of a qualified personal residence trust created by the individual under United States Treasury Regulation 25.2702-5(c)(2); **and**

(2) otherwise qualifies for the deduction. **and**

~~(3) would be considered the owner of the real property under IC 6-1.1-1-9(f) or IC 6-1.1-1-9(g).~~

SECTION 2. IC 6-4.1-4-1, AS AMENDED BY P.L.6-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as otherwise provided in section 0.5 of this chapter or in IC 6-4.1-5-8, the personal representative of a resident decedent's estate or the trustee or transferee of property transferred by the decedent shall file an inheritance tax return with:

(1) the appropriate probate court, in the case of a return filed before April 1, 2016; or

(2) the department of state revenue, in the case of a return filed after March 31, 2016;

within nine (9) months after the date of the decedent's death.

(b) The person filing the return shall file it under oath on the forms prescribed by the department of state revenue. The return shall:

- (1) contain a statement of all property interests transferred by the decedent under taxable transfers known to the person filing the return;
- (2) indicate the fair market value, as of the appraisal date prescribed by IC 6-4.1-5-1.5, of each property interest included in the statement;
- (3) contain an itemized list of all inheritance tax deductions claimed with respect to property interests included in the statement;
- (4) contain a list which indicates the name and address of each transferee of the property interests included in the statement and which indicates the total value of the property interests transferred to each transferee; and
- (5) contain the name and address of the attorney for the personal representative or for the person filing the return.

~~(b)~~ (c) If the decedent died testate, the person filing the return shall attach a copy of the decedent's will to the return.

SECTION 3. IC 6-4.1-4-2, AS AMENDED BY P.L.238-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the Internal Revenue Service allows an extension on a federal estate tax return, the corresponding due date for the Indiana inheritance tax return is automatically extended for the same period as the federal extension.

(b) **This subsection applies to an inheritance tax return due before April 1, 2016.** If the appropriate probate court finds that because of an unavoidable delay an inheritance tax return cannot be filed within nine (9) months after the date of decedent's death, the court may extend the period for filing the return. After the expiration of the first extension period, the court may grant a subsequent extension if the person seeking the extension files a written motion which states the reason for the delay in filing the return.

(c) **This subsection applies to an inheritance tax return due after March 31, 2016. If the department of state revenue finds that because of an unavoidable delay an inheritance tax return cannot be filed before the deadline established by the appropriate probate court or the department of state revenue, the department of state**

revenue may extend the period for filing the return. After the expiration of the first extension period, the department of state revenue may grant a subsequent extension if the person seeking the extension files a written petition that states the reason for the delay in filing the return.

(c) (d) For purposes of sections 3 and 6 of this chapter, an inheritance tax return is not due until the last day of any extension period or periods granted under this section.

SECTION 4. IC 6-4.1-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This subsection applies to an inheritance tax return due before April 1, 2016.** Except as provided in subsection (b), ~~of this section~~, the appropriate probate court shall charge a person who fails to file an inheritance tax return on or before the due date a penalty in an amount which equals:

- (1) fifty cents (\$0.50) per day for each day that the return is delinquent; or
- (2) fifty dollars (\$50);

whichever is less. The court shall include the penalty in the inheritance tax decree which it issues with respect to the decedent's estate. The person to whom the penalty is charged shall pay it to the treasurer of the county in which the resident decedent was domiciled at the time of the resident decedent's death.

(b) The appropriate probate court may waive the penalty otherwise required under subsection (a) ~~of this section~~ if the court finds that the person had a justifiable excuse for not filing the return on or before the due date.

(c) **This subsection applies to an inheritance tax return due after March 31, 2016.** Except as provided in subsection (d), the department of state revenue shall charge a person who fails to file an inheritance tax return on or before the due date a penalty in an amount that equals:

- (1) fifty cents (\$0.50) per day for each day that the return is delinquent; or
- (2) fifty dollars (\$50);

whichever is less. The department of state revenue shall include the penalty in the inheritance tax order that it issues with respect to the decedent's estate. The person to whom the penalty is charged

shall pay the penalty to the department of state revenue.

(d) The department of state revenue may waive the penalty otherwise required under subsection (c) if the department of state revenue finds that the person had a justifiable excuse for not filing the return on or before the due date.

SECTION 5. IC 6-4.1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** This section does not apply to an inheritance tax return filed for a resident decedent after March 31, 2016.

(b) Within ten (10) days after an inheritance tax return for a resident decedent is filed with the probate court, the court shall refer the return to the county inheritance tax appraiser. The county inheritance tax appraiser shall:

- (1) investigate the facts concerning taxable transfers made by the decedent before ~~his~~ **the decedent's** death;
- (2) review the return for mistakes and omissions; and
- (3) appraise each property interest, transferred by the decedent under a taxable transfer, at its fair market value as of the appraisal date prescribed by IC 6-4.1-5-1.5.

SECTION 6. IC 6-4.1-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** This section does not apply to an inheritance tax return filed for a resident decedent after March 31, 2016.

(b) Before making the appraisal required under section ~~2(3)~~ **2(b)(3)** of this chapter, the county inheritance tax appraiser shall give notice of the date, time, and place of the appraisal, by mail, to any person designated by the probate court and each interested person who filed a request for notice and provided a mailing address to the county assessor. The county inheritance tax appraiser shall appraise the property interests at the time and place stated in the notice.

SECTION 7. IC 6-4.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** This section does not apply to an inheritance tax return filed for a resident decedent after March 31, 2016.

(b) In order to make the appraisal required under section ~~2(3)~~ **2(b)(3)** of this chapter, the county inheritance tax appraiser may:

- (1) issue subpoenas;
- (2) compel the appearance of witnesses before ~~him~~; **the**

appraiser; and

(3) examine witnesses under oath.

Each witness examined with respect to the appraisal is entitled to receive a fee in the same amount paid to a witness subpoenaed to appear before a court of record. The county treasurer shall, from county funds not otherwise appropriated, pay the witness fee which is provided for under this section and which is allowed by the probate court under section 10 of this chapter.

SECTION 8. IC 6-4.1-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) This section does not apply to an inheritance tax return filed for a resident decedent after March 31, 2016.**

(b) After an inheritance tax return filed for a resident decedent is examined by the county inheritance tax appraiser and the probate court, the court shall order the person responsible for filing the return to complete the return and refile it if the court finds that the return is incomplete. When the return is refiled, the court shall refer the refiled return to the county inheritance tax appraiser for review. ~~by him:~~

SECTION 9. IC 6-4.1-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) This section does not apply to an inheritance tax return filed for a resident decedent after March 31, 2016.**

(b) After completing the duties assigned to ~~him~~ under section ~~2~~ **2(b)** of this chapter, the county inheritance tax appraiser shall prepare an appraisal report. The appraisal report shall:

(1) contain a list of the property interests described in section ~~2(3)~~

2(b)(3) of this chapter; and

(2) indicate the fair market value of the property interests.

The county inheritance tax appraiser shall file one (1) copy of the report with the probate court, and ~~he~~ shall file another copy of the report with the department of state revenue. The appraiser shall attach the depositions of any witnesses examined with respect to the appraisal and any other information which the court may require to the appraisal report ~~which he files~~ **filed** with the court.

SECTION 10. IC 6-4.1-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If the personal representative of a resident decedent's estate or the trustee or transferee of property transferred by the decedent believes that no inheritance tax

is imposed under this article as a result of the decedent's death, ~~he~~ **the personal representative** may file a verified petition with:

- (1) the appropriate probate court, **in the case of an inheritance tax return that would otherwise be due before April 1, 2016;**
- or
- (2) **the department of state revenue, in the case of an inheritance tax return that would otherwise be due after March 31, 2016;**

requesting that the court **or the department of state revenue, whichever is applicable**, enter an order stating that no inheritance tax is due. The petitioner must include in the petition a statement of the value of the property interests transferred by the decedent.

SECTION 11. IC 6-4.1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) If a petition is filed under section 7 of this chapter, the:

- (1) probate court, **in the case of a petition filed under section 7(1) of this chapter; or**
- (2) **department of state revenue, in the case of a petition filed under section 7(2) of this chapter;**

may hold a hearing on the petition. If the court **or the department of state revenue, whichever is applicable**, elects to hold a hearing, it shall give notice of the hearing in the same manner prescribed for giving the notice required under section ~~9~~ **9(b)** of this chapter.

(b) After the:

- (1) probate court; **or**
- (2) **department of state revenue;**

completes its examination of the petition, the court **or the department of state revenue, whichever is applicable**, may enter an order stating that no inheritance tax is due as a result of the decedent's death.

(c) If the:

- (1) court; **or**
- (2) **department of state revenue;**

enters ~~such~~ an order **under subsection (b)**, the petitioner is not required to file an inheritance tax return.

(d) However, a person may petition the:

- (1) appropriate probate court; **or**
- (2) **department of state revenue;**

under IC 6-4.1-7 for a rehearing on the ~~court's~~ order **entered under**

subsection (b) or for a reappraisal of the property interests transferred by the decedent.

SECTION 12. IC 6-4.1-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) This section does not apply to an inheritance tax return filed for a resident decedent after March 31, 2016.**

(b) When the county inheritance tax appraiser files an appraisal report with the probate court, the court shall give twenty (20) days notice by mail of the date, time, and place of a hearing on the report to each interested person who filed a request for notice and provided a mailing address under section ~~3~~ **3(b)** of this chapter.

SECTION 13. IC 6-4.1-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) After the hearing required by section ~~9~~ **9(b)** of this chapter **for a determination made before April 1, 2016**, the probate court shall determine the fair market value of the property interests transferred by the resident decedent and the amount of inheritance tax due as a result of ~~his~~ **the decedent's** death. The court shall then enter an order stating the amount of inheritance tax due and the fees due witnesses under section 4 of this chapter. If the court finds that no inheritance tax is due, the court shall include a statement to that effect in the order.

(b) The court shall prepare the order required by ~~this section~~ **subsection (a)** on the form prescribed by the department of state revenue. The court shall include in the order a description of all Indiana real property owned by the resident decedent at the time of ~~his~~ **the decedent's** death. The probate court shall spread the order of record in the office of the clerk of the circuit court. The clerk shall maintain the orders in a looseleaf ledger.

(c) This subsection applies if an order stating the amount of inheritance tax due as a result of the death of a decedent who died before January 1, 2013, has not been issued as of the close of business on March 31, 2016. The department of state revenue shall determine the fair market value of the property interests transferred by the resident decedent and the amount of inheritance tax due as a result of the decedent's death. The department of state revenue shall then enter an order stating the amount of inheritance tax due and the fees due witnesses under section 4 of this chapter. If the department of state revenue finds that no inheritance tax is

due, the department shall include a statement to that effect in the order. The department of state revenue shall prepare the order required by this subsection on a form prescribed by the department. The department shall include in the order a description of all Indiana real property owned by the resident decedent at the time of the decedent's death. The department shall spread the order of record in the office of the clerk of the appropriate circuit court. The clerk shall maintain the orders in a looseleaf ledger.

~~(c)~~ **(d)** The order described in **An order issued by the appropriate probate court or the department of state revenue under this section** is confidential.

SECTION 14. IC 6-4.1-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a)** The court, **or the department of state revenue, whichever is applicable,** shall immediately mail a copy of its determination of the fair market value of the property interests transferred by a resident decedent and the inheritance tax due as a result of the person's death to each interested person who filed a request for notice and provided a mailing address under section ~~3~~ **3(b)** of this chapter.

(b) If the appropriate probate court made the determinations under section 10 of this chapter, the court shall also mail the information described in subsection (a) to the department of state revenue and the county treasurer.

SECTION 15. IC 6-4.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For purposes of this article, ~~county inheritance tax appraisers and~~ the department of state revenue shall, if possible, appraise each future, contingent, defeasible, or life interest in property and each annuity by using the rules, methods, standards of mortality, and actuarial tables used by the Internal Revenue Service on October 1, 1988, for federal estate tax purposes.

(b) Except as otherwise provided in this chapter, the value of a future interest in specific property equals the remainder of:

- (1) the total value of the property; minus
- (2) the value of all other interests in the property.

(c) Unless otherwise provided by the transferor, the inheritance tax imposed on the transfer of each of the interests is payable from the

property in which the interests exist.

SECTION 16. IC 6-4.1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~County inheritance tax appraisers and~~ The department of state revenue shall appraise a property interest which may be divested because of an act or omission of the transferee as if there were no possibility of divestment.

SECTION 17. IC 6-4.1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This subsection applies to an inheritance tax return filed before April 1, 2016.** For purposes of determining the inheritance tax imposed on a decedent's transfer of specific property, the appropriate probate court shall, so far as possible, determine the manner in which the property will probably be distributed if:

- (1) a contingency makes it impossible to determine each transferee's exact interest in the property; and
- (2) the department of state revenue and the taxpayer fail, within a reasonable time, to enter into an agreement under section 3 of this chapter.

Unless the court's determination is appealed, it is final and binding on all parties.

(b) This subsection applies to an inheritance tax return filed after March 31, 2016. For purposes of determining the inheritance tax imposed on a decedent's transfer of specific property, the department of state revenue shall, so far as possible, determine the manner in which the property will probably be distributed if:

- (1) a contingency makes it impossible to determine each transferee's exact interest in the property; and**
- (2) the department of state revenue and the taxpayer fail, within a reasonable time, to enter into an agreement under section 3 of this chapter.**

A person may petition the department of state revenue for a redetermination of the amount of inheritance tax imposed under this subsection in the time and manner provided under IC 6-4.1-7-1 or IC 6-4.1-7-5, whichever is applicable.

SECTION 18. IC 6-4.1-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If proceedings have not been instituted under this chapter to determine the inheritance tax imposed on the decedent's transfer of a contingent

or defeasible future interest in property or if the tax imposed on such a transfer is postponed under subsection (b), ~~of this section, the county inheritance tax appraiser~~ or the department of state revenue shall, notwithstanding the provisions of IC 6-4.1-5, appraise the property interest at its fair market value when the transferee of the interest obtains the beneficial enjoyment or possession of the property.

(b) The inheritance tax imposed on the decedent's transfer of a contingent or defeasible interest in property accrues and is due when the transferee of the interest obtains the beneficial enjoyment or possession of the property if the fair market value of the property interest as of the appraisal date prescribed by IC 6-4.1-5-1.5 cannot otherwise be ascertained under this chapter.

SECTION 19. IC 6-4.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) This subsection applies to an inheritance tax return filed before April 1, 2016.** A person who is dissatisfied with an inheritance tax determination made by a probate court with respect to a resident decedent's estate may obtain a rehearing on the determination. To obtain the rehearing, the person must file a petition for rehearing with the probate court within one hundred twenty (120) days after the determination is made. In the petition, the person must state the grounds for the rehearing. The probate court shall base the rehearing on evidence presented at the original hearing plus any additional evidence which the court elects to hear.

(b) This subsection applies to an inheritance tax return filed after March 31, 2016. A person who is dissatisfied with an inheritance tax determination made by the department of state revenue with respect to a resident decedent's estate may obtain a hearing on the determination. To obtain the hearing, the person must file a petition for a hearing with the appropriate probate court within one hundred twenty (120) days after the determination is made. In the petition, the person must state the grounds for the hearing. The probate court shall base the hearing on evidence presented to the department of state revenue plus any additional evidence which the court elects to hear.

SECTION 20. IC 6-4.1-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This subsection applies to an inheritance tax return filed before April 1,**

2016. A person who is dissatisfied with an appraisal approved by a probate court with respect to a resident decedent's estate may obtain a reappraisal of the property interest involved. To obtain the reappraisal, the person must file a petition for reappraisal with the probate court within one (1) year after the court enters an order determining the inheritance tax due as a result of the decedent's death. However, if the original appraisal is fraudulently or erroneously made, the person may file the reappraisal petition within two (2) years after the court enters the order.

(b) This subsection applies to an inheritance tax return filed after March 31, 2016. A person who is dissatisfied with an appraisal made by the department of state revenue with respect to a resident decedent's estate may obtain a reappraisal of the property interest involved. To obtain the reappraisal, the person must file a petition for reappraisal with the probate court within one (1) year after the department of state revenue enters an order determining the inheritance tax due as a result of the decedent's death. However, if the original appraisal is fraudulently or erroneously made, the person may file the reappraisal petition within two (2) years after the department of state revenue enters the order.

SECTION 21. IC 6-4.1-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. When a reappraisal petition is filed under section 2 of this chapter, the probate court may appoint a competent person to reappraise the property interests transferred by the resident decedent under taxable transfers. An appraiser appointed by the court under this section has the same powers and duties, including the duty to give notice of the appraisal and the duty to make an appraisal report to the court, as the county inheritance tax appraiser **had under this article as of January 1, 2016.** The appointed appraiser is entitled to receive an amount fixed by the court and approved by the department of revenue as compensation for **his the appointed appraiser's** services. After the probate court certifies to the county treasurer the amount of compensation due the appointed appraiser, the county treasurer shall pay the appraiser from county funds not otherwise appropriated.

SECTION 22. IC 6-4.1-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After the

appraiser, if any, appointed under section 3 of this chapter files ~~his~~ an appraisal report, the probate court shall redetermine the inheritance tax due with respect to the property interests transferred by the resident decedent. In making the redetermination, the court shall follow the same procedures:

(1) if the court is required to follow under IC 6-4.1-5-9, IC 6-4.1-5-10, and IC 6-4.1-5-11 when making an original inheritance tax determination, in the case of an inheritance tax return filed before April 1, 2016; or

(2) the department of state revenue is required to follow under IC 6-4.1-5-9, IC 6-4.1-5-10, and IC 6-4.1-5-11 when making an original inheritance tax determination, in the case of an inheritance tax return filed after March 31, 2016.

(b) The probate court's redetermination of the inheritance tax due supersedes:

(1) the court's original determination; or

(2) an original determination by the department of state revenue;

whichever is applicable. The court shall file a copy of the redetermination with the clerk of the court.

SECTION 23. IC 6-4.1-7-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. An inheritance tax determination or an appraisal made by the department of state revenue may not be directly appealed to the tax court. A person dissatisfied with an inheritance tax determination or an appraisal made by the department of state revenue must have the inheritance tax determination or appraisal reviewed by the appropriate probate court under section 1, 2, or 5 of this chapter, whichever is applicable. The probate court's action on the inheritance tax determination or an appraisal made by the department of state revenue may be appealed to the tax court under section 7 of this chapter.**

SECTION 24. IC 6-4.1-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) Except as otherwise provided in IC 6-4.1-6-6(b), the inheritance tax imposed as a result of a decedent's death is due twelve (12) months after the person's date of death. If a person liable for payment of inheritance tax**

does not pay the tax on or before the due date, the person shall, except as provided in subsection (b), ~~of this section~~, pay interest on the delinquent portion of the tax at the rate of ten percent (10%) per year from the date of the decedent's death to the date payment is made.

(b) If an unavoidable delay, such as necessary litigation, prevents a determination of the amount of inheritance tax due, the:

(1) appropriate probate court, in the case of a resident decedent **for whom an inheritance tax return is filed before April 1, 2016**; or

(2) ~~the~~ department of state revenue, in ~~the case of a non-resident decedent~~, **all other cases**;

may reduce the rate of interest imposed under this section, for the time period beginning on the date of the decedent's death and ending when the cause of delay is removed, to six percent (6%) per year.

SECTION 25. IC 6-4.1-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person who is liable for inheritance tax imposed as a result of a resident decedent's death shall pay the tax to the:

(1) treasurer of the county in which the resident decedent was domiciled at the time of the resident decedent's death **if an inheritance tax return is filed for the resident decedent before April 1, 2016**; or

(2) **department of state revenue, in all other cases.**

If such a person believes that more inheritance tax is due as a result of the resident decedent's death than the amount of tax determined by the court **or the department of state revenue** under IC 6-4.1-5-10, the person may, without obtaining another ~~court~~ determination **from the court or the department of state revenue**, pay the additional tax and any interest due on the additional tax to the county treasurer **or the department of state revenue, whichever is applicable.**

(b) **This subsection applies only to inheritance taxes paid under subsection (a)(1).** The county treasurer shall collect the tax, shall issue a receipt for the tax payment in duplicate, and shall send one (1) copy of the receipt to the department of state revenue. The department shall countersign the receipt, shall affix its seal to the receipt, and shall return the signed and sealed receipt to the payor. The department shall also charge the county treasurer with the amount of inheritance tax collected. ~~by him.~~

SECTION 26. IC 6-4.1-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This subsection applies to inheritance taxes collected by a county treasurer before April 1, 2016.** With respect to the inheritance tax imposed as a result of a resident decedent's death, the county in which the tax is collected shall receive eight percent (8%) of the inheritance tax paid as a result of the decedent's death. On the first day of January, April, July, and October of each year, the county treasurer shall, except as provided in subsection ~~(b)~~; **(c)**, transfer to the county general fund the amount due the county under this section. This state shall receive the remaining ninety-two percent (92%) of the inheritance taxes, all the interest charges collected by the county treasurer under section 1 or 1.5 of this chapter, and all the penalties collected by the county treasurer under IC 6-4.1-4-6.

(b) This subsection applies to inheritance taxes imposed as a result of the death of a resident decedent that are collected after March 31, 2016, by the department of state revenue. The department of state revenue shall distribute inheritance taxes collected as the result of the death of a resident decedent as follows:

(1) The department shall retain ninety-two percent (92%) of the taxes collected for deposit in the state general fund.

(2) The department shall retain any interest or penalties collected by the department for deposit in the state general fund.

(3) Subject to subsection (c), the department shall distribute eight percent (8%) of the taxes collected to the county treasurer of the county in which the resident decedent lived at the time of the resident decedent's death for deposit in the county general fund.

~~(b)~~ **(c)** In a county having a consolidated city, the amount due the county under this section shall be transferred to the general fund of the consolidated city.

SECTION 27. IC 6-4.1-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **This section does not apply to inheritance taxes paid to the department of state revenue after March 31, 2016.**

(b) On the first day of January, April, July, and October of each year, each county treasurer shall, under oath, send a written inheritance

tax report to the department of state revenue. Each report shall state the amount of inheritance taxes collected by the county treasurer during the preceding three (3) months and shall indicate the estates for which the taxes were paid, who paid the taxes, and when the taxes were paid. The county treasurer shall prepare each report on the form prescribed by the state board of accounts.

~~(b)~~ (c) On the first day of January, April, July, and October of each year, each county auditor shall issue a warrant to the state treasurer for the amount of inheritance taxes, interest charges, and penalties which the state is to receive under section 6 of this chapter. The county treasurer shall stamp and countersign the warrant. The county treasurer shall send the warrant to the department of state revenue not more than thirty (30) days after the county treasurer is required to send the related inheritance tax report for the preceding three (3) months under subsection ~~(a)~~: (b).

SECTION 28. IC 6-4.1-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The department of state revenue shall receipt and account for each warrant which it receives under section ~~7(b)~~ 7(c) of this chapter. The department shall then forward the warrant to the state treasurer. The state treasurer shall deposit the warrants in a special account within the state general fund to be known as the Inheritance Tax Account.

(b) At the end of each month, the state auditor shall issue a quietus to the department of state revenue for the money collected by the department under section ~~7(b)~~ 7(c) of this chapter. The state auditor shall issue the quietus under the same terms and conditions established for issuing a quietus to similar state agencies.

SECTION 29. IC 6-4.1-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Except as otherwise provided in this article**, the probate court of the county:

- (1) in which a resident decedent was domiciled at the time of the decedent's death; or
- (2) in which the resident decedent's estate is being administered, if different from the county described in subdivision (1);

has jurisdiction to determine the inheritance tax imposed as a result of the resident decedent's death and to hear all matters related to the tax determination. However, if two (2) or more courts in a county have probate jurisdiction, the first court acquiring jurisdiction under this

article acquires exclusive jurisdiction over the inheritance tax determination.

(b) In the case of an inheritance tax return filed after March 31, 2016, the probate court having jurisdiction under subsection (a) does not have the power to make original inheritance tax determinations. The probate court may hear the following matters with respect to an inheritance tax return filed after March 31, 2016, for a resident decedent:

- (1) Any matter subject to IC 6-4.1-4-3 through IC 6-4.1-4-5.**
- (2) Any matter subject to IC 6-4.1-5-13.**
- (3) Petitions for a redetermination of inheritance tax due or a reappraisal of a property interest under IC 6-4.1-7.**
- (4) An appeal of a refund order under IC 6-4.1-10-4.**

SECTION 30. IC 6-4.1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as provided in subsection (b),** each county assessor shall serve as the county inheritance tax appraiser for the county ~~he~~ **the assessor** serves. However, the appropriate probate court shall appoint a competent and qualified resident of the county to appraise property transferred by a resident decedent if the county assessor is:

- (1) beneficially interested as an heir of the decedent's estate;
- (2) the personal representative of the decedent's estate; or
- (3) related to the decedent or a beneficiary of the decedent's estate within the third degree of consanguinity or affinity.

A person who is appointed to act as the county inheritance tax appraiser under this section shall receive a fee for ~~his~~ **the person's** services. The court, subject to the approval of the department of state revenue, shall set the fee.

(b) For purposes of determining the inheritance tax with respect to an inheritance tax return filed after March 31, 2016, the duty to appraise property interest transferred by a resident decedent is transferred to the department of state revenue.

SECTION 31. IC 6-4.1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Before April 1, 2016,** the county assessor shall receive funds from the county to pay the actual cost of equipment which ~~he~~ **the assessor** needs to perform the duties assigned to ~~him~~ **the assessor** under this article.

SECTION 32. IC 23-14-31-26, AS AMENDED BY P.L.6-2012,

SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

(1) A person:

(A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or

(B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.

(2) An individual specifically granted the authority to serve in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:

(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or

(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this subdivision if the parent who is present has used reasonable

efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

~~(8)~~ **(10)** If none of the persons described in subdivisions (1) through ~~(7)~~ **(9)** are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through ~~(7)~~: **(9)**.

~~(9)~~ **(11)** In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through ~~(8)~~ **(10)** are available:

- (i) a public administrator, including a responsible township trustee or the trustee's designee; or
- (ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

~~(10)~~ **(12)** In the absence of any person under subdivisions (1) through ~~(9)~~; **(11)**, any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

- (1) the death of the decedent appears to have been the result of:
 - (A) murder (IC 35-42-1-1);
 - (B) voluntary manslaughter (IC 35-42-1-3); or
 - (C) another criminal act, if the death does not result from the operation of a vehicle; and
- (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

(e) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains, and the right to determine final disposition passes to the next person described in subsection (a).

(f) A crematory authority owner has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(g) If there is a dispute concerning the disposition of a decedent's remains, a crematory authority is not liable for refusing to accept the remains of the decedent until the crematory authority receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If a crematory authority agrees to shelter the remains of the decedent while the parties are in dispute, the crematory authority may collect any applicable fees for storing the remains, including legal fees that are incurred.

(h) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(i) A spouse seeking a judicial determination under subsection (a)(3)(A) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

SECTION 33. IC 23-14-55-2, AS AMENDED BY P.L.6-2012, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (c), the owner of a cemetery is authorized to inter, entomb, or inurn the body or cremated remains of a deceased human upon the receipt of a written authorization of an individual who professes either of the following:

(1) To be (in the priority listed) one (1) of the following:

- (A) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19, or the person named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.
- (B) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.
- (C) The individual who was the spouse of the decedent at the time of the decedent's death, except when:
- (i) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or
 - (ii) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.
- (D) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this clause if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.
- (E) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this clause if the parent who is present has used reasonable efforts to notify the absent parent.
- (F) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the

rights under this clause if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(G) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree of kinship is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this clause if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(H) If none of the persons described in clauses (A) through (G) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(I) The person appointed to administer the decedent's estate under IC 29-1.

~~(H)~~ **(J)** If none of the persons described in clauses (A) through ~~(G)~~ **(I)** are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

- (i) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and
- (ii) attests in writing that a good faith effort has been made to contact any living individuals described in clauses (A) through ~~(G)~~ **(I)**.

- (2) To have acquired by court order the right to control the disposition of the deceased human body or cremated remains.

The owner of a cemetery may accept the authorization of an individual only if all other individuals of the same priority or a higher priority (according to the priority listing in this subsection) are deceased, are barred from authorizing the disposition of the deceased human body or cremated remains under subsection (c), or are physically or mentally incapacitated from exercising the authorization, and the incapacity is certified to by a qualified medical doctor.

(b) An action may not be brought against the owner of a cemetery relating to the remains of a human that have been left in the possession of the cemetery owner without permanent interment, entombment, or inurnment for a period of three (3) years, unless the cemetery owner has entered into a written contract for the care of the remains.

(c) If:

- (1) the death of the decedent appears to have been the result of:
- (A) murder (IC 35-42-1-1);
 - (B) voluntary manslaughter (IC 35-42-1-3); or
 - (C) another criminal act, if the death does not result from the operation of a vehicle; and
- (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize the disposition of the decedent's body or cremated remains.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner of the determination referred to in subsection (c)(2).

(e) If a person vested with a right under subsection (a) does not exercise that right not less than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(f) A cemetery owner has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the

final disposition instructions.

(g) If there is a dispute concerning the disposition of a decedent's remains, a cemetery owner is not liable for refusing to accept the remains of the decedent until the cemetery owner receives:

- (1) a court order; or
- (2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If a cemetery agrees to shelter the remains of the decedent while the parties are in dispute, the cemetery may collect any applicable fees for storing the remains, including legal fees that are incurred.

(h) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(i) A spouse seeking a judicial determination under subsection (a)(1)(C)(i) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

SECTION 34. IC 25-15-9-18, AS AMENDED BY P.L.6-2012, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Except as provided in subsection (b), the following persons, in the order of priority indicated, have the authority to designate the manner, type, and selection of the final disposition of human remains, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual's death:

- (1) A person:
 - (A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or
 - (B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.
- (2) An individual specifically granted the authority in a power of

attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:

(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or

(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has the rights under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to

notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

~~(8)~~ **(10)** If none of the persons identified in subdivisions (1) through ~~(7)~~ **(9)** are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through ~~(7)~~: **(9)**.

~~(9)~~ **(11)** In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following:

(A) If none of the persons identified in subdivisions (1) through ~~(8)~~ **(10)** is available:

(i) a public administrator, including a responsible township trustee or the trustee's designee; or

(ii) the coroner.

(B) A state appointed guardian.

(b) If:

(1) the death of the decedent appears to have been the result of:

- (A) murder (IC 35-42-1-1);
- (B) voluntary manslaughter (IC 35-42-1-3); or
- (C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(c) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner or crematory authority of the determination under subsection (b)(2).

(d) If the decedent had filed a protection order against a person described in subsection (a) and the protection order is currently in effect, the person described in subsection (a) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(e) A law enforcement agency shall determine if the protection order is in effect. If the law enforcement agency cannot determine the existence of a protection order that is in effect, the law enforcement agency shall consult the protective order registry established under IC 5-2-9-5.5.

(f) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(g) A funeral home has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(h) If there is a dispute concerning the disposition of a decedent's remains, a funeral home is not liable for refusing to accept the remains of the decedent until the funeral home receives:

(1) a court order; or
(2) a written agreement signed by the disputing parties;
that determines the final disposition of the decedent's remains. If a funeral home agrees to shelter the remains of the decedent while the parties are in dispute, the funeral home may collect any applicable fees for storing the remains, including legal fees that are incurred.

(i) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(j) A spouse seeking a judicial determination under subsection (a)(3)(A) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

SECTION 35. IC 29-1-1-3, AS AMENDED BY P.L.81-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The following definitions apply throughout this article, unless otherwise apparent from the context:

(1) "Child" includes an adopted child but does not include a grandchild or other more remote descendants, nor, except as provided in ~~IC 29-1-2-5~~, **IC 29-1-2-7**, a child born out of wedlock.

(2) "Claims" includes liabilities of a decedent which survive, whether arising in contract or in tort or otherwise, expenses of administration, and all taxes imposed by reason of the person's death. However, for purposes of IC 29-1-2-1 and IC 29-1-3-1, the term does not include taxes imposed by reason of the person's death.

(3) "Court" means the court having probate jurisdiction.

(4) "Decedent" means one who dies testate or intestate.

(5) "Devise" or "legacy", when used as a noun, means a testamentary disposition of either real or personal property or both.

(6) "Devise", when used as a verb, means to dispose of either real or personal property or both by will.

(7) "Devisee" includes legatee, and "legatee" includes devisee.

- (8) "Distributee" denotes those persons who are entitled to the real and personal property of a decedent under a will, under the statutes of intestate succession, or under IC 29-1-4-1.
- (9) "Estate" denotes the real and personal property of the decedent or protected person, as from time to time changed in form by sale, reinvestment, or otherwise, and augmented by any accretions and additions thereto and substitutions therefor and diminished by any decreases and distributions therefrom.
- (10) "Expenses of administration" includes expenses incurred by or on behalf of a decedent's estate in the collection of assets, the payment of debts, and the distribution of property to the persons entitled to the property, including funeral expenses, expenses of a tombstone, expenses incurred in the disposition of the decedent's body, executor's commissions, attorney's fees, and miscellaneous expenses.
- (11) "Fiduciary" includes a:
- (A) personal representative;
 - (B) guardian;
 - (C) conservator;
 - (D) trustee; and
 - (E) person designated in a protective order to act on behalf of a protected person.
- (12) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate, unless otherwise defined or limited by the will.
- (13) "Incapacitated" has the meaning set forth in IC 29-3-1-7.5.
- (14) "Interested persons" means heirs, devisees, spouses, creditors, or any others having a property right in or claim against the estate of a decedent being administered. This meaning may vary at different stages and different parts of a proceeding and must be determined according to the particular purpose and matter involved.
- (15) "Issue" of a person, when used to refer to persons who take by intestate succession, includes all lawful lineal descendants except those who are lineal descendants of living lineal descendants of the intestate.
- (16) "Lease" includes an oil and gas lease or other mineral lease.

- (17) "Letters" includes letters testamentary, letters of administration, and letters of guardianship.
- (18) "Minor" or "minor child" or "minority" refers to any person under the age of eighteen (18) years.
- (19) "Mortgage" includes deed of trust, vendor's lien, and chattel mortgage.
- (20) "Net estate" refers to the real and personal property of a decedent less the allowances provided under IC 29-1-4-1 and enforceable claims against the estate.
- (21) "Person" means:
- (A) an individual;
 - (B) a corporation;
 - (C) a trust;
 - (D) a limited liability company;
 - (E) a partnership;
 - (F) a business trust;
 - (G) an estate;
 - (H) an association;
 - (I) a joint venture;
 - (J) a government or political subdivision;
 - (K) an agency;
 - (L) an instrumentality; or
 - (M) any other legal or commercial entity.
- (22) "Personal property" includes interests in goods, money, choses in action, evidences of debt, and chattels real.
- (23) "Personal representative" includes executor, administrator, administrator with the will annexed, administrator de bonis non, and special administrator.
- (24) "Probate estate" denotes the property transferred at the death of a decedent under the decedent's will or under IC 29-1-2, in the case of a decedent dying intestate.
- (25) "Property" includes both real and personal property.
- (26) "Protected person" has the meaning set forth in IC 29-3-1-13.
- (27) "Real property" includes estates and interests in land, corporeal or incorporeal, legal or equitable, other than chattels real.
- (28) "Will" includes all wills, testaments, and codicils. The term also includes a testamentary instrument which merely appoints an

executor or revokes or revives another will.

(b) The following rules of construction apply throughout this article unless otherwise apparent from the context:

(1) The singular number includes the plural and the plural number includes the singular.

(2) The masculine gender includes the feminine and neuter.

SECTION 36. IC 29-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) For the purpose of inheritance (on the maternal side) to, through, and from a child born out of wedlock, the child shall be treated as if the child's mother were married to the child's father at the time of the child's birth, so that the child and the child's issue shall inherit from the child's mother and from the child's maternal kindred, both descendants and collaterals, in all degrees, and they may inherit from the child. The child shall also be treated as if the child's mother were married to the child's father at the time of the child's birth, for the purpose of determining homestead rights and the making of family allowances.

(b) For the purpose of inheritance (on the paternal side) to, through, and from a child born out of wedlock, the child shall be treated as if the child's father were married to the child's mother at the time of the child's birth, if one (1) of the following requirements is met:

(1) The paternity of a child who was at least twenty (20) years of age when the father died has been established by law in a cause of action that is filed during the father's lifetime.

(2) The paternity of a child who was less than twenty (20) years of age when the father died has been established by law in a cause of action that is filed:

(A) during the father's lifetime; or

(B) within five (5) months after the father's death.

(3) The paternity of a child born after the father died has been established by law in a cause of action that is filed within eleven (11) months after the father's death.

(4) The putative father marries the mother of the child and acknowledges the child to be his own.

(5) The putative father executed a paternity affidavit in accordance with IC 31-6-6.1-9(b) (before its repeal).

~~(5)~~ (6) The putative father executes a paternity affidavit as set forth in IC 16-37-2-2.1.

(c) The testimony of the mother may be received in evidence to establish such paternity and acknowledgment, but no judgment shall be made upon the evidence of the mother alone. The evidence of the mother must be supported by corroborative evidence or circumstances.

(d) If paternity is established as described in this section, the child shall be treated as if the child's father were married to the child's mother at the time of the child's birth, so that the child and the child's issue shall inherit from the child's father and from the child's paternal kindred, both descendants and collateral, in all degrees, and they may inherit from the child. The child shall also be treated as if the child's father were married to the child's mother at the time of the child's birth, for the purpose of determining homestead rights and the making of family allowances.

SECTION 37. IC 29-1-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. Any interested person may contest the validity of any will in the court having jurisdiction over the probate of the will within three (3) months after the date of the order admitting the will to probate by filing in the **same court, in the same cause of action**, the person's allegations in writing verified by affidavit, setting forth:

- (1) the unsoundness of mind of the testator;
- (2) the undue execution of the will;
- (3) that the will was executed under duress or was obtained by fraud; or
- (4) any other valid objection to the will's validity or the probate of the will.

The executor and all other persons beneficially interested in the will shall be made defendants to the action.

SECTION 38. IC 29-2-19-17, AS AMENDED BY P.L.6-2012, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. The right to control the disposition of a decedent's body, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual's death devolves on the following, in the priority listed:

- (1) A person:
 - (A) granted the authority to serve in a funeral planning declaration executed by the decedent under this chapter; or
 - (B) named in a United States Department of Defense form

"Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.

(2) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The decedent's surviving spouse.

(4) A surviving adult child of the decedent or, if more than one (1) adult child is surviving, the majority of the other adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The surviving parent or parents of the decedent. If one (1) of the parents is absent, the parent who is present has the rights under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) An individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

~~(8)~~ **(10)** If none of the persons described in subdivisions (1) through ~~(7)~~ **(9)** are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through ~~(7)~~: **(9)**.

SECTION 39. IC 29-3-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The court shall appoint as guardian a qualified person or persons most suitable and willing to serve, having due regard to the following:

(1) Any request made by a person alleged to be an incapacitated person, including designations in a durable power of attorney under IC 30-5-3-4(a).

(2) Any request contained in a will or other written instrument.

(3) A designation of a standby guardian under IC 29-3-3-7.

~~(3)~~ **(4)** Any request made by a minor who is at least fourteen (14) years of age.

~~(4)~~ **(5)** Any request made by the spouse of the alleged incapacitated person.

~~(5)~~ **(6)** The relationship of the proposed guardian to the individual for whom guardianship is sought.

~~(6)~~ (7) Any person acting for the incapacitated person under a durable power of attorney.

~~(7)~~ (8) The best interest of the incapacitated person or minor and the property of the incapacitated person or minor.

SECTION 40. IC 29-3-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The following are entitled to consideration for appointment as a guardian under section 4 of this chapter in the order listed:

(1) A person designated in a durable power of attorney.

(2) A person designated as a standby guardian under IC 29-3-3-7.

~~(2)~~ (3) The spouse of an incapacitated person.

~~(3)~~ (4) An adult child of an incapacitated person.

~~(4)~~ (5) A parent of an incapacitated person, or a person nominated by will of a deceased parent of an incapacitated person or by any writing signed by a parent of an incapacitated person and attested to by at least two (2) witnesses.

~~(5)~~ (6) Any person related to an incapacitated person by blood or marriage with whom the incapacitated person has resided for more than six (6) months before the filing of the petition.

~~(6)~~ (7) A person nominated by the incapacitated person who is caring for or paying for the care of the incapacitated person.

(b) With respect to persons having equal priority, the court shall select the person it considers best qualified to serve as guardian. The court, acting in the best interest of the incapacitated person or minor, may pass over a person having priority and appoint a person having a lower priority or no priority under this section.

SECTION 41. IC 32-17.5-4-1, AS AMENDED BY P.L.6-2010, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Except for a disclaimer under IC 32-17.5-5 or IC 32-17.5-6-1, the following rules apply to a disclaimer of an interest in property:

(1) A disclaimer takes effect:

(A) when the instrument creating the interest becomes irrevocable; or

(B) upon the intestate's death if the interest arose under the law of intestate succession.

(2) A disclaimed interest passes according to any provision in the

instrument creating the interest:

- (A) that provides for the disposition of the interest should the interest be disclaimed; or
 - (B) that concerns disclaimed interests in general.
- (3) If the instrument creating the disclaimed interest does not contain a provision described in subdivision (2), the following rules apply:
- (A) If the disclaimant is an individual, the following rules apply:
 - (i) Except as provided in items (ii) and (iii), the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.
 - (ii) If, by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive at the time of distribution.
 - (iii) If the disclaimed interest would have passed to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest passes by representation to the descendants of the disclaimant who survive at the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest becomes part of the residue under the instrument creating the disclaimed interest.
 - (B) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.
- (4) If the disclaimed interest arose under the law of intestate succession, the disclaimed interest passes as if the disclaimant had died immediately before the intestate's death.
- (5) Upon the disclaimer of a preceding interest:
- (A) a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution; and
 - (B) a future interest held by the disclaimant is not accelerated in possession or enjoyment.

(6) If a beneficiary of a transfer on death transfer (as defined in IC 32-17-14-3(16)) disclaims an interest in the property, the disclaimant's interest in the property passes as follows:

(A) In the case of a disclaimant who is an individual, as if the disclaimant had died immediately before the death of the owner (as defined in IC 32-17-14-3(7)).

(B) In the case of a disclaimant who is not an individual, as if the disclaimant did not exist before the death of the owner (as defined in IC 32-17-14-3(7)).

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) IC 6-4.1-6-1, IC 6-4.1-6-2, and IC 6-4.1-6-6, each as amended by this act, apply to an appraisal occurring after March 31, 2016, with respect to property interests transferred by a decedent who died before January 1, 2013.

(b) This SECTION expires January 1, 2017.

SECTION 43. An emergency is declared for this act.

P.L.191-2016

[S.381. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-7-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Unless the context requires otherwise, "cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition in this section shall not be construed to include cigars. Excepting where context clearly shows that cigarettes alone are intended, the term "cigarettes" shall mean and

include cigarettes ~~cigarette papers or wrappers, and tubes~~ upon which a tax is imposed by sections 12 and 13 of this chapter.

SECTION 2. IC 6-7-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Unless the context requires otherwise, "individual package" shall mean and include every individual packet, box, or other container used to contain or to convey cigarettes to the consumer. ~~It shall also mean and include books and sets of papers, wrappers or tubes.~~

SECTION 3. IC 6-7-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. Unless the context requires otherwise, "stamps" shall mean the stamps printed, manufactured, or made by authority of the department, as provided in this chapter, and issued, sold, or circulated by it and by the use of which the tax levied under this chapter is paid, or any impression, indicium, or character imprinted upon individual packages of cigarettes ~~cigarette papers, or tubes~~ by a metered stamping machine or other device such as may be authorized by the department for use by the holder of a certificate under the provisions of this chapter and by the use of which the tax levied under this chapter shall be paid.

SECTION 4. IC 6-7-1-12, AS AMENDED BY P.L.218-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. ~~(a)~~ The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes within the state of Indiana:

(1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of four and nine hundred seventy-five thousandths cents (\$0.04975) per individual cigarette.

(2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of six and six hundred twelve thousandths cents (\$0.06612) per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 1/2) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 3/4) inches (or fraction thereof) as a separate cigarette.

~~(b) Upon all cigarette papers, wrappers, or tubes, made or prepared~~

for the purpose of making cigarettes, which are sold, exchanged, bartered, given away, or otherwise disposed of within the state of Indiana (other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes); the following taxes are imposed; and shall be collected and paid as provided in this chapter:

- (1) On fifty (50) papers or less, a tax of one-half cent (\$0.005).
- (2) On more than fifty (50) papers but not more than one hundred (100) papers, a tax of one cent (\$0.01).
- (3) On more than one hundred (100) papers, one-half cent (\$0.005) for each fifty (50) papers or fractional part thereof.
- (4) On tubes, one cent (\$0.01) for each fifty (50) tubes or fractional part thereof.

SECTION 5. IC 6-7-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. All taxes levied, assessed, and imposed by this chapter shall be paid and the payment thereof evidenced by the purchase of stamps and by affixing the same to the individual packages ~~cigarette papers, wrappers, and tubes~~ and duly cancelling ~~said these~~ stamps, as provided in this chapter, but there shall be no further tax assessed, imposed, or collected by virtue of this chapter upon the sale or use of any package of cigarettes ~~cigarette papers, wrappers, or tubes~~ upon which ~~said these~~ stamps have been previously affixed as provided by this chapter.

SECTION 6. IC 6-7-1-17, AS AMENDED BY P.L.131-2008, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) Distributors who hold certificates and retailers shall be agents of the state in the collection of the taxes imposed by this chapter and the amount of the tax levied, assessed, and imposed by this chapter on cigarettes sold, exchanged, bartered, furnished, given away, or otherwise disposed of by distributors or to retailers. Distributors who hold certificates shall be agents of the department to affix the required stamps and shall be entitled to purchase the stamps from the department at a discount of one and ~~two-tenths three-tenths~~ cents (~~\$0.012~~) (**\$0.013**) per individual package of cigarettes as compensation for their labor and expense.

(b) The department may permit distributors who hold certificates and who are admitted to do business in Indiana to pay for revenue stamps within thirty (30) days after the date of purchase. However, the privilege is extended upon the express condition that:

- (1) except as provided in subsection (c), a bond or letter of credit satisfactory to the department, in an amount not less than the sales price of the stamps, is filed with the department;
- (2) proof of payment is made of all property taxes, excise taxes, and listed taxes (as defined in IC 6-8.1-1-1) for which any such distributor may be liable; and
- (3) payment for the revenue stamps must be made by electronic funds transfer (as defined in IC 4-8.1-2-7).

The bond or letter of credit, conditioned to secure payment for the stamps, shall be executed by the distributor as principal and by a corporation duly authorized to engage in business as a surety company or financial institution in Indiana.

(c) If a distributor has at least five (5) consecutive years of good credit standing with the state, the distributor shall not be required to post a bond or letter of credit under subsection (b).

SECTION 7. IC 6-7-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. A distributor that files a complete return and pays the tax due within the time specified in section 12 of this chapter is entitled to deduct and retain from the tax a collection allowance of ~~six-thousandths (0.006)~~ **seven-thousandths (0.007)** of the amount due. If a distributor files an incomplete report, the department may reduce the collection allowance by an amount that does not exceed the lesser of:

- (1) ten percent (10%) of the collection allowance; or
- (2) fifty dollars (\$50).

SECTION 8. [EFFECTIVE JULY 1, 2016] **(a) IC 6-7-1-17, as amended by this act, applies only to cigarette stamps purchased by distributors after June 30, 2016.**

(b) IC 6-7-2-13, as amended by this act, applies only to the collection of taxes that are attributable to liabilities for months occurring after June 30, 2016.

(c) This SECTION expires June 30, 2017.

P.L.192-2016
[H.1025. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-4-602 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 602. (a) The following procedure applies to a proposal to adopt an initial zoning ordinance (or to adopt a replacement zoning ordinance after repealing the entire zoning ordinance, including amendments and zone maps) for a jurisdiction:

- (1) The plan commission must initiate the proposal.
- (2) The plan commission must prepare the proposal so that it is consistent with section 601 of this chapter.
- (3) The plan commission and the legislative body both must comply with section 603 of this chapter.
- (4) The plan commission must give notice and hold a public hearing under section 604 of this chapter.
- (5) The plan commission must certify the proposal to the legislative body under section 605 of this chapter.
- (6) The legislative body must consider the proposal under section 606 of this chapter, and section 606 **of this chapter** governs whether the proposal is adopted or defeated.
- (7) If the proposal is adopted under section 606 of this chapter, the plan commission must print (and publish, if required) the ordinance under section 610 of this chapter.
- (8) The ordinance takes effect as described in section 610 of this chapter.

(b) After the zoning ordinance for a jurisdiction has been adopted as described in subsection (a), the following procedure applies to a proposal to amend or partially repeal the text (not zone maps) of the ordinance:

- (1) The plan commission may initiate the proposal. (Under the advisory planning law or the area planning law, any participating legislative body also may initiate the proposal and require the plan commission to prepare it.)
- (2) The plan commission must prepare the proposal so that it is consistent with section 601 of this chapter.
- (3) The plan commission and the legislative body both must comply with section 603 of this chapter.
- (4) The plan commission must give notice and hold a public hearing under section 604 of this chapter.
- (5) The plan commission must certify the proposal to the legislative body under section 605 of this chapter.
- (6) The legislative body must consider the proposal under section 607 of this chapter, and section 607 **of this chapter** governs whether the proposal is adopted or defeated.
- (7) If the proposal is adopted under section 607 of this chapter, the plan commission must print the amendments to the zoning ordinance under section 610 of this chapter.
- (8) The amendments take effect as described in section 610 of this chapter.

(c) After the zoning ordinance for a jurisdiction has been adopted as described in subsection (a), the following procedure applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into the ordinance:

- (1) The proposal may be initiated either:
 - (A) by the plan commission; or
 - (B) by a petition signed by property owners who own at least fifty percent (50%) of the land involved.

(Under the advisory planning law or the area planning law, any participating legislative body also may initiate the proposal and require the plan commission to prepare it.)

- (2) The plan commission or petitioners must prepare the proposal so that it is consistent with section 601 of this chapter.
- (3) The plan commission and the legislative body both must comply with section 603 of this chapter.
- (4) The plan commission must give notice and hold a public hearing under section 604 of this chapter.

(5) The plan commission must certify the proposal to the legislative body under section 605 of this chapter.

(6) **Except as provided in subdivision (7)**, the legislative body must consider the proposal under section 608 of this chapter, and section 608 **of this chapter** governs whether the proposal is adopted or defeated.

(7) If the alternate procedure in section 608.7 of this chapter is adopted, that section governs whether the proposal is adopted or defeated after consideration by:

(A) the plan commission under section 608.7 of this chapter; or

(B) the legislative body under section 608 of this chapter.

~~(7)~~ **(8)** If the proposal is adopted under section 608 **or 608.7** of this chapter, the plan commission must update the zone maps that it keeps available under section 610 of this chapter.

~~(8)~~ **(9)** The zone map changes take effect as described in section 610 of this chapter.

SECTION 2. IC 36-7-4-604 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 604. (a) Before the plan commission certifies a proposal to the legislative body under section 605 of this chapter, the plan commission must hold a public hearing under this section.

(b) The plan commission shall give notice of the hearing by publication under IC 5-3-1. The notice must state:

(1) the time and place of the hearing;

(2) either:

(A) in the case of a proposal under section 606 or 607 of this chapter, the geographic areas (or zoning districts in a specified geographic area) to which the proposal applies; or

(B) in the case of a proposal under section 608 of this chapter, the geographic area that is the subject of the zone map change;

(This subdivision ~~(2)~~ does not require the identification of any real property by metes and bounds.)

(3) either:

(A) in the case of a proposal under section 606 of this chapter, a summary (which the plan commission shall have prepared) of the subject matter contained in the proposal (not the entire text of the ordinance);

- (B) in the case of a proposal under section 607 of this chapter, a summary (which the plan commission shall have prepared) of the subject matter contained in the proposal (not the entire text) that describes any new or changed provisions; or
- (C) in the case of a proposal under section 608 of this chapter, a description of the proposed change in the zone maps;
- (4) if the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;
- (5) the place where a copy of the proposal is on file for examination before the hearing;
- (6) that written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered;
- (7) that oral comments concerning the proposal will be heard; and
- (8) that the hearing may be continued from time to time as may be found necessary.

(c) The plan commission shall also provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The commission shall by rule determine who are interested parties, how notice is to be given to interested parties, and who is required to give that notice. However, if the subject matter of the proposal abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under this subsection.

(d) The hearing must be held by the plan commission at the place stated in the notice. The commission may also give notice and hold hearings at other places within the county where the distribution of population or diversity of interests of the people indicate that the hearings would be desirable. The commission shall adopt rules governing the conduct of hearings under this section.

(e) A zoning ordinance may not be held invalid on the ground that the plan commission failed to comply with the requirements of this section, if the notice and hearing substantially complied with this section.

(f) The files of the plan commission concerning proposals are public

records and shall be kept available at the commission's office for inspection by any interested person.

(g) METRO. In the case of a proposal to amend a zoning map under section 608 of this chapter or in the case of a proposed approval of a development plan required by a zoning ordinance as a condition of development, a person may not communicate before the hearing with any hearing officer, member of the historic preservation commission, or member of the plan commission with intent to influence the officer's or member's action on the proposal. Before the hearing, the staff may submit a statement of fact concerning the physical characteristics of the area involved in the proposal, along with a recital of surrounding land use and public facilities available to serve the area. The staff may include with the statement an opinion of the proposal. The statement must be made a part of the file concerning the proposal not less than six (6) days before the proposal is scheduled to be heard. The staff shall furnish copies of the statement to persons in accordance with rules adopted by the commission.

(h) METRO. In the case of a proposal to amend a zoning map under section 608 ~~or 608.7~~ of this chapter, this subsection applies if the proposal affects only real property within the corporate boundaries of an excluded city. Notwithstanding the other provisions of this section, the legislative body of the excluded city may decide that the legislative body rather than the plan commission should hold the public hearing prescribed by this section. Whenever the plan commission receives a proposal subject to this section, the plan commission shall refer the proposal to the legislative body of the excluded city. At the legislative body's first regular meeting after receiving a referred proposal, the legislative body shall decide whether the legislative body will hold the public hearing. Within thirty (30) days after making the decision to hold the hearing, the legislative body shall hold the hearing, acting for purposes of this section as if the legislative body is the plan commission. The legislative body shall then make a recommendation on the proposal to the plan commission. After receiving the excluded city legislative body's recommendation (or at the end of the thirty (30) day period for the public hearing if the proposal receives no recommendation), the plan commission shall meet and decide whether to make a favorable recommendation on the proposal. ~~If the proposal receives a~~ **The** favorable recommendation, ~~from the unfavorable~~

recommendation, or no recommendation of the plan commission on the proposal shall be certified to the county legislative body as provided in section 605 of this chapter.

(i) Before a proposal involving a structure regulated under IC 8-21-10 may become effective, the plan commission must have received:

(1) a copy of:

(A) the permit for the structure issued by the Indiana department of transportation; or

(B) the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and

(2) evidence that notice was delivered to a public use airport as required in IC 8-21-10-3 not less than sixty (60) days before the proposal is considered.

SECTION 3. IC 36-7-4-608, AS AMENDED BY P.L.88-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 608. (a) This section applies to a proposal, as described in section 602(c) of this chapter, to change the zone maps incorporated by reference into the zoning ordinance.

(b) If the proposal is not initiated by the plan commission, it must be referred to the commission for consideration and recommendation before any final action is taken by the legislative body. On receiving or initiating the proposal, the commission shall, within sixty (60) days, hold a public hearing in accordance with section 604 of this chapter. Within ten (10) business days after the commission determines its recommendation (if any), the commission shall certify the proposal under section 605 of this chapter.

(c) METRO. This subsection applies if the proposal receives a favorable recommendation, an unfavorable recommendation, or no recommendation from the plan commission:

(1) At the first regular meeting of the legislative body:

(A) after the proposal is certified under section 605 of this chapter; or

(B) after the date of the notice under section 608.7(b)(1) or 608.7(b)(2) of this chapter, if:

(i) the alternate procedure in section 608.7 of this chapter is adopted; and

(ii) the legislative body makes the final determination on

the proposal upon the request of an aggrieved person or the legislative body's own initiative under section 608.7(c) of this chapter;

the legislative body may, by a majority of those voting, schedule the proposal for a hearing on a date not later than its next regular meeting. The legislative body member in whose district the parcel of real property under consideration is located may submit a request to the president of the legislative body that the proposal be considered under this subsection.

(2) If the legislative body fails to schedule the proposal for a hearing under subdivision (1), the ordinance takes effect as if it had been adopted at the first regular meeting of the legislative body:

(A) after the proposal is certified under section 605 of this chapter; or

(B) after the date of the notice under section 608.7(b)(1) or 608.7(b)(2) of this chapter, if:

(i) the alternate procedure in section 608.7 of this chapter is adopted; and

(ii) the legislative body makes the final determination on the proposal upon the request of an aggrieved person or the legislative body's own initiative under section 608.7(c) of this chapter.

(3) For purposes of this subdivision, the final action date for a proposal is the date thirty (30) days after the date that the proposal is certified under section 605 of this chapter, or the date of the second regular meeting after the proposal is certified under section 605 of this chapter, whichever is later. **However if:**

(A) the alternate procedure in section 608.7 of this chapter is adopted; and

(B) the legislative body makes the final determination on the proposal upon:

(i) the request of an aggrieved person; or

(ii) the legislative body's own initiative;

under section 608.7(c) of this chapter;

the final action date for a proposal is the date of the second regular meeting after the date of the notice under section 608.7(b)(1) or 608.7(b)(2) of this chapter. If the legislative body

schedules the proposal for a hearing under subdivision (1) but fails to act on it by the final action date, the ordinance takes effect as if it had been adopted (as certified) on the final action date. However, the period of time ~~from~~ **after** certification under section 605 of this chapter, **or after the notice under section 608.7(b)(1) or 608.7(b)(2) of this chapter**, to the final action date may be extended by the legislative body, with the consent of the initiating plan commission or the petitioning property owners. If the legislative body fails to act on the proposal by the final action date (as extended), the ordinance takes effect as if it had been adopted (as certified) on that extended final action date.

(4) If the legislative body schedules the proposal for a hearing under subdivision (1), it shall announce the hearing during a meeting and enter the announcement in its memoranda and minutes. The announcement must state:

- (A) the date, time, and place of the hearing;
- (B) a description of the proposed changes in the zone maps;
- (C) that written objections to the proposal filed with the clerk of the legislative body or with the county auditor will be heard; and
- (D) that the hearing may be continued from time to time as may be found necessary.

(5) If the legislative body rejects the proposal at a hearing scheduled under subdivision (1), it is defeated.

(d) METRO. The plan commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of a proposal that is defeated under subsection (c)(5).

(e) ADVISORY—AREA. The legislative body shall vote on the proposal within ninety (90) days after:

- (1) the plan commission certifies the proposal under section 605 of this chapter; **or**
- (2) **the date of the notice under section 608.7(b)(1) or 608.7(b)(2) of this chapter, if:**
 - (A) **the alternate procedure in section 608.7 of this chapter is adopted; and**
 - (B) **the legislative body makes the final determination on the proposal upon:**
 - (i) **the request of an aggrieved person; or**

**(ii) the legislative body's own initiative;
under section 608.7(c) of this chapter.**

(f) **ADVISORY—AREA.** This subsection applies if the proposal receives a favorable recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after:

**(A) the proposal is certified under section 605 of this chapter;
or**

**(B) the date of the notice under section 608.7(b)(1) or
608.7(b)(2) of this chapter, if:**

**(i) the alternate procedure in section 608.7 of this
chapter is adopted; and**

**(ii) the legislative body makes the final determination on
the proposal upon the request of an aggrieved person or
the legislative body's own initiative under section
608.7(c) of this chapter;**

(or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt or reject the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal, it is defeated.

(4) **Except as provided in subdivision (5),** if the legislative body fails to act on the proposal within ninety (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(5) This subdivision applies if:

**(A) the alternate procedure in section 608.7 of this chapter
is adopted; and**

**(B) the legislative body makes the final determination on
the proposal upon:**

(i) the request of an aggrieved person; or

(ii) the legislative body's own initiative;

under section 608.7(c) of this chapter.

If the legislative body fails to act on the proposal within ninety (90) days after the date of the notice under section 608.7(b)(1) or 608.7(b)(2) of this chapter, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after the

date of the notice.

(g) **ADVISORY—AREA.** This subsection applies if the proposal receives either an unfavorable recommendation or no recommendation from the plan commission:

- (1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt or reject the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.
- (2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.
- (3) If the legislative body rejects the proposal, it is defeated.
- (4) If the legislative body fails to act on the proposal within ninety (90) days after certification, it is defeated.

(h) **ADVISORY—AREA.** The plan commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of a proposal that is defeated under subsection (f)(3), (g)(3), or (g)(4).

SECTION 4. IC 36-7-4-608.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 608.7. (a) A unit may adopt the alternate procedure set forth in this section to apply to a proposal, as described in section 602(c) of this chapter, to change the zone maps incorporated by reference into the zoning ordinance.

(b) The plan commission shall comply with section 608(b) of this chapter and certify a favorable recommendation, unfavorable recommendation, or no recommendation to the legislative body under section 605 of this chapter. Except as provided in subsection (c), if the plan commission makes:

- (1) a favorable recommendation on the proposal, the proposal (as certified) takes effect as other ordinances:**
 - (A) thirty (30) days after the date of the certification under section 605 of this chapter; or**
 - (B) on a date less than thirty (30) days:**
 - (i) after the date of the certification under section 605 of this chapter; and**
 - (ii) that is specified in the ordinance adopting the alternate procedure; or**

(2) an unfavorable recommendation or no recommendation on the proposal, the proposal is defeated:

(A) thirty (30) days after the date of the certification under section 605 of this chapter; or

(B) on a date less than thirty (30) days:

(i) after the date of the certification under section 605 of this chapter; and

(ii) that is specified in the ordinance adopting the alternate procedure.

The plan commission shall notify the legislative body not later than the next business day after a proposal takes effect under subdivision (1) or is defeated under subdivision (2).

(c) If:

(1) any aggrieved person files with the plan commission a written request to have the final determination on the proposal made by the appropriate legislative body; or

(2) the legislative body files a notice with the plan commission that the legislative body shall make the final determination on the proposal;

the legislative body shall make the final determination on the proposal to change the zone map as set forth in section 608 of this chapter. The plan commission shall notify the legislative body in writing of a request under subdivision (1) not later than the next business day after receiving the request.

(d) A request or notice under subsection (c)(1) or (c)(2) must be filed not later than:

(1) twenty-nine (29) days after the date the favorable recommendation, the unfavorable recommendation, or no recommendation of the plan commission is certified under section 605 of this chapter; or

(2) on a date that is less than twenty-nine (29) days:

(A) after the date the favorable recommendation, the unfavorable recommendation, or no recommendation of the plan commission is certified under section 605 of this chapter; and

(B) that is specified in the ordinance adopting the alternate procedure.

SECTION 5. [EFFECTIVE JULY 1, 2016] (a) IC 36-7-4-602, IC 36-7-4-604, and IC 36-7-4-608, all as amended by this act, and

IC 36-7-4-608.7, as added by this act, apply only to a proposal to amend a zone map incorporated by reference into the zoning ordinance that is received or initiated by the plan commission under IC 36-7-4-608(b) after June 30, 2016.

(b) This SECTION expires July 1, 2018.

P.L.193-2016

[H.1032. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10-5.5-2, AS AMENDED BY P.L.227-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a)** There is hereby created a state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan to establish a means of providing special retirement, disability and survivor benefits to employees of the department, the Indiana gaming commission, and the commission who are engaged exclusively in the performance of law enforcement duties.

(b) The assets of the retirement plan created by this section may be commingled for investment purposes with the assets of other funds administered by the board.

SECTION 2. IC 5-10-10-4.8, AS ADDED BY P.L.62-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.8. (a) As used in this section, "eligible emergency medical services provider" means an emergency medical services provider who is employed by a person that has contracted with a political subdivision to provide emergency medical services for the political subdivision.

(b) As used in this section, "emergency medical services" has the

meaning set forth in IC 16-49-1-5.

(c) As used in this section, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

(d) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(e) If an employer purchases coverage for an eligible emergency medical services provider, the eligible emergency medical services provider who dies as a direct result of personal injury or illness resulting from the eligible emergency medical services provider's performance of duties under a contract entered into by the emergency medical services provider's employer to provide emergency medical services for a political subdivision is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund. The cost of the coverage must be one hundred dollars (\$100) annually for each eligible emergency medical services provider paid by the emergency medical services provider's employer. The cost of the coverage shall be paid to the board for deposit into the fund.

(f) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible emergency medical services providers of the employer. ~~The board shall allow an~~ **An employer to who elects to purchase coverage under this section must purchase coverage by making quarterly annual payments on dates as** prescribed by the board.

SECTION 3. IC 5-10.2-2-3, AS AMENDED BY P.L.35-2012, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The annuity savings account consists of:

- (1) the members' contributions; and
- (2) the interest credits on these contributions in the guaranteed fund **(before January 1, 2017), the gain or loss in the balance of the member's account in the stable value fund (after December 31, 2016),** or the gain or loss in market value on these contributions in the alternative investment program, as specified in section 4 of this chapter.

Each member shall be credited individually with the amount of the member's contributions and interest credits.

(b) The board shall maintain the ~~annuity savings account~~ **investment** program in effect on December 31, 1995, (referred to in

this chapter as the guaranteed program) **within the annuity savings account until January 1, 2017.** In addition, the board shall establish and maintain a guaranteed program within the 1996 account **until January 1, 2017. After December 31, 2016, the board shall establish an investment fund (referred to in this chapter as the stable value fund) that has preservation of capital as the primary investment objective.** The board may establish investment guidelines and limits on all types of investments (including, but not limited to, stocks and bonds) and take other actions necessary to fulfill its duty as a fiduciary of the annuity savings account, subject to the limitations and restrictions set forth in IC 5-10.3-5-3, IC 5-10.4-3-10, and IC 5-10.5-5.

(c) The board shall establish alternative investment programs within the annuity savings account of the public employees' retirement fund, the pre-1996 account, and the 1996 account, based on the following requirements:

(1) The board shall maintain at least one (1) alternative investment program that is an indexed stock fund and one (1) alternative investment program that is a bond fund. The board may maintain one (1) or more alternative investment programs that:

(A) invest in one (1) or more commingled or pooled funds that consist in part or entirely of mortgages that qualify as five star mortgages under the program established by IC 24-5-23.6; or
(B) otherwise invest in mortgages that qualify as five star mortgages under the program established by IC 24-5-23.6.

(2) The programs should represent a variety of investment objectives under IC 5-10.3-5-3.

(3) No program may permit a member to withdraw money from the member's account except as provided in IC 5-10.2-3 and IC 5-10.2-4.

(4) All administrative costs of each alternative program shall be paid from the earnings on that program or as may be determined by the rules of the board.

(5) Except as provided in section 4(e) of this chapter, a valuation of each member's account must be completed as of:

(A) the last day of each quarter; or
(B) another time as the board may specify by rule.

(d) The board must prepare, at least annually, an analysis of the guaranteed program **(before January 1, 2017), the stable value fund (after December 31, 2016)**, and each alternative investment program.

This analysis must:

- (1) include a description of the procedure for selecting an alternative investment program;
- (2) be understandable by the majority of members; and
- (3) include a description of prior investment performance.

(e) A member may direct the allocation of the amount credited to the member among the guaranteed fund **(before January 1, 2017), the stable value fund (after December 31, 2016)**, and any available alternative investment funds, subject to the following conditions:

- (1) A member may make a selection or change an existing selection under rules established by the board. The board shall allow a member to make a selection or change any existing selection at least once each quarter.
- (2) The board shall implement the member's selection beginning on the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the board or on an alternate date established by the rules of the board. This date is the effective date of the member's selection.
- (3) A member may select any combination of the guaranteed fund **(before January 1, 2017), the stable value fund (after December 31, 2016)**, or any available alternative investment funds, in ten percent (10%) increments or smaller increments that may be established by the rules of the board.
- (4) A member's selection remains in effect until a new selection is made.
- (5) On the effective date of a member's selection, the board shall reallocate the member's existing balance or balances in accordance with the member's direction, based on:
 - (A) for an alternative investment program balance, the market value on the effective date; ~~and~~
 - (B) for any guaranteed program balance, the account balance on the effective date; **and**
 - (C) **for any stable value fund program balance, the balance of the member's account on the effective date.**

All contributions to the member's account shall be allocated as of

the last day of that quarter or at an alternate time established by the rules of the board in accordance with the member's most recent effective direction. The board shall not reallocate the member's account at any other time.

(6) The provisions concerning the transition from the guaranteed program to the stable value fund program are met, as set forth in section 24 of this chapter.

(f) When a member who participates in an alternative investment program transfers the amount credited to the member from one (1) alternative investment program to another alternative investment program, ~~or~~ to the guaranteed program **(before January 1, 2017), or to the stable value fund program (after December 31, 2016)**, the amount credited to the member shall be valued at the market value of the member's investment, as of the day before the effective date of the member's selection or at an alternate time established by the rules of the board. When a member who participates in an alternative investment program retires, becomes disabled, dies, or suspends membership and withdraws from the fund, the amount credited to the member shall be the market value of the member's investment as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or suspension and withdrawal, plus contributions received after that date or at an alternate time established by the rules of the board.

(g) **This subsection applies before January 1, 2017.** When a member who participates in the guaranteed program transfers the amount credited to the member to an alternative investment program, the amount credited to the member in the guaranteed program is computed without regard to market value and is based on the balance of the member's account in the guaranteed program as of the last day of the quarter preceding the effective date of the transfer. However, the board may by rule provide for an alternate valuation date. When a member who participates in the guaranteed program retires, becomes disabled, dies, or suspends membership and withdraws from the fund, the amount credited to the member shall be computed without regard to market value and is based on the balance of the member's account in the guaranteed program as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or suspension and withdrawal, plus any contributions received since

that date plus interest since that date. However, the board may by rule provide for an alternate valuation date.

(h) This subsection applies after December 31, 2016. When a member who participates in the stable value fund program transfers the amount credited to the member from the stable value fund program to an alternative investment program, the amount credited to the member shall be the balance of the member's account, as of the day before the effective date of the member's selection or at an alternate time established by the rules of the board. When a member who participates in the stable value fund program retires, becomes disabled, dies, or suspends membership and withdraws from the fund, the amount credited to the member shall be the balance of the member's account as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or suspension and withdrawal, plus contributions received after that date or at an alternate time established by the rules of the board.

SECTION 4. IC 5-10.2-2-3.3, AS ADDED BY P.L.220-2011, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.3. Interest credited prior to July 1, 2005, in the annuity savings account of the public employees' retirement fund to suspended members participating in the guaranteed fund **(before its elimination on January 1, 2017)** under section 3 of this chapter shall be treated as properly credited.

SECTION 5. IC 5-10.2-2-4, AS AMENDED BY P.L.35-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsection (e), interest shall be credited and compounded at least annually on all amounts credited to the member in the guaranteed program. For the guaranteed program, the board shall annually establish an interest credit rate equal to or less than the investment income earned.

(b) Except as provided in subsection (e), the market value of each alternative investment program shall be allocated at least annually to the members participating in that program.

(c) Contributions to the guaranteed program and the alternative investment programs shall be invested as of the last day of the quarter in which the contributions are received or at an alternate time established by the rules of the board. Contributions to the guaranteed

program shall begin to accumulate interest at the beginning of the quarter after the quarter in which the contributions are received or at an alternate time established by the rules of the board.

(d) When a member retires or withdraws with a balance in the guaranteed program, a proportional interest credit determined by the board shall be granted for the period elapsed since the last interest date on that balance.

(e) This subsection applies whenever the board is required to establish an interest or earnings rate in order to credit interest or earnings to an omitted contribution to a member's annuity savings account. As used in this subsection, "omitted contribution" means a contribution contributed by or on behalf of a member under IC 5-10.3-7-9 or IC 5-10.4-4-11 that is received by the board after the time required by IC 5-10.3-7-12.5 or IC 5-10.4-7-6(b)(1). Notwithstanding any law to the contrary, the board may by rule specify:

(1) a single composite interest rate and the period to which the rate applies for the purpose of computing the interest credits on a member's contributions (including omitted contributions) in the guaranteed fund; and

(2) a single composite earnings rate for the gain or loss in market value for each alternative investment program and the period to which the rate applies for the purpose of computing the gain or loss in market value on a member's contributions (including omitted contributions) in the alternate investment program.

(f) This section expires January 1, 2017.

SECTION 6. IC 5-10.2-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) This section applies only after December 31, 2016.**

(b) Except as provided in subsection (e), the market value of the stable value fund program shall be allocated at least annually to the members participating in that program.

(c) Except as provided in subsection (e), the market value of each alternative investment program shall be allocated at least annually to the members participating in that program.

(d) Contributions to the stable value fund program and the alternative investment programs shall be invested as of the last day of the quarter in which the contributions are received or at an

alternate time established by the rules of the board.

(e) This subsection applies whenever the board is required to establish an earnings rate in order to credit earnings to an omitted contribution to a member's annuity savings account. As used in this subsection, "omitted contribution" means a contribution contributed by or on behalf of a member under IC 5-10.3-7-9 or IC 5-10.4-4-11 that is received by the board after the time required by IC 5-10.3-7-12.5 or IC 5-10.4-7-6(b)(1). Notwithstanding any law to the contrary, the board may by rule specify:

- (1) a single composite earnings rate for the gain or loss in market value for the stable value fund program for the purpose of computing the gain or loss in market value on a member's contributions (including omitted contributions) in the stable value fund program; and**
- (2) a single composite earnings rate for the gain or loss in market value for each alternative investment program and the period to which the rate applies for the purpose of computing the gain or loss in market value on a member's contributions (including omitted contributions) in the alternate investment program.**

SECTION 7. IC 5-10.2-2-21, AS ADDED BY P.L.241-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) This section applies to a miscellaneous participating entity that takes any of the following actions on or after December 31, 2010:

- (1) The miscellaneous participating entity determines a date:
 - (A) before which newly hired employees of a departmental, occupational, or other definable classification of employees are required or allowed to participate in the fund; and
 - (B) on or after which newly hired employees of the departmental, occupational, or other definable classification of employees are not allowed to participate in the fund.
- (2) The miscellaneous participating entity determines a date:
 - (A) before which newly hired employees of a departmental, occupational, or other definable classification of employees are required to participate in the fund; and
 - (B) on or after which newly hired employees of the departmental, occupational, or other definable classification of

employees are allowed to choose to participate in a retirement plan other than the fund.

(3) The miscellaneous participating entity modifies its employee classification scheme as of a specified date in such a way that there is at least one (1) position that:

(A) is covered by the fund before the specified date; and

(B) is not covered by the fund after the specified date.

(b) The following definitions apply throughout this section:

(1) "Freeze" or "freeze participation in the fund" means to take an action described in subsection (a).

(2) "Freezing participating entity" means a miscellaneous participating entity that freezes its participation in the fund.

(3) "Fund" means the public employees' retirement fund.

(c) A miscellaneous participating entity that freezes its participation in the fund after December 31, 2010, shall do the following:

(1) Provide written notice of the following to the board:

(A) The action that was taken under subsection (a) by the freezing participating entity.

(B) The effective date of the action taken under subsection (a).

(C) The employee classifications that:

(i) are covered by the fund before the effective date of the freeze; and

(ii) will not be covered by the fund on or after the effective date of the freeze.

(D) The names of the freezing participating entity's current employees and former employees as of the date on which the notice is provided.

(2) Comply with subsections (d) through (f).

(d) With respect to retired members who have creditable service with the freezing participating entity, the freezing participating entity shall contribute to the fund any additional amounts that the board determines are necessary to provide for reserves with sufficient assets to pay all future benefits from the fund to those retired members attributable to service with the freezing participating entity. The board shall collaborate with the freezing participating entity by sharing the actuarial method and report used in determining the amounts under this subsection and under subsections (e) and (f). The contribution by the freezing participating entity must be made in a lump sum or in a series

of payments over a term that does not exceed thirty (30) years, as determined by the freezing participating entity.

(e) With respect to members of the fund who have creditable service with the freezing participating entity and who are not employees as of the effective date on which the miscellaneous participating entity freezes its participation in the fund, the freezing participating entity shall contribute the amount that the board determines is necessary to fund fully the service for those members that is attributable to service with the freezing participating entity. The board shall collaborate with the freezing participating entity by sharing the actuarial method and report. The contribution by the freezing participating entity must be made in a lump sum or in a series of payments over a term that does not exceed thirty (30) years, as determined by the freezing participating entity.

(f) With respect to members of the fund who are employees of the freezing participating entity on the date of the notice under subsection (c), the freezing participating entity shall continue to contribute the amounts required under section 11 of this chapter for those employees for the duration of their employment with the freezing participating entity. In addition, the freezing participating entity shall contribute to the fund the amount the board determines is necessary to fund fully the benefits attributable to service with the freezing participating entity that are vested or will become vested and are not expected to be fully funded through the continuing contributions under section 11 of this chapter during the duration of the members' employment with the freezing participating entity. The board shall collaborate with the freezing participating entity by sharing the actuarial method and report. The contribution by the freezing participating entity must be made in a lump sum or in a series of payments over a term that does not exceed thirty (30) years, as determined by the freezing participating entity.

(g) The Indiana public retirement system may do any of the following to determine a miscellaneous participating entity's compliance with this section:

- (1) Require reports from the miscellaneous participating entity.
- (2) Audit the miscellaneous participating entity.

(h) A miscellaneous participating entity must begin payments required under this section not later than July 1, 2016, or a date determined by the board. The board may charge interest on any

amount that remains unpaid after the payment date determined by the board.

SECTION 8. IC 5-10.2-2-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 24. (a) After December 31, 2016, a member may not make contributions to the guaranteed program.**

(b) For those members who as of December 31, 2016, have designated the guaranteed program as the investment program to receive all or part of the contributions to the member's annuity savings account, the board shall designate as a substitute one (1) or more alternative investment programs that are to receive those contributions after December 31, 2016. The designation by the board of an alternative investment program to receive a member's contributions under this subsection remains in effect until the member makes another allowable designation.

(c) After December 31, 2016, if a member has allocated all or part of the amount credited to the member to the guaranteed program, the board shall exchange the amount allocated to the guaranteed program by the member for an equivalent market value allocation to the stable value fund.

(d) The board shall eliminate the guaranteed program on January 1, 2017.

(e) After December 31, 2016, a member may allocate contributions and money invested in the alternative investment program to the stable value fund.

SECTION 9. IC 5-10.2-3-5, AS AMENDED BY P.L.165-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) A member who is not eligible for retirement or disability retirement may suspend the member's membership if the member terminates employment.**

(b) After five (5) continuous years in which the member performs no service, the member's membership shall be automatically suspended by the board unless the member has vested status.

(c) The board may suspend a member's membership in the fund if:

- (1) the member has not performed any service in a covered position during the past two (2) years;**
- (2) the member has not attained vested status in the fund; and**
- (3) the value of the member's annuity savings account is not more**

~~than one thousand dollars (\$1,000).~~

~~(d)~~ (c) On resuming service the member may claim as creditable service the period of employment before the suspension of membership, but only to the extent that the same period of employment is not being used by another governmental plan for purposes of the member's benefit in the other governmental plan.

SECTION 10. IC 5-10.2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) After a member suspends his membership, **he is suspended under section 5 of this chapter, the member** is entitled to withdraw in a lump sum the amount of ~~his the member's~~ contributions plus interest credited to ~~him: the member.~~

(b) Except as provided in subsection (c); ~~if the member does not claim his moneys within five (5) years after the suspension; the moneys shall be credited to the retirement fund: Any reasonable costs of locating the member or the member's beneficiary may be charged against the member's or the beneficiary's money: The fund shall retain~~ (d), **the suspended member's moneys until the member claims them; with no further interest credits to the member after the moneys are credited to the fund: money is to remain in the stable value fund or the alternative investment program as the money was allocated on the day the member was suspended until:**

(1) the suspended member changes the allocation of the money among the stable value fund and the alternative investment program;

(2) the suspended member withdraws the money from the fund; or

(3) the fund is otherwise required to distribute the money.

Any earnings or losses on the money shall be credited to the member in the same manner as if the member's membership was not suspended.

(c) If a member suspends membership in the fund because the member is no longer in a covered position but does not separate from employment with the member's employer, money shall be credited to the retirement fund only if the member does not claim the member's money within forty-five (45) years after the suspension. **The board may charge a reasonable annual administrative fee against the money held in the annuity savings account of a suspended member.**

(d) If:

- (1) a member is suspended under section ~~(5)~~(~~c~~) **5** of this chapter;
- (2) the member has not attained vested status in the fund; and**
- (3) the value of the member's annuity savings account is not more than one thousand dollars (\$1,000);**

the board shall pay the member's annuity savings account in a lump sum.

SECTION 11. IC 5-10.2-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) To the extent permitted by the Internal Revenue Code and the applicable regulations, the fund may accept, on behalf of any active member, a rollover distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(b) Any amounts rolled over under subsection (a) must be accounted for in a "rollover account" that is separate from the member's annuity savings account.

(c) A member may direct the investment of the member's rollover account into **the stable value fund or** any alternative investment option that the board may make available to the member's rollover account under IC 5-10.2-2-3. ~~However, the member may not invest the member's rollover account in the guaranteed fund.~~

(d) A member may withdraw the member's rollover account from the fund in a lump sum at any time before retirement. At retirement, the member may withdraw the member's rollover account in accordance with the retirement options that are available for the member's annuity savings account, including the deferral of a withdrawal.

SECTION 12. IC 5-10.2-4-7.2, AS AMENDED BY P.L.241-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.2. (a) This section applies to the following:

(1) A member of the Indiana state teachers' retirement fund after June 30, 2007.

(2) A member of the public employees' retirement fund after June 30, 2008.

(b) ~~Subject to subsection (g);~~ **Except as otherwise provided in this section,** if a member is receiving a benefit from the fund, ~~and:~~

~~(1) the member's designated beneficiary dies;~~

~~(2) the member and the member's designated beneficiary have been parties in an action for dissolution of marriage in which a final order has been issued after the member's first benefit payment is made. It is immaterial whether the final order was issued before, on, or after the date in subsection (a)(1) or (a)(2);~~

~~(3) the member marries after the member's first benefit payment is made; and:~~

~~(A) the member's designated beneficiary is not the member's current spouse; or~~

~~(B) the member has not designated a beneficiary; or~~

~~(4) after June 30, 2016, the member and the member's designated beneficiary are no longer in a relationship that caused the member to make the original beneficiary designation;~~

the member may make the election described in subsection (c) **any number of times.**

(c) **Except as otherwise provided in this section,** a member described in subsection (b) may elect to:

(1) change the member's designated beneficiary or form of benefit under section 7(b) of this chapter; and

(2) receive an actuarially adjusted and recalculated benefit for the remainder of:

(A) the member's life; or

(B) the member's life and the life of the newly designated beneficiary.

(d) A member making the election under subsection (c) may not elect to change to a five (5) year guaranteed form of benefit under section 7(b) of this chapter.

(e) If a member elects a benefit under subsection (c)(2)(B), the member must indicate whether the newly designated beneficiary's benefit will equal:

(1) the member's full recalculated benefit;

- (2) two-thirds (2/3) of the member's recalculated benefit; or
- (3) one-half (1/2) of the member's recalculated benefit.

(f) The member bears the cost of recalculating a benefit under subsection (c)(2), and **the member shall pay** the cost ~~shall be included~~ in the actuarial adjustment. **manner prescribed by the board by rule. However, the board shall waive the cost associated with the first time after June 30, 2016, the member changes the member's designated beneficiary or form of benefit under this section.**

(g) A member may not make the election under subsection (c) if a final order or property settlement in an action for dissolution of marriage:

- (1) prohibits a change in the member's designated beneficiary; or
- (2) provides a right to a survivor benefit to a person who would be removed as the designated beneficiary.

(h) Benefits may be recalculated under this section only to the extent permitted by the Internal Revenue Code and applicable regulations.

(i) Before implementing this section, the board may obtain any approvals that the board considers necessary or appropriate from the Internal Revenue Service.

(j) ~~This subsection applies after June 30, 2016. A member who qualifies under subsection (b)(4) to make an election under subsection (c) shall provide documentation the board considers sufficient to establish that the relationship between the member and the member's designated beneficiary no longer exists.~~

(j) Subject to subsection (g), if a member is receiving a benefit from the fund and the member's spouse is the member's designated beneficiary, the member may not change the member's designated beneficiary or elect to receive an actuarially adjusted and recalculated benefit under subsection (c) unless:

- (1) the member's designated beneficiary dies;**
- (2) the member and the member's designated beneficiary have been parties in an action for dissolution of marriage in which a final order has been issued after the member's first benefit payment is made; or**
- (3) the member's designated beneficiary, or the guardian of the member's designated beneficiary, authorizes the change in writing in the manner prescribed by the board.**

With respect to a final order for dissolution of marriage described

in subdivision (2), it is immaterial whether the final order was issued before, on, or after the date in subsection (a)(1) or (a)(2).

SECTION 13. IC 5-10.3-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The general assembly intends that, to the extent specified in this article, the payments to the fund by the state or the participating political subdivisions, the payment of all benefits, the payment of interest credits, and the payment of administration expenses are obligations of the state and the participating political subdivisions. However, this obligation is not a guarantee that the amount credited to a member in the annuity savings account will not vary in value as a result of the performance of the investment program selected by the member under IC 5-10.2-2, unless the member selected the guaranteed program **(before its elimination on January 1, 2017)**, in which case the obligation is such a guarantee.

SECTION 14. IC 5-10.3-12-1, AS AMENDED BY P.L.241-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as otherwise provided in this section, this chapter applies to the following:

(1) An individual who:

(A) on or after the effective date of the plan, becomes for the first time a full-time employee of the state:

(i) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(ii) who is paid by the auditor of state by salary warrants; and

(B) makes the election described in section 20 of this chapter to become a member of the plan.

(2) An individual:

(A) who becomes a full-time employee of a participating political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;

(B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board to require an employee in the covered

position to become a member of the plan.

(3) An individual:

(A) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;

(B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7;

(C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:

(i) to allow an employee in the covered position to become a member of the fund or a member of the plan at the discretion of the employee; and

(ii) to require an employee in a covered position to make an election under section 20.5 of this chapter in order to become a member of the plan; and

(D) who makes an election under section 20.5 of this chapter to become a member of the plan.

(4) An individual:

(A) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;

(B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7;

(C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:

(i) to allow an employee in the covered position to become a member of the fund or a member of the plan at the discretion of the employee; and

(ii) to require an employee to make an election under IC 5-10.3-7-1.1 in order to become a member of the fund; and

(D) who does not make an election under IC 5-10.3-7-1.1 to become a member of the fund.

(5) An individual who makes an election described in section

20.3 of this chapter.

(b) Except as provided in subsection (c), this chapter does not apply to an individual who, on or after the effective date of the plan:

(1) becomes for the first time a full-time employee of the state in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(2) is employed by:

(A) a body corporate and politic of the state created by state statute; or

(B) a state educational institution (as defined in IC 21-7-13-32).

(c) The chief executive officer of a body or institution described in subsection (b) may elect, by submitting a written notice of the election to the director, to have this chapter apply to individuals who, as employees of the body or institution, become for the first time full-time employees of the state in positions that would otherwise be eligible for membership in the fund under IC 5-10.3-7. An election under this subsection is effective on the later of:

(1) the date the notice of the election is received by the director; or

(2) March 1, 2013.

(d) This chapter does not apply to the following:

(1) An individual who is or was a member (as defined in IC 5-10.3-1-5) of the fund before otherwise becoming eligible to become a member of the plan.

(2) An individual who:

(A) on or after the effective date of the plan, except as provided in subsection (c), becomes for the first time a full-time employee of the state:

(i) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(ii) who is not paid by the auditor of state by salary warrants; or

(B) does not elect to participate in the plan.

(3) An individual who:

(A) is eligible to make the election under IC 5-10.3-7-1.1 to become a member of the fund; and

(B) does make the election under IC 5-10.3-7-1.1 to become a

member of the fund.

(4) An individual who is required to become a member of the fund.

SECTION 15. IC 5-10.3-12-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.3. (a) This section applies to an individual who:**

(1) is an employee of the state on July 1, 2016;

(2) became for the first time, after January 1, 2013, a full-time employee of the state in a position that is eligible for membership in the fund under IC 5-10.3-7; and

(3) is a member (as defined in IC 5-10.3-1-5) of the fund.

(b) An individual to whom this section applies may elect to become a member of the plan. An election under this section:

(1) must be made in writing;

(2) must be filed with the board, on a form prescribed by the board, not later than July 30, 2016; and

(3) is irrevocable.

(c) If an individual makes the election described in subsection (b), the following apply:

(1) The individual's service from the date, after January 1, 2013, that the individual first became a full-time employee of the state until the date immediately preceding the date of the individual's election under subsection (b) is considered participation in the plan for purposes of vesting in the employer contribution subaccount under section 25 of this chapter, and the individual waives service credit in the fund for the service.

(2) The amount credited to the individual's annuity savings account in the fund on the date of the individual's election under subsection (b) is transferred to the individual's member contribution subaccount.

(3) The amounts paid to the fund by the state as employer normal cost contributions for the individual from the date, after January 1, 2013, that the individual first became a full-time employee of the state until the date immediately preceding the date of the individual's election under subsection (b) are transferred to the individual's employer contribution subaccount.

SECTION 16. IC 5-10.3-12-22, AS AMENDED BY P.L.6-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) Subject to the board obtaining the approval of the Internal Revenue Service as described in section 18(b) of this chapter, the board shall establish:

(1) a stable value fund as the initial regular investment program for the plan; and

(2) the alternative investment programs (as described by IC 5-10.2-2-3 and IC 5-10.2-2-4) within the annuity savings account as the initial alternative investment programs for the plan. ~~except that the board shall maintain at least one (1) alternative investment program that is a stable value fund.~~

If the board considers it necessary or appropriate, the board may establish different or additional alternative investment programs for the plan. ~~However, the guaranteed program (as defined in IC 5-10.2-2-3) shall not be offered as an investment option under the plan.~~

(b) The requirements and rules that apply to the alternative investment programs within the annuity savings account are the initial requirements and rules that apply to the alternative investment programs within the plan, including the following:

- (1) The board's investment guidelines and limits for the alternative investment programs.
- (2) A member's selection of and changes to the member's investment options.
- (3) The valuation of a member's account.
- (4) The allocation and payment of administrative expenses for the alternative investment programs.

(c) If the board considers it necessary or appropriate, the board may establish different or additional requirements and rules that apply to the alternative investment programs within the plan.

(d) The board shall determine the appropriate administrative fees to be charged to the member accounts.

SECTION 17. IC 5-10.4-2-6, AS AMENDED BY P.L.99-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The board shall do the following:

- (1) Credit interest to the members' annuity savings accounts in the guaranteed fund **(before January 1, 2017), actual earnings to the stable value fund (after December 31, 2016)**, and actual

earnings to the alternative investment programs.

(2) After complying with subdivision (1), distribute any remaining undistributed income reserve as of the end of each accounting period as determined by the rules of the board.



P.L.194-2016

[H.1040. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-9-25-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. As used in this chapter, "committee" refers to the county food and beverage tax advisory committee established by section 15 of this chapter.**

SECTION 2. IC 6-9-25-9.5, AS AMENDED BY P.L.119-2012, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter ~~shall~~ **may** be used by the county for the financing, construction, renovation, improvement, equipping, or maintenance of the following capital improvements:

- (1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.
- (2) Drainage or flood control facilities that serve economic development purposes.
- (3) Road improvements used on an access road for an industrial park that serve economic development purposes.

- (4) A covered horse show arena.
- (5) A historic birthplace memorial.
- (6) A historic gymnasium and community center in a town in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300).
- (7) Main street renovation and picnic and park areas in a town in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300).
- (8) A community park and cultural center.
- (9) Projects for which the county decides after July 1, 1994, to:
 - (A) expend money in the fund established under section 8 of this chapter; or
 - (B) issue bonds or other obligations or enter into leases under section 11.5 of this chapter;
 after the projects described in subdivisions (1) through (8) have been funded.
- (10) An ambulance.
- (11) The construction, renovation, improvement, or repair of county roads.**

Money in the fund may not be used for the **personnel expenses and other** operating costs of any of the permissible projects listed in this section. In addition, the county may not issue bonds or enter into leases or other obligations under this chapter after December 31, 2015. **Money pledged to the payment of an obligation entered into under this subsection may not be used for any other purpose as long as the obligation remains outstanding.**

(c) The county capital improvements committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The capital improvements committee consists of the following members:

- (1) One (1) resident of the county representing each of the three (3) commissioner districts; appointed by the county executive. Not more than two (2) of the members appointed under this subdivision may be from the same political party.
- (2) Two (2) residents of the county; appointed by the county fiscal body. The two (2) appointees may not be from the same political party. One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two

thousand (2,000) but less than two thousand three hundred (2,300). One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand three hundred (2,300).

(3) Two (2) residents of the largest city in the county; appointed by the municipal executive. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in economic development.

(4) Two (2) residents of the largest city in the county; appointed by the municipal fiscal body. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

(1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years; one (1) member shall be appointed for three (3) years; and one (1) member shall be appointed for four (4) years.

(2) Of the members appointed under subsection (c)(2), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired may be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee is abolished on January 1, 2016.

SECTION 3. IC 6-9-25-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: **Sec. 15. (a) The county food and beverage tax advisory committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The committee consists of the following nine (9) members:**

- (1) Three (3) members appointed by the county executive.**
- (2) Two (2) members appointed by the county fiscal body.**
- (3) One (1) member appointed by the fiscal body of a town in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300). The member appointed under this subdivision must be a resident of the town.**
- (4) One (1) member appointed by the fiscal body of a town in the county with a population greater than two thousand three hundred (2,300). The member appointed under this subdivision must be a resident of the town.**
- (5) One (1) member appointed by the executive of the largest city in the county. The member appointed under this subdivision must be a resident of the city.**
- (6) One (1) member appointed by the fiscal body of the largest city in the county. The member appointed under this subdivision must be a resident of the city.**

(b) This subsection applies to the members of the committee appointed by the county executive under subsection (a)(1). Each member appointed must be a resident of the county. The three (3) members must live in separate commissioner districts. Not more than two (2) of the members may be from the same political party.

(c) This subsection applies to the members of the committee appointed by the county fiscal body under subsection (a)(2). Each member must be a resident of the county who lives in a town with a population of less than two thousand (2,000). The two (2) members may not live in the same town and may not be from the same political party.

(d) The term of a member appointed to the committee is four (4) years.

(e) A member whose term expires may be reappointed to the committee to fill the vacancy caused by the expiration.

SECTION 4. IC 6-9-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: **Sec. 7.5. (a) The fiscal officer of any municipality located within the county may submit a written request to the county auditor to determine the percentage amount of the county supplemental food and beverage tax that is collected in the preceding year in:**

- (1) each municipality; and**
- (2) the unincorporated territory of the county.**

(b) Notwithstanding IC 5-14-3-4, IC 6-8.1-7-1(a), and any other law exempting information from disclosure, if the county auditor receives a request from the fiscal officer of a municipality under subsection (a), the county auditor shall compile and report to the requesting fiscal officer the information under subsection (a)(1) and (a)(2) using the data provided by the department under IC 6-8.1-3-7.1.

(c) The county auditor may charge a municipality that makes a written request under subsection (a) for any direct costs associated with complying with this section.

P.L.195-2016

[H.1046. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-2.5-5-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 47. Transactions involving the sale of or the lease or rental of storage for:**

- (1) coins that are permitted investments by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m);**
- (2) bullion that is a permitted investment by an individual**

retirement account or by an individually-directed account under 26 U.S.C. 408(m); or
(3) legal tender;
are exempt from the state gross retail tax.

SECTION 2. IC 24-4-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 20. Foreign Sellers of Precious Metals Bullion and Currency

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Currency" means a coin made of gold, silver, or other metal or paper money that is or has been used as legal tender.
- (2) "Foreign entity" means:
 - (A) if the person is a sole proprietor, an individual who does not reside in Indiana; or
 - (B) if the person is not a sole proprietor, a person who is not authorized under the laws of Indiana.
- (3) "Person" means a sole proprietor, a partnership, a corporation, a limited liability company, or other business entity.
- (4) "Precious metals bullion" means bars, ingots, or commemorative medallions of gold, silver, platinum, palladium, or a combination of these materials for which the value of the metal depends on its content and not its form.
- (5) "Secretary" refers to the secretary of state.

Sec. 2. The secretary may issue a temporary registration in accordance with this chapter to a foreign entity that:

- (1) wishes to sell precious metals bullion or currency at a trade fair or coin show in Indiana;
- (2) is not otherwise lawfully authorized to conduct business in Indiana; and
- (3) complies with requirements of this chapter.

Sec. 3. A registration issued under this chapter expires not later than twenty-eight (28) days after the date on which the registration is issued.

Sec. 4. A foreign entity that wishes to obtain a temporary registration to sell precious metals bullion or currency at a trade fair or coin show in Indiana under this chapter must do the following:

(1) Submit an application to the secretary in the form and the manner prescribed by the secretary.

(2) Pay a fee of thirty-five dollars (\$35) to the secretary.

Sec. 5. A foreign entity registered under this chapter is entitled to sell precious metals bullion and currency at a trade fair or coin show in Indiana during the term of the registration if the contract:

(1) is for the purchase of precious metal bullion or currency;

(2) requires physical delivery of the quantity of the precious metals bullion or currency purchased not later than twenty-eight (28) calendar days after payment in full of the purchase price; and

(3) provides for the purchaser to receive physical delivery of the quantity of precious metals bullion or currency purchased not later than twenty-eight (28) calendar days after payment in full of the purchase price.

Sec. 6. A foreign entity may not sell precious metals bullion or currency at a trade fair or coin show in Indiana unless the foreign entity:

(1) registers with the secretary of state under this chapter; or

(2) is otherwise authorized to conduct business in Indiana.

Sec. 7. Fees collected under this chapter shall be deposited in the electronic and enhanced access fund established by IC 4-5-10-5.

P.L.196-2016

[H.1068. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The county property tax assessment board of appeals, after careful examination, shall approve or disapprove each exemption application and shall note its action on the application.

(b) If the county property tax assessment board of appeals approves the exemption, in whole or part:

- (1) the county assessor shall notify the county auditor of the approval; and
- (2) the county auditor shall note the board's action on the tax duplicate.

The county auditor's notation is notice to the county treasurer that the exempt property shall not be taxed for the current year unless otherwise ordered by the department of local government finance.

(c) If the exemption application is disapproved by the county property tax assessment board of appeals, the county assessor shall notify the applicant by mail. Within ~~thirty (30)~~ **forty-five (45)** days after the notice is mailed, the owner may, in the manner prescribed in IC 6-1.1-15-3, petition the Indiana board to review the county property tax assessment board of appeals' determination.

(d) If the county property tax assessment board of appeals fails to approve or disapprove an exemption application within one hundred eighty (180) days after the owner files an application for exemption under this chapter, the owner may, before the county property tax assessment board of appeals approves or disapproves the exemption application, petition the Indiana board to approve or disapprove the exemption application as authorized under

IC 6-1.1-15-3(g).

(e) A petition to the Indiana board under this section shall be conducted in the same manner as appeals under IC 6-1.1-15-4 through IC 6-1.1-15-8.

SECTION 2. IC 6-1.1-15-3, AS AMENDED BY P.L.1-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A taxpayer may obtain a review by the Indiana board of a county board's action with respect to the following:

- (1) The assessment of that taxpayer's tangible property if the county board's action requires the giving of notice to the taxpayer.
- (2) The exemption of that taxpayer's tangible property if the taxpayer receives a notice of an exemption determination by the county board under IC 6-1.1-11-7.

(b) The county assessor is the party to the review under this section to defend the determination of the county board. At the time the notice of that determination is given to the taxpayer, the taxpayer shall also be informed in writing of:

- (1) the taxpayer's opportunity for review under this section; and
- (2) the procedures the taxpayer must follow in order to obtain review under this section.

(c) A county assessor who dissents from the determination of an assessment or an exemption by the county board may obtain a review of the assessment or the exemption by the Indiana board.

(d) In order to obtain a review by the Indiana board under this section, the party must, not later than forty-five (45) days after the date of the notice given to the party or parties of the determination of the county board:

- (1) file a petition for review with the Indiana board; and
- (2) mail a copy of the petition to the other party.

(e) The Indiana board shall prescribe the form of the petition for review of an assessment determination or an exemption by the county board. The Indiana board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to the average individual. A petition for review of such a determination must be made on the form prescribed by the Indiana board. The form must require the petitioner to specify the reasons why the petitioner believes that the assessment determination or the exemption determination by the county board is erroneous.

(f) If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

- (1) Initiate the review.
- (2) Prosecute the review.

(g) If an owner petitions the Indiana board under IC 6-1.1-11-7(d), the Indiana board is authorized to approve or disapprove an exemption application:

- (1) previously submitted to a county board under IC 6-1.1-11-6; and**
- (2) that is not approved or disapproved by the county board within one hundred eighty (180) days after the owner filed the application for exemption under IC 6-1.1-11.**

The county assessor is a party to a petition to the Indiana board under IC 6-1.1-11-7(d).

SECTION 3. IC 6-1.1-15-12, AS AMENDED BY P.L.183-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Subject to the limitations contained in subsections (c), (d), and (i), a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

- (1) The description of the real property was in error.
- (2) The assessment was against the wrong person.
- (3) Taxes on the same property were charged more than one (1) time in the same year.
- (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- (6) The taxes, as a matter of law, were illegal.
- (7) There was a mathematical error in computing an assessment.
- (8) Through an error of omission by any state or county officer, the taxpayer was not given:
 - (A) the proper credit under IC 6-1.1-20.6-7.5 for property taxes imposed for an assessment date after January 15, 2011;
 - (B) any other credit permitted by law;
 - (C) an exemption permitted by law; or
 - (D) a deduction permitted by law.

(b) Subject to subsection (i), the county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

- (1) The township assessor (if any).
- (2) The county auditor.
- (3) The county assessor.

If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter to the county board for determination. The county board shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county board to the Indiana board for a final administrative determination. **If the county board fails to issue a determination within one hundred eighty (180) days after a taxpayer's petition to correct errors is filed with the county auditor under subsection (i), the taxpayer may, before a determination is issued by the county board, petition the Indiana board to correct errors in a final administrative determination.** An appeal or petition to the Indiana board under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor (if any).

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under

IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

(h) A taxpayer that files a statement under IC 6-1.1-8-19 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28 or an appeal under IC 6-1.1-8-30.

(i) A taxpayer is not entitled to relief under this section unless the taxpayer files a petition to correct an error:

- (1) with the auditor of the county in which the taxes were originally paid; and
- (2) within three (3) years after the taxes were first due.



P.L.197-2016

[H.1081. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-1-14-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. (a) Notwithstanding any other law, a municipality may sell the municipality's interest in any notes payable to the municipality at a negotiated sale.

(b) A county or municipality may establish a revolving fund from grants, the revenue received by the county or municipality under

~~IC 6-3.5-7~~, **IC 6-3.6-9** and allocated for economic development purposes under **IC 6-3.6-6-9**, the proceeds of the sale of notes, or the proceeds of bonds issued under this section and IC 36-9-32. The county or municipality may loan the money in the revolving fund to any borrower if the county or municipal fiscal body finds that the loan will be used by the borrower for one (1) or more of the following economic development purposes:

- (1) Promoting significant opportunities for the gainful employment of the county's or municipality's residents.
- (2) Attracting a major new business enterprise to the county or municipality.
- (3) Retaining or expanding a significant business enterprise in the county or municipality.

(c) Activities that may be undertaken by the borrower in carrying out an economic development purpose include expenditures for any of the following:

- (1) Acquisition of land.
- (2) Acquisition of property interests.
- (3) Site improvements.
- (4) Infrastructure improvements.
- (5) Buildings.
- (6) Structures.
- (7) Rehabilitation, renovation, or enlargement of buildings or structures.
- (8) Machinery.
- (9) Equipment.
- (10) Furnishings.

(d) Local governmental entities may borrow under subsection (b) if the local governmental entity's jurisdiction includes the geographic area within the boundaries of the county or municipality that established the revolving fund. Notwithstanding any other law, the following provisions apply to the borrowing:

- (1) The county or municipality that established the revolving fund and the local governmental entity borrower may each authorize the loan from the revolving fund and the issuance of notes evidencing the loan by resolution. In each case, the resolution shall be adopted by the body with control over fiscal matters.
- (2) A resolution adopted under subdivision (1) must approve:

- (A) the term of the loan;
 - (B) the interest rate;
 - (C) the form of the note or notes;
 - (D) the medium of payment;
 - (E) the place and manner of payment;
 - (F) the manner of execution of the note or notes;
 - (G) the terms of redemption;
 - (H) the funds or sources of funds from which the note or notes are payable, which may be any funds and sources of funds available to the borrower; and
 - (I) any other provisions not inconsistent with this section.
- (3) The notes and the authorization, issuance, sale, and delivery of the notes are not subject to any general statute concerning obligations issued by the local governmental entity borrower. This section contains full and complete authority for the making of the loan, the authorization, issuance, sale, and delivery of the notes, and the repayment of the loan by the borrower, and no law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by any officer, department, agency, or instrument of the state or of any political subdivision is required to make the loan, issue the notes, or repay the loan except as prescribed in this section.
- (4) The notes issued by a local governmental entity borrower are exempt from taxation for all purposes and are exempt from any security registration requirements provided for in Indiana statutes.
- (5) Notes issued by a local governmental entity borrower under this section are obligations for all purposes of this chapter.
- (e) A municipality may issue bonds under IC 36-9-32-7(b) through IC 36-9-32-7(j) for the economic development purposes listed in subsection (c) and may repay the indebtedness solely from revenues derived from the repayment of any notes, including notes evidencing loans made under subsection (b).
- (f) To the extent a revolving fund under subsection (b) is funded from:
- (1) revenues received by the county under ~~IC 6-3.5-7~~; **IC 6-3.6-9 and allocated for economic development purposes under IC 6-3.6-9**; or
 - (2) repayments of principal and interest on loans from the

revolving fund that were funded with revenues described in subdivision (1);
 money in the revolving fund may at any time be transferred in whole or in part to the unit's economic development income tax fund, as determined by ordinance of the unit's fiscal body.

(g) The general assembly finds that counties and municipalities in Indiana have a need to foster economic development and industrial and commercial growth. The general assembly finds that it is necessary and proper to provide an alternative method for municipalities to foster the following:

- (1) Economic development.
- (2) Industrial and commercial growth.
- (3) Employment opportunities.
- (4) Diversification of industry and commerce.

It is declared that the fostering of economic development under this section for the benefit of the general public, including industrial and commercial enterprises, is a public purpose.

SECTION 2. IC 5-10-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. As used in this chapter, "political subdivision" ~~has the meaning set forth in IC 6-3.5-2-1.~~ **means a county, township, town, city, separate municipal corporation, special taxing district, or public school corporation.**

SECTION 3. IC 5-10-15-7, AS ADDED BY P.L.62-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. As used in this chapter, "political subdivision" ~~has the meaning set forth in IC 6-3.5-2-1.~~ **means a county, township, town, city, separate municipal corporation, special taxing district, or public school corporation.**

SECTION 4. IC 5-16-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) If a public agency has no parking facility under its jurisdiction or control available to private persons who desire to conduct business with the public agency, the public agency shall direct the local authority having jurisdiction over the portion of the streets which are adjacent to the facilities of the public agency to reserve parking spaces for the use of persons with physical disabilities.

(b) If a retail shopping mall is constructed in whole or in part with

revenue derived from a ~~county economic development income tax imposed under IC 6-3.5-7~~, **local income tax imposed under IC 6-3.6-6 and allocated for economic development purposes under IC 6-3.6-6-9**, the local authority having jurisdiction over the portion of the streets adjacent to the retail shopping mall shall reserve parking spaces for the use of persons with physical disabilities.

SECTION 5. IC 5-28-26-5, AS ADDED BY P.L.203-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "income tax base period amount" means the total amount of ~~the following taxes~~ **local income tax (IC 6-3.6)** paid by employees employed in the territory comprising a global commerce center with respect to wages and salary earned for work in the global commerce center for the state fiscal year that precedes the date on which the global commerce center was designated under section 12 of this chapter.

(1) ~~The county adjusted gross income tax.~~

(2) ~~The county option income tax.~~

(3) ~~The county economic development income tax.~~

SECTION 6. IC 5-28-26-6, AS ADDED BY P.L.203-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. As used in this chapter, "income tax incremental amount" means the remainder of:

(1) the total amount of ~~county adjusted gross income tax, county option income taxes, and county economic development income taxes~~ **local income tax (IC 6-3.6)** paid by employees employed in the territory comprising the global commerce center with respect to wages and salary earned for work in the territory comprising the global commerce center for a particular state fiscal year; minus

(2) the income tax base period amount;

as determined by the department of state revenue.

SECTION 7. IC 5-28-26-16, AS ADDED BY P.L.203-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) The treasurer of state shall establish an incremental tax financing fund for each global commerce center designated under this chapter. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) The total amount of ~~the following taxes~~ **local income tax (IC 6-3.6)** paid by employees employed in the global commerce center with respect to wages earned for work in the global commerce center shall be deposited in the incremental tax financing fund established for a global commerce center until the amount deposited equals the income tax incremental amount.

(1) ~~The county adjusted gross income tax.~~

(2) ~~The county option income tax.~~

(3) ~~The county economic development income tax.~~

(c) On or before the twentieth day of each month, all amounts held in the incremental tax financing fund established for a global commerce center shall be distributed to the district that administers the global commerce center for deposit in the regional economic development fund established under section 19 of this chapter.

SECTION 8. IC 6-1.1-10.3-2, AS ADDED BY P.L.80-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. As used in this chapter, "~~county~~ **local income tax council**" refers to the ~~county local~~ **local income tax council** established by ~~IC 6-3.5-6-2~~ **IC 6-3.6-3-1** for a county.

SECTION 9. IC 6-1.1-10.3-3, AS ADDED BY P.L.80-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. As used in this chapter, "exemption ordinance" refers to an ordinance adopted under section 5 of this chapter by a ~~county local~~ **local income tax council**.

SECTION 10. IC 6-1.1-10.3-5, AS ADDED BY P.L.80-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) A ~~county local~~ **local income tax council** may adopt an exemption ordinance that exempts new personal property located in the county from property taxation as provided in section 6 of this chapter.

(b) For purposes of adopting an exemption ordinance under this chapter, a ~~county local~~ **local income tax council** is comprised of the same members as the ~~county local~~ **local income tax council** that is established by ~~IC 6-3.5-6-2~~ **IC 6-3.6-3-1** for the county, regardless of whether a ~~county local~~ **local income tax** is in effect in the county and regardless of ~~which county~~ **how the local income tax** is in effect in the county **is allocated**. Except as provided in this chapter, the ~~county local~~ **local income tax council** shall use the same procedures that apply under ~~IC 6-3.5-6~~

IC 6-3.6-3 when acting under this chapter.

(c) Before adopting an exemption ordinance under this section, a **county local** income tax council must conduct a public hearing on the proposed exemption ordinance. The **county local** income tax council must publish notice of the public hearing in accordance with IC 5-3-1.

(d) The **county local** income tax council shall provide a certified copy of an adopted exemption ordinance to the department of local government finance and the county auditor.

SECTION 11. IC 6-1.1-10.3-7, AS ADDED BY P.L.80-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. A **county local** income tax council may repeal or amend an exemption ordinance. However, if a **county local** income tax council repeals or amends an exemption ordinance, any new personal property that was exempt under the exemption ordinance on the date the new personal property was placed into service by a taxpayer remains exempt from property taxation, regardless of whether or not the ownership of the new personal property changes after the date the exemption ordinance is amended or repealed.

SECTION 12. IC 6-1.1-12-37, AS AMENDED BY P.L.148-2015, SECTION 7, AS AMENDED BY P.L.207-2015, SECTION 1, AND AS AMENDED BY P.L.245-2015, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) The following definitions apply throughout this section:

- (1) "Dwelling" means any of the following:
 - (A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.
 - (B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
 - (C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.
- (2) "Homestead" means an individual's principal place of residence:
 - (A) that is located in Indiana;
 - (B) that:
 - (i) the individual owns;
 - (ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is

to pay the property taxes on the residence, *and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;*

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

If more than one (1) individual or entity qualifies property as a homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars (\$45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the *federal United States government and determined by the department of local government finance to be acceptable.*

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on

another parcel of property because:

- (A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or
- (B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance *shall may* adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on ~~March~~ *the assessment date* in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on ~~March~~ *the assessment date* in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, ~~or IC 6-3.5~~ **or IC 6-3.6-5 (after December 31, 2016).**

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

- (1) imposed for an assessment date in 2009; and
- (2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

- (1) a deck or patio;
- (2) a gazebo; or
- (3) another residential yard structure, as defined in rules *that may be* adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

- (1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.
- (2) A statement made under penalty of perjury that the following are true:
 - (A) That the individual and the individual's spouse maintain separate principal places of residence.
 - (B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.
 - (C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an

affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction; the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

- (A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or
 - (B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and
- (4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:
- (A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and
 - (B) *cancels the deduction described in clause (A) for that property.*

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. *The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.*

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real

property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. However, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for

purposes of section 37.5 of this chapter.

SECTION 13. IC 6-1.1-18.5-1, AS AMENDED BY P.L.124-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means, for purposes of determining a maximum permissible ad valorem property tax levy under section 3 of this chapter for property taxes imposed for the March 1, 2010, and January 15, 2011, assessment dates, the maximum permissible ad valorem property tax levy for the preceding calendar year as determined under this section as effective on January 1, 2011. For purposes of determining a maximum permissible ad valorem property tax levy under section 3 of this chapter for property taxes imposed for an assessment date after January 15, 2011, the term means the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter (regardless of whether the taxing unit imposed the entire amount of the maximum permissible ad valorem property tax levy in the immediately preceding year).

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

SECTION 14. IC 6-1.1-18.5-3, AS AMENDED BY P.L.153-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) A civil taxing unit may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Determine the civil taxing unit's maximum

permissible ad valorem property tax levy for the preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount of an excessive levy appeal granted under section 13 of this chapter for the ensuing calendar year.

STEP SEVEN: Determine the greater of STEP FIVE or STEP SIX.

~~(b) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a civil taxing unit that is located in a county for which:~~

~~(1) a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24; or~~

~~(2) a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30;~~

~~to provide property tax relief in the county: that is covered by IC 6-3.6-11-1.~~ Notwithstanding any provision in this section, any other section of this chapter, or IC 12-20-21-3.2, and except as provided in subsection (c), the maximum permissible ad valorem property tax levy calculated under this section for the ensuing calendar year for a civil taxing unit subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current

calendar year.

(c) ~~This subsection applies only to property taxes first due and payable after December 31, 2007.~~ In the case of a civil taxing unit that:

(1) is partially located in a county ~~for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30 to provide property tax relief in the county; that is covered by IC 6-3.6-11-1;~~ and

(2) is partially located in a county that is not described in subdivision (1);

the department of local government finance shall, notwithstanding subsection (b), adjust the portion of the civil taxing unit's maximum permissible ad valorem property tax levy that is attributable (as determined by the department of local government finance) to the county or counties described in subdivision (2). The department of local government finance shall adjust this portion of the civil taxing unit's maximum permissible ad valorem property tax levy so that, notwithstanding subsection (b), this portion is allowed to increase as otherwise provided in this section. If the department of local government finance increases the civil taxing unit's maximum permissible ad valorem property tax levy under this subsection, any additional property taxes imposed by the civil taxing unit under the adjustment shall be paid only by the taxpayers in the county or counties described in subdivision (2).

SECTION 15. IC 6-1.1-18.5-13, AS AMENDED BY P.L.245-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. With respect to annexation, consolidation, or other extensions of governmental services in a

calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

- (A) The first calendar year in which those costs are incurred.
- (B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

- (A) the cost of personal services (including fringe benefits);
- (B) the cost of supplies; and
- (C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property under IC 6-1.1-4-4 does not first become effective.

STEP TWO: Compute separately, for each of the calendar

years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP

FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil

taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);

(ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);

(iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);

(iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or

(v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000);

and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be

considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission to a city having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-one thousand seven hundred twenty-five (31,725) to increase its levy in excess of the limitations established under section 3 of this chapter if:

- (A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 (**repealed**) in 1998, 1999, and 2000; and
- (B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 (**repealed**) that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(12) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(13) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars (\$300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension

fund (IC 36-8-7).

(c) In calendar year 2013, the department of local government finance shall allow a township to increase its maximum permissible ad valorem property tax levy in excess of the limitations established under section 3 of this chapter, if the township:

- (1) petitions the department for the levy increase on a form prescribed by the department; and
- (2) submits proof of the amount borrowed in 2012 or 2013, but not both, under IC 36-6-6-14 to furnish fire protection for the township or a part of the township.

The maximum increase in a township's levy that may be allowed under this subsection is the amount borrowed by the township under IC 36-6-6-14 in the year for which proof was submitted under subdivision (2). An increase allowed under this subsection applies to property taxes first due and payable after December 31, 2013.

SECTION 16. IC 6-1.1-18.5-18 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 18. (a) If a provision of the prior property tax control law for civil taxing units (IC 6-3.5-1) has been replaced in the same form or in a restated form by a provision of this chapter, then a citation to the provision of the prior law shall be construed as a citation to the corresponding provision of this chapter.~~

~~(b) Any rule adopted under, and applicable to, the prior property tax control law for civil taxing units (IC 6-3.5-1) continues in effect under this article if the provisions under which it was adopted and to which it was applicable were replaced, in the same or restated form, by corresponding provisions of this chapter.~~

SECTION 17. IC 6-1.1-20.6-3, AS AMENDED BY P.L.146-2008, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. As used in this chapter, "property tax liability" means, for purposes of:

- (1) this chapter, other than section 8.5 of this chapter, liability for the tax imposed on property under this article determined after application of all credits and deductions under this article or ~~IC 6-3.5~~; **IC 6-3.6**, except the credit under this chapter, but does not include any interest or penalty imposed under this article; and
- (2) section 8.5 of this chapter, liability for the tax imposed on property under this article determined after application of all credits and deductions under this article or ~~IC 6-3.5~~; **IC 6-3.6**,

including the credit granted by section 7 or 7.5 of this chapter, but not including the credit granted under section 8.5 of this chapter or any interest or penalty imposed under this article.

SECTION 18. IC 6-1.1-20.6-10, AS AMENDED BY P.L.137-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. (a) As used in this section, "debt service obligations of a political subdivision" refers to:

- (1) the principal and interest payable during a calendar year on bonds; and
- (2) lease rental payments payable during a calendar year on leases;

of a political subdivision payable from ad valorem property taxes.

(b) Political subdivisions are required by law to fully fund the payment of their debt obligations in an amount sufficient to pay any debt service or lease rentals on outstanding obligations, regardless of any reduction in property tax collections due to the application of tax credits granted under this chapter.

(c) Upon the failure of a political subdivision to pay any of the political subdivision's debt service obligations during a calendar year when due, the treasurer of state, upon being notified of the failure by a claimant, shall pay the unpaid debt service obligations that are due from money in the possession of the state that would otherwise be available for distribution to the political subdivision under any other law, deducting the payment from the amount distributed. A deduction under this subsection must be made:

- (1) first from **local income tax** distributions of ~~county adjusted gross income tax distributions under IC 6-3.5-1.1; county option income tax distributions under IC 6-3.5-6; or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedule in IC 6-3.5-1.1-10; IC 6-3.5-1.1-21.1; IC 6-3.5-6-16; IC 6-3.5-6-17.3; IC 6-3.5-7-17; and IC 6-3.5-7-17.3;~~ **under IC 6-3.6-9**; and
- (2) second from any other undistributed funds of the political subdivision in the possession of the state.

(d) This section shall be interpreted liberally so that the state shall to the extent legally valid ensure that the debt service obligations of each political subdivision are paid when due. However, this section does not create a debt of the state.

SECTION 19. IC 6-1.1-21.8-4, AS AMENDED BY P.L.146-2008, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. (a) The board shall determine the terms of a loan made under this chapter. However, the interest charged on the loan may not exceed the percent of increase in the United States Department of Labor Consumer Price Index for Urban Wage Earners and Clerical Workers during the most recent twelve (12) month period for which data is available as of the date that the unit applies for a loan under this chapter. In the case of a qualified taxing unit that is not a school corporation or a public library (as defined in IC 36-12-1-5), a loan must be repaid not later than ten (10) years after the date on which the loan was made. In the case of a qualified taxing unit that is a school corporation or a public library (as defined in IC 36-12-1-5), a loan must be repaid not later than eleven (11) years after the date on which the loan was made. A school corporation or a public library (as defined in IC 36-12-1-5) is not required to begin making payments to repay a loan until after June 30, 2004. The total amount of all the loans made under this chapter may not exceed twenty-eight million dollars (\$28,000,000). The board may disburse the proceeds of a loan in installments. However, not more than one-third (1/3) of the total amount to be loaned under this chapter may be disbursed at any particular time without the review of the budget committee and the approval of the budget agency.

(b) A loan made under this chapter shall be repaid only from:

- (1) property tax revenues of the qualified taxing unit that are subject to the levy limitations imposed by IC 6-1.1-18.5;
- (2) in the case of a school corporation, the school corporation's debt service fund; or
- (3) any other source of revenues (other than property taxes) that is legally available to the qualified taxing unit.

The payment of any installment of principal constitutes a first charge against the property tax revenues described in subdivision (1) that are collected by the qualified taxing unit during the calendar year the installment is due and payable.

(c) The obligation to repay a loan made under this chapter is not a basis for the qualified taxing unit to obtain an excessive tax levy under IC 6-1.1-18.5.

(d) Whenever the board receives a payment on a loan made under

this chapter, the board shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.

(e) This section does not prohibit a qualified taxing unit from repaying a loan made under this chapter before the date specified in subsection (a) if a taxpayer described in section 3 of this chapter resumes paying property taxes to the qualified taxing unit.

(f) Interest accrues on a loan made under this chapter until the date the board receives notice from the county auditor that the county has adopted ~~at least one (1) of the following:~~

~~(1) The county adjusted gross income tax under IC 6-3.5-1.1.~~

~~(2) The county option income tax under IC 6-3.5-6.~~

~~(3) The county economic development income tax under IC 6-3.5-7.~~

a local income tax under IC 6-3.6. Notwithstanding subsection (a), interest may not be charged on a loan made under this chapter if a tax described in this subsection is adopted before a qualified taxing unit applies for the loan.

SECTION 20. IC 6-1.1-22-8.1, AS AMENDED BY P.L.5-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8.1. (a) The county treasurer shall:

(1) except as provided in subsection (h), mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (b). ~~However, for property taxes first due and payable in 2008, the county treasurer may choose to use a tax statement that is different from the tax statement prescribed by the department under subsection (b). If a county chooses to use a different tax statement, the county must still transmit (with the tax bill) the statement in either color type or black and white type.~~

(b) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (a) that includes at least the following:

- (1) A statement of the taxpayer's current and delinquent taxes and special assessments.
- (2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (3) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.
- (5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (6) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:
 - (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
 - (B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.
- (7) An explanation of the following:
 - (A) Homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-6-13~~, **IC 6-3.6-5**, or another law that are available in the taxing district where the property is located.
 - (B) All property tax deductions that are available in the taxing district where the property is located.
 - (C) The procedure and deadline for filing for any available homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-6-13~~, **IC 6-3.6-5**, or another law and each deduction.
 - (D) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
 - (E) The forms that must be filed for an appeal or a petition

described in clause (D).

(F) The procedure and deadline that a taxpayer must follow and the forms that must be used if a credit or deduction has been granted for the property and the taxpayer is no longer eligible for the credit or deduction.

(G) Notice that an appeal described in clause (D) requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date that is the basis for the taxes payable on that property.

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

- (A) homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-6-13~~, **IC 6-3.6-5**, or another law and all property tax deductions; and
- (B) whether each homestead credit and property tax deduction applies in the current statement for the property transmitted under subsection (a).

(c) The county treasurer may mail or transmit the statement one (1) time each year at least fifteen (15) business days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment. If a statement is returned to the county treasurer as undeliverable and the forwarding order is expired, the county treasurer shall notify the county auditor of this fact. Upon receipt of the county treasurer's notice, the county auditor may, at the county auditor's discretion, treat the property as not being eligible for any deductions under IC 6-1.1-12 or any homestead credits under IC 6-1.1-20.4 and ~~IC 6-3.5-6-13~~. **IC 6-3.6-5.**

(d) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(e) The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included in the statement under subsection (b).

(f) The information to be included in the statement under subsection (b) must be simply and clearly presented and understandable to the average individual.

(g) After December 31, 2007, a reference in a law or rule to IC 6-1.1-22-8 (expired January 1, 2008, and repealed) shall be treated as a reference to this section.

(h) Transmission of statements and other information under this subsection applies in a county only if the county legislative body adopts an authorizing ordinance. Subject to subsection (i), in a county in which an ordinance is adopted under this subsection for property taxes and special assessments first due and payable after 2009, a person may, in any manner permitted by subsection (n), direct the county treasurer and county auditor to transmit the following to the person by electronic mail:

(1) A statement that would otherwise be sent by the county treasurer to the person by regular mail under subsection (a)(1), including a statement that reflects installment payment due dates under section 9.5 or 9.7 of this chapter.

(2) A provisional tax statement that would otherwise be sent by the county treasurer to the person by regular mail under IC 6-1.1-22.5-6.

(3) A reconciling tax statement that would otherwise be sent by the county treasurer to the person by regular mail under any of the following:

(A) Section 9 of this chapter.

(B) Section 9.7 of this chapter.

(C) IC 6-1.1-22.5-12, including a statement that reflects installment payment due dates under IC 6-1.1-22.5-18.5.

(4) Any other information that:

(A) concerns the property taxes or special assessments; and

(B) would otherwise be sent:

(i) by the county treasurer or the county auditor to the person by regular mail; and

(ii) before the last date the property taxes or special assessments may be paid without becoming delinquent.

The information listed in this subsection may be transmitted to a person by using electronic mail that provides a secure Internet link to the information.

(i) For property with respect to which more than one (1) person is liable for property taxes and special assessments, subsection (h) applies only if all the persons liable for property taxes and special assessments designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(j) Before 2010, the department of local government finance shall create a form to be used to implement subsection (h). The county treasurer and county auditor shall:

(1) make the form created under this subsection available to the public;

(2) transmit a statement or other information by electronic mail under subsection (h) to a person who, at least thirty (30) days before the anticipated general mailing date of the statement or other information, files the form created under this subsection:

(A) with the county treasurer; or

(B) with the county auditor; and

(3) publicize the availability of the electronic mail option under this subsection through appropriate media in a manner reasonably designed to reach members of the public.

(k) The form referred to in subsection (j) must:

(1) explain that a form filed as described in subsection (j)(2) remains in effect until the person files a replacement form to:

(A) change the person's electronic mail address; or

(B) terminate the electronic mail option under subsection (h); and

(2) allow a person to do at least the following with respect to the electronic mail option under subsection (h):

(A) Exercise the option.

(B) Change the person's electronic mail address.

(C) Terminate the option.

(D) For a person other than an individual, designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(E) For property with respect to which more than one (1) person is liable for property taxes and special assessments, designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(l) The form created under subsection (j) is considered filed with the county treasurer or the county auditor on the postmark date or on the date it is electronically submitted. If the postmark is missing or illegible, the postmark is considered to be one (1) day before the date of receipt of the form by the county treasurer or the county auditor.

(m) The county treasurer shall maintain a record that shows at least the following:

- (1) Each person to whom a statement or other information is transmitted by electronic mail under this section.
- (2) The information included in the statement.
- (3) Whether the county treasurer received a notice that the person's electronic mail was undeliverable.

(n) A person may direct the county treasurer and county auditor to transmit information by electronic mail under subsection (h) on a form prescribed by the department submitted:

- (1) in person;
- (2) by mail; or
- (3) in an online format developed by the county and approved by the department.

SECTION 21. IC 6-1.1-22.5-8, AS AMENDED BY P.L.172-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) Subject to subsection (c), a provisional statement must:

- (1) be on a form prescribed by the department of local government finance;
- (2) except as provided in emergency rules adopted under section 20 of this chapter and subsection (b):
 - (A) for property taxes first due and payable after 2010 and billed using a provisional statement under section 6 of this chapter, indicate:
 - (i) that the first installment of the taxpayer's tax liability is an amount equal to fifty percent (50%) of the tax liability that was payable in the same year as the assessment date for

- the property for which the provisional statement is issued, subject to any adjustments to the tax liability authorized by the department of local government finance under subsection (e) and approved by the county treasurer; and
- (ii) that the second installment is either the amount specified in a reconciling statement or, if a reconciling statement is not sent until after the second installment is due, an amount equal to fifty percent (50%) of the tax liability that was payable in the same year as the assessment date for the property for which the provisional statement is issued, subject to any adjustments to the tax liability authorized by the department of local government finance under subsection (e) and approved by the county treasurer; and
- (B) for property taxes billed using a provisional statement under section 6.5 of this chapter, except as provided in subsection (d), indicate tax liability in an amount determined by the department of local government finance based on:
- (i) subject to subsection (c), for the cross-county entity, the property tax rate of the cross-county entity for taxes first due and payable in the immediately preceding calendar year; and
- (ii) for all other taxing units that make up the taxing district or taxing districts that comprise the cross-county area, the property tax rates of the taxing units for taxes first due and payable in the current calendar year;
- (3) indicate:
- (A) that the tax liability under the provisional statement is determined as described in subdivision (2); and
- (B) that property taxes billed on the provisional statement:
- (i) are due and payable in the same manner as property taxes billed on a tax statement under IC 6-1.1-22-8.1; and
- (ii) will be credited against a reconciling statement;
- (4) for property taxes billed using a provisional statement under section 6 of this chapter, include a statement in the following or a substantially similar form, as determined by the department of local government finance:
- "Under Indiana law, _____ County (insert county) has sent provisional statements. The statement is due to be paid in installments on _____ (insert date) and _____ (insert

date). The first installment is equal to fifty percent (50%) of your tax liability for taxes payable in _____ (insert year), subject to adjustment to the tax liability authorized by the department of local government finance and approved by the county treasurer. The second installment is either the amount specified in a reconciling statement that will be sent to you, or (if a reconciling statement is not sent until after the second installment is due) an amount equal to fifty percent (50%) of your tax liability for taxes payable in _____ (insert year), subject to adjustment to the tax liability authorized by the department of local government finance and approved by the county treasurer. After the abstract of property is complete, you will receive a reconciling statement in the amount of your actual tax liability for taxes payable in _____ (insert year) minus the amount you pay under this provisional statement.";

(5) for property taxes billed using a provisional statement under section 6.5 of this chapter, include a statement in the following or a substantially similar form, as determined by the department of local government finance:

"Under Indiana law, _____ County (insert county) has elected to send provisional statements for the territory of _____ (insert cross-county entity) located in _____ County (insert county) because the property tax rate for _____ (insert cross-county entity) was not available in time to prepare final tax statements. The statement is due to be paid in installments on _____ (insert date) and _____ (insert date). The statement is based on the property tax rate of _____ (insert cross-county entity) for taxes first due and payable in _____ (insert immediately preceding calendar year). After the property tax rate of _____ (insert cross-county entity) is determined, you will receive a reconciling statement in the amount of your actual tax liability for taxes payable in _____ (insert year) minus the amount you pay under this provisional statement.";

(6) indicate any adjustment to tax liability under subdivision (2) authorized by the department of local government finance under subsection (e) and approved by the county treasurer for:

(A) delinquent:

- (i) taxes; and
 - (ii) special assessments;
 - (B) penalties; and
 - (C) interest;
- (7) in the case of a reconciling statement only, include:
- (A) a checklist that shows:
 - (i) homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-6-13~~, **IC 6-3.6-5**, or another law and all property tax deductions; and
 - (ii) whether each homestead credit and property tax deduction were applied in the current provisional statement;
 - (B) an explanation of the procedure and deadline that a taxpayer must follow and the forms that must be used if a credit or deduction has been granted for the property and the taxpayer is no longer eligible for the credit or deduction; and
 - (C) an explanation of the tax consequences and applicable penalties if a taxpayer unlawfully claims a standard deduction under IC 6-1.1-12-37 on:
 - (i) more than one (1) parcel of property; or
 - (ii) property that is not the taxpayer's principal place of residence or is otherwise not eligible for a standard deduction; and
- (8) include any other information the county treasurer requires.
- (b) The county may apply a standard deduction, supplemental standard deduction, or homestead credit calculated by the county's property system on a provisional bill for a qualified property. If a provisional bill has been used for property tax billings for two (2) consecutive years and a property qualifies for a standard deduction, supplemental standard deduction, or homestead credit for the second year a provisional bill is used, the county shall apply the standard deduction, supplemental standard deduction, or homestead credit calculated by the county's property system on the provisional bill.
- (c) For purposes of this section, property taxes that are:
- (1) first due and payable in the current calendar year on a provisional statement under section 6 or 6.5 of this chapter; and
 - (2) based on property taxes first due and payable in the immediately preceding calendar year or on a percentage of those property taxes;

are determined after excluding from the property taxes first due and payable in the immediately preceding calendar year property taxes imposed by one (1) or more taxing units in which the tangible property is located that are attributable to a levy that no longer applies for property taxes first due and payable in the current calendar year.

(d) If there was no property tax rate of the cross-county entity for taxes first due and payable in the immediately preceding calendar year for use under subsection (a)(2)(B), the department of local government finance shall provide an estimated tax rate calculated to approximate the actual tax rate that will apply when the tax rate is finally determined.

(e) The department of local government finance shall:

(1) authorize the types of adjustments to tax liability that a county treasurer may approve under subsection (a)(2)(A) including:

(A) adjustments for any new construction on the property or any damage to the property;

(B) any necessary adjustments for credits, deductions, or ~~the local option income taxes; tax;~~

(C) adjustments to include current year special assessments or exclude special assessments payable in the year of the assessment date but not payable in the current year;

(D) adjustments to include delinquent:

(i) taxes; and

(ii) special assessments;

(E) adjustments to include penalties that are due and owing; and

(F) adjustments to include interest that is due and owing; and

(2) notify county treasurers in writing of the types of adjustments authorized under subdivision (1).

SECTION 22. IC 6-1.1-30-17, AS AMENDED BY P.L.137-2012, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 17. (a) Except as provided in subsection (c) and subject to subsection (d), the department of state revenue and the auditor of state shall, when requested by the department of local government finance, withhold a percentage of the distributions of ~~county adjusted gross income tax distributions under IC 6-3.5-1.1; county option income tax distributions under IC 6-3.5-6; or county economic development income tax distributions under IC 6-3.5-7~~ that

would otherwise be distributed to the county under the schedules in IC 6-3.5-1.1-10; IC 6-3.5-1.1-21.1; IC 6-3.5-6-17; IC 6-3.5-6-17.3; IC 6-3.5-7-16; and IC 6-3.5-7-17.3; **local income tax revenue under IC 6-3.6-9**, if:

- (1) the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;
- (2) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;
- (3) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;
- (4) the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);
- (5) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;
- (6) the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;
- (7) the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;
- (8) the county has not established a parcel index numbering system under 50 IAC 23-8-1 in a timely manner;
- (9) a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; or
- (10) the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

The percentage to be withheld is the percentage determined by the department of local government finance. However, the percentage withheld for a reason stated in subdivision (10) may not exceed the percentage needed to reimburse the department of local government finance for the costs incurred by the department of local government finance to take the actions necessary to permit a covered county (as defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the time frame specified in IC 6-1.1-22.6-18(b). The county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall reimburse the department of local government finance for these expenses. The amount withheld under subdivision (10) reduces only the amount that would otherwise be distributed to the county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) and not money distributable to any other political subdivision. The withholding of an amount under subdivision (10) does not relieve the county government of a covered county (as defined in IC 6-1.1-22.6-1) from making bond or lease payments that would otherwise be paid from withheld amounts or providing property tax credits that would otherwise be provided under ~~IC 6-3.5~~ **IC 6-3.6** from withheld amounts. Subdivision (10) does not apply to any county other than a covered county (as defined in IC 6-1.1-22.6-1).

(b) Except as provided in subsection (e), money not distributed for the reasons stated in subsection (a) shall be distributed to the county when the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

has been corrected.

(c) The restrictions on distributions under subsection (a) do not apply if the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(d) The department of local government finance shall give the county auditor at least thirty (30) days notice in writing before the department of state revenue or the auditor of state withholds a

distribution under subsection (a).

(e) Money not distributed for the reason stated in subsection (a)(2) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (b).

(f) This subsection applies to a county that will not receive a distribution of local income tax revenue under ~~IC 6-3.5-1.1~~, ~~IC 6-3.5-6~~, or ~~IC 6-3.5-7~~. **IC 6-3.6-9**. At the request of the department of local government finance, an amount permitted to be withheld under subsection (a) may be withheld from any state revenues that would otherwise be distributed to the county or one (1) or more taxing units in the county.

SECTION 23. IC 6-1.1-36-17, AS AMENDED BY P.L.5-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 17. (a) As used in this section, "nonreverting fund" refers to a nonreverting fund established under subsection (c).

(b) Each county auditor that makes a determination that property was not eligible for a standard deduction under IC 6-1.1-12-37 in a particular year shall:

- (1) notify the county treasurer of the determination; and
- (2) do one (1) or more of the following:
 - (A) Make a notation on the tax duplicate that the property is ineligible for the standard deduction and indicate the date the notation is made.
 - (B) Record a notice of an ineligible homestead lien under subsection (d)(2).

The county auditor shall issue a notice of taxes, interest, and penalties due to the owner that improperly received the standard deduction and include a statement that the payment is to be made payable to the county auditor. The notice must require full payment of the amount owed within thirty (30) days. The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subdivision (2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection (d)(2) in the office of the county recorder. With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge

of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.

(c) Each county auditor shall establish a nonreverting fund. Upon collection of the adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b), the county treasurer shall deposit that amount:

(1) in the nonreverting fund, if the county contains a consolidated city; or

(2) if the county does not contain a consolidated city:

(A) in the nonreverting fund, to the extent that the amount collected, after deducting the direct cost of any contract, including contract related expenses, under which the contractor is required to identify homestead deduction eligibility, does not cause the total amount deposited in the nonreverting fund under this subsection for the year during which the amount is collected to exceed one hundred thousand dollars (\$100,000); or

(B) in the county general fund, to the extent that the amount collected exceeds the amount that may be deposited in the nonreverting fund under clause (A).

(d) Any part of the amount due under subsection (b) that is not collected by the due date is subject to collection under one (1) or more of the following:

(1) After being placed on the tax duplicate for the affected property and collected in the same manner as other property taxes.

(2) Through a notice of an ineligible homestead lien recorded in the county recorder's office without charge.

The adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b) shall be deposited as specified in subsection (c) only in the first year in which that amount is collected. Upon the collection of the amount due under subsection (b) or the release of a lien recorded under subdivision (2), the county auditor shall submit the appropriate documentation to the county recorder, who shall amend the information recorded under subdivision (2) without charge to indicate that the lien has been released or the amount has been paid in full.

(e) The amount to be deposited in the nonreverting fund or the

county general fund under subsection (c) includes adjustments in the tax due as a result of the termination of deductions or credits available only for property that satisfies the eligibility for a standard deduction under IC 6-1.1-12-37, including the following:

- (1) Supplemental deductions under IC 6-1.1-12-37.5.
- (2) Homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-1.1-26~~, ~~IC 6-3.5-6-13~~, ~~IC 6-3.5-6-32~~, ~~IC 6-3.5-7-13.1~~, or ~~IC 6-3.5-7-26~~, **IC 6-3.6-5**, **IC 6-3.6-11-3**, or any other law.
- (3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.

Any amount paid that exceeds the amount required to be deposited under subsection (c)(1) or (c)(2) shall be distributed as property taxes.

(f) Money deposited under subsection (c)(1) or (c)(2) shall be treated as miscellaneous revenue. Distributions shall be made from the nonreverting fund established under this section upon appropriation by the county fiscal body and shall be made only for the following purposes:

- (1) Fees and other costs incurred by the county auditor to discover property that is eligible for a standard deduction under IC 6-1.1-12-37.
- (2) Other expenses of the office of the county auditor.

The amount of deposits in a reverting fund, the balance of a nonreverting fund, and expenditures from a reverting fund may not be considered in establishing the budget of the office of the county auditor or in setting property tax levies that will be used in any part to fund the office of the county auditor.

SECTION 24. IC 6-3-4-4.1, AS AMENDED BY P.L.1-2009, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4.1. (a) Any individual required by the Internal Revenue Code to file estimated tax returns and to make payments on account of such estimated tax shall file estimated tax returns and make payments of the tax imposed by this article to the department at the time or times and in the installments as provided by Section 6654 of the Internal Revenue Code. However, the following apply to estimated tax returns filed and payments made under this subsection:

- (1) In applying Section 6654 of the Internal Revenue Code for the purposes of this article, "estimated tax" means the amount which

the individual estimates as the amount of the adjusted gross income tax imposed by this article for the taxable year, minus the amount which the individual estimates as the sum of any credits against the tax provided by IC 6-3-3.

(2) Estimated tax for a nonresident alien (as defined in Section 7701 of the Internal Revenue Code) must be computed by applying not more than one (1) exclusion under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4), regardless of the total number of exclusions that IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4) permit the taxpayer to apply on the taxpayer's final return for the taxable year.

(b) Every individual who has adjusted gross income subject to the tax imposed by this article and from which tax is not withheld under the requirements of section 8 of this chapter shall make a declaration of estimated tax for the taxable year. However, no such declaration shall be required if the estimated tax can reasonably be expected to be less than one thousand dollars (\$1,000). In the case of an underpayment of the estimated tax as provided in Section 6654 of the Internal Revenue Code, there shall be added to the tax a penalty in an amount prescribed by IC 6-8.1-10-2.1(b).

(c) Every corporation subject to the adjusted gross income tax liability imposed by this article shall be required to report and pay an estimated tax equal to the lesser of:

(1) twenty-five percent (25%) of such corporation's estimated adjusted gross income tax liability for the taxable year; or

(2) the annualized income installment calculated in the manner provided by Section 6655(e) of the Internal Revenue Code as applied to the corporation's liability for adjusted gross income tax.

A taxpayer who uses a taxable year that ends on December 31 shall file the taxpayer's estimated adjusted gross income tax returns and pay the tax to the department on or before April 20, June 20, September 20, and December 20 of the taxable year. If a taxpayer uses a taxable year that does not end on December 31, the due dates for filing estimated adjusted gross income tax returns and paying the tax are on or before the twentieth day of the fourth, sixth, ninth, and twelfth months of the taxpayer's taxable year. The department shall prescribe the manner and forms for such reporting and payment.

(d) The penalty prescribed by IC 6-8.1-10-2.1(b) shall be assessed

by the department on corporations failing to make payments as required in subsection (c) or (f). However, no penalty shall be assessed as to any estimated payments of adjusted gross income tax which equal or exceed:

- (1) the annualized income installment calculated under subsection (c); or
- (2) twenty-five percent (25%) of the final tax liability for the taxpayer's previous taxable year.

In addition, the penalty as to any underpayment of tax on an estimated return shall only be assessed on the difference between the actual amount paid by the corporation on such estimated return and twenty-five percent (25%) of the corporation's final adjusted gross income tax liability for such taxable year.

(e) The provisions of subsection (c) requiring the reporting and estimated payment of adjusted gross income tax shall be applicable only to corporations having an adjusted gross income tax liability which, after application of the credit allowed by IC 6-3-3-2 (repealed), shall exceed two thousand five hundred dollars (\$2,500) for its taxable year.

(f) If the department determines that a corporation's:

- (1) estimated quarterly adjusted gross income tax liability for the current year; or
- (2) average estimated quarterly adjusted gross income tax liability for the preceding year;

exceeds five thousand dollars (\$5,000), after the credit allowed by IC 6-3-3-2 (repealed), the corporation shall pay the estimated adjusted gross income taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or overnight by courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(g) If a corporation's adjusted gross income tax payment is made by electronic funds transfer, the corporation is not required to file an estimated adjusted gross income tax return.

(h) An individual filing an estimated tax return and making an estimated tax payment under this section must designate:

- (1) the portion of the estimated tax payment that represents estimated state adjusted gross income tax liability; and

(2) the portion of the estimated tax payment that represents estimated local income tax liability under ~~IC 6-3-5~~; **IC 6-3.6**.

The department shall adopt guidelines and issue instructions as necessary to assist individuals in making the designations required by this subsection.

SECTION 25. IC 6-3-4-8, AS AMENDED BY P.L.242-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) Except as provided in subsection (d), every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department. The department shall base its withholding instructions on the adjusted gross income tax rate for persons, on the total ~~rates of any income taxes~~ **local income tax rate** that the taxpayer is subject to under ~~IC 6-3-5~~; **IC 6-3.6**, and on the total amount of exclusions the taxpayer is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). However, the withholding instructions on the adjusted gross income of a nonresident alien (as defined in Section 7701 of the Internal Revenue Code) are to be based on applying not more than one (1) withholding exclusion, regardless of the total number of exclusions that IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4) permit the taxpayer to apply on the taxpayer's final return for the taxable year. Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from the individual's wages and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly of the amount of tax which under this article and ~~IC 6-3-5~~ **IC 6-3.6** the employer is required to withhold.

(b) An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly

reporting periods, the department may permit an employer to report and pay the tax for a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed one thousand dollars (\$1,000). An employer using a reporting period (other than a monthly reporting period) must file the employer's return and pay the tax for a reporting period no later than the last day of the month immediately following the close of the reporting period.

(c) For purposes of determining whether an employee is subject to taxation under ~~IC 6-3-5~~, **IC 6-3.6**, an employer is entitled to rely on the statement of an employee as to the employee's county of residence as represented by the statement of address in forms claiming exemptions for purposes of withholding, regardless of when the employee supplied the forms. Every employee shall notify the employee's employer within five (5) days after any change in the employee's county of residence.

(d) A county that makes payments of wages subject to tax under this article:

- (1) to a precinct election officer (as defined in IC 3-5-2-40.1); and
- (2) for the performance of the duties of the precinct election officer imposed by IC 3 that are performed on election day;

is not required, at the time of payment of the wages, to deduct and retain from the wages the amount prescribed in withholding instructions issued by the department.

(e) Every employer shall, at the time of each payment made by the employer to the department, deliver to the department a return upon the form prescribed by the department showing:

- (1) the total amount of wages paid to the employer's employees;
- (2) the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code;
- (3) the amount of adjusted gross income tax deducted therefrom in accordance with the provisions of this section;
- (4) the amount of income tax, if any, imposed under ~~IC 6-3-5~~ **IC 6-3.6** and deducted therefrom in accordance with this section; and
- (5) any other information the department may require.

Every employer making a declaration of withholding as provided in this section shall furnish the employer's employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the

total amount of adjusted gross income tax and the amount of each income tax, if any, imposed under ~~IC 6-3.5~~; **IC 6-3.6**, withheld from the employees, on the forms prescribed by the department. In addition, the employer shall file Form WH-3 annual withholding tax reports with the department not later than thirty-one (31) days after the end of the calendar year.

(f) All money deducted and withheld by an employer shall immediately upon such deduction be the money of the state, and every employer who deducts and retains any amount of money under the provisions of this article shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in this article. Any employer may be required to post a surety bond in the sum the department determines to be appropriate to protect the state with respect to money withheld pursuant to this section.

(g) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to employers subject to the provisions of this section, and for these purposes any amount deducted or required to be deducted and remitted to the department under this section shall be considered to be the tax of the employer, and with respect to such amount the employer shall be considered the taxpayer. In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes, shall be personally liable for such taxes, penalties, and interest.

(h) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for the employee's taxable year which begins in such calendar year, and a return made by the employer under subsection (b) shall be accepted by the department as evidence in favor of the employee of the amount so deducted from the employee's wages. Where the total amount so deducted exceeds the amount of tax on the employee as computed under this article and ~~IC 6-3.5~~; **IC 6-3.6**, the department shall, after examining the return or returns filed by the employee in accordance with this article and ~~IC 6-3.5~~; **IC 6-3.6**, refund the amount of the excess deduction. However, under rules promulgated by the department, the excess or any part thereof may be applied to any taxes or other claim

due from the taxpayer to the state of Indiana or any subdivision thereof. In the event that the excess tax deducted is less than one dollar (\$1), no refund shall be made.

(i) This section shall in no way relieve any taxpayer from the taxpayer's obligation of filing a return or returns at the time required under this article and ~~IC 6-3.5~~, **IC 6-3.6**, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(j) Notwithstanding subsection (b), an employer of a domestic service employee that enters into an agreement with the domestic service employee to withhold federal income tax under Section 3402 of the Internal Revenue Code may withhold Indiana income tax on the domestic service employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(k) To the extent allowed by Section 1137 of the Social Security Act, an employer of a domestic service employee may report and remit state unemployment insurance contributions on the employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(l) A person who knowingly fails to remit trust fund money as set forth in this section commits a Level 6 felony.

SECTION 26. IC 6-3-4-12, AS AMENDED BY P.L.242-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their distributive shares of partnership income, for a taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner:

- (1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and
- (2) shall make return of and payment to the department monthly

whenever the amount of tax due under IC 6-3 and ~~IC 6-3.5~~ **IC 6-3.6** exceeds an aggregate amount of fifty dollars (\$50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

Where the aggregate amount due under IC 6-3 and ~~IC 6-3.5~~ **IC 6-3.6** does not exceed fifty dollars (\$50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and ~~IC 6-3.5~~, **IC 6-3.6**, it is required to withhold.

(b) Every partnership shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident partners, the amount deducted therefrom in accordance with the provisions of this section, and such other information as the department may require. Every partnership making the deduction and retention provided in this section shall furnish to its nonresident partners annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax deducted and retained from such partners on forms to be prescribed by the department.

(c) All money deducted and retained by the partnership, as provided in this section, shall immediately upon such deduction be the money of the state of Indiana and every partnership which deducts and retains any amount of money under the provisions of IC 6-3 shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any partnership may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money deducted and retained pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to partnerships subject to the provisions of this section, and for these purposes any amount deducted, or required to be deducted and remitted to the department under this section, shall be considered to be the tax of the partnership, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts deducted from payments or credits to a nonresident partner during any taxable year of the partnership in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such nonresident partner for the nonresident partner's taxable year within or with which the partnership's taxable year ends. A return made by the partnership under subsection (b) shall be accepted by the department as evidence in favor of the nonresident partner of the amount so deducted for the nonresident partner's distributive share.

(f) This section shall in no way relieve any nonresident partner from the nonresident partner's obligations of filing a return or returns at the time required under IC 6-3 or ~~IC 6-3.5~~, **IC 6-3.6**, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1) return and payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due on or before the fifteenth day of the fourth month after the end of the year. However, if a partnership is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as an extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.

(h) A partnership shall file a composite adjusted gross income tax return on behalf of all nonresident partners. The composite return must include each nonresident partner regardless of whether or not the nonresident partner has other Indiana source income.

(i) If a partnership does not include all nonresident partners in the composite return, the partnership is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

(j) For taxable years beginning after December 31, 2013, the department may not impose a late payment penalty on a partnership for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section if the partnership pays the department before the fifteenth day of the fourth month after the end of the partnership's taxable year at least:

(1) eighty percent (80%) of the withholding tax due for the

current year; or

(2) one hundred percent (100%) of the withholding tax due for the preceding year.

(k) Notwithstanding subsection (a) or (h), a pass through entity is not required to withhold tax or file a composite adjusted gross income tax return for a nonresident member if the entity:

(1) is a publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code;

(2) meets the exception for partnerships under Section 7704(c) of the Internal Revenue Code; and

(3) has agreed to file an annual information return reporting the name, address, taxpayer identification number, and other information requested by the department of each unit holder.

The department may issue written guidance explaining circumstances under which limited partnerships or limited liability companies owned by a publicly traded partnership may be excluded from the withholding requirements of this section.

(l) Notwithstanding subsection (j), a partnership is subject to a late payment penalty for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section for any amounts of withholding tax, including any interest under IC 6-8.1-10-1, reported or paid after the due date of the return, as adjusted by any extension under IC 6-8.1-6-1.

(m) For purposes of this section, a "nonresident partner" is:

(1) an individual who does not reside in Indiana;

(2) a trust that does not reside in Indiana;

(3) an estate that does not reside in Indiana;

(4) a partnership not domiciled in Indiana;

(5) a C corporation not domiciled in Indiana; or

(6) an S corporation not domiciled in Indiana.

SECTION 27. IC 6-3-4-13, AS AMENDED BY P.L.242-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) Every corporation which is exempt from tax under IC 6-3 pursuant to IC 6-3-2-2.8(2) shall, at the time that it pays or credits amounts to any of its nonresident shareholders as dividends or as their share of the corporation's undistributed taxable income, withhold the amount prescribed by the department. Such

corporation so paying or crediting any nonresident shareholder:

(1) shall be liable to the state of Indiana for the payment of the tax required to be withheld under this section and shall not be liable to such shareholder for the amount withheld and paid over in compliance or intended compliance with this section; and

(2) when the aggregate amount due under IC 6-3 and ~~IC 6-3.5~~ **IC 6-3.6** exceeds one hundred fifty dollars (\$150) per quarter, then such corporation shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and ~~IC 6-3.5~~, **IC 6-3.6**, it is required to withhold.

(b) Every corporation shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident shareholders, the amount withheld in accordance with the provisions of this section, and such other information as the department may require. Every corporation withholding as provided in this section shall furnish to its nonresident shareholders annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax withheld on behalf of such shareholders on forms to be prescribed by the department.

(c) All money withheld by a corporation, pursuant to this section, shall immediately upon being withheld be the money of the state of Indiana and every corporation which withholds any amount of money under the provisions of this section shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any corporation may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money withheld pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to corporations subject to the provisions of this section, and for these purposes any amount withheld, or required to be withheld and remitted to the department under this section, shall be considered to be the tax of the corporation, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts withheld from payments or credits to a nonresident

shareholder during any taxable year of the corporation in accordance with the provisions of this section shall be considered to be a part payment of the tax imposed on such nonresident shareholder for the shareholder's taxable year within or with which the corporation's taxable year ends. A return made by the corporation under subsection (b) shall be accepted by the department as evidence in favor of the nonresident shareholder of the amount so withheld from the shareholder's distributive share.

(f) This section shall in no way relieve any nonresident shareholder from the shareholder's obligation of filing a return or returns at the time required under IC 6-3 or ~~IC 6-3.5~~, **IC 6-3.6**, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a corporation to file one (1) return and payment each year if the corporation pays or credits amounts to its nonresident shareholders only one (1) time each year. The withholding return and payment are due on or before the fifteenth day of the fourth month after the end of the taxable year of the corporation. However, if a corporation is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as the extended income tax return with respect to the due dates, interest, and penalties under IC 6-8.1-6-1.

(h) If a distribution will be made with property other than money or a gain is realized without the payment of money, the corporation shall not release the property or credit the gain until it has funds sufficient to enable it to pay the tax required to be withheld under this section. If necessary, the corporation shall obtain such funds from the shareholders.

(i) If a corporation fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the shareholders, such amount of tax as paid by the shareholders shall not be collected from the corporation but it shall not be relieved from liability for interest or penalty otherwise due in respect to such failure to withhold under IC 6-8.1-10.

(j) A corporation described in subsection (a) shall file a composite adjusted gross income tax return on behalf of all nonresident shareholders. The composite return must include each nonresident shareholder regardless of whether or not the nonresident shareholder

has other Indiana source income.

(k) If a corporation described in subsection (a) does not include all nonresident shareholders in the composite return, the corporation is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

(l) For taxable years beginning after December 31, 2013, the department may not impose a late payment penalty on a corporation for the failure to file a return, pay the full amount of the tax shown on the corporation's return, or pay the deficiency of the withholding taxes due under this section if the corporation pays the department before the fifteenth day of the fourth month after the end of the partnership's taxable year at least:

- (1) eighty percent (80%) of the withholding tax due for the current year; or
- (2) one hundred percent (100%) of the withholding tax due for the preceding year.

(m) Notwithstanding subsection (l), a corporation is subject to a late payment penalty for the failure to file a return, pay the full amount of the tax shown on the corporation's return, or pay the deficiency of the withholding taxes due under this section for any amounts of withholding tax, including any interest under IC 6-8.1-10-1, reported or paid after the due date of the return, as adjusted by any extension under IC 6-8.1-6-1.

(n) For purposes of this section, a "nonresident shareholder" is:

- (1) an individual who does not reside in Indiana;
- (2) a trust that does not reside in Indiana; or
- (3) an estate that does not reside in Indiana.

SECTION 28. IC 6-3-4-15.7, AS AMENDED BY P.L.146-2008, SECTION 320, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15.7. (a) The payor of a periodic or nonperiodic distribution under an annuity, a pension, a retirement, or other deferred compensation plan, as described in Section 3405 of the Internal Revenue Code, that is paid to a resident of this state shall, upon receipt from the payee of a written request for state income tax withholding, withhold the requested amount from each payment. The request must:

- (1) be dated and signed by the payee;
- (2) specify the flat whole dollar amount to be withheld from each payment;

(3) designate the portion of the withheld amount that represents estimated state adjusted gross income tax liability and the portion of the withheld amount that represents estimated local income tax liability under ~~IC 6-3.5~~; **IC 6-3.6**; and

(4) specify the payee's name, current address, taxpayer identification number, and the contract, policy, or account number to which the request applies.

The request shall remain in effect until the payor receives in writing from the payee a change in or revocation of the request. The department shall adopt guidelines and issue instructions as necessary to assist individuals in making the designations required by subdivision (3).

(b) The payor is not required to withhold state income tax from a payment if the amount to be withheld is less than ten dollars (\$10) or if the amount to be withheld would reduce the affected payment to less than ten dollars (\$10).

(c) The payor is responsible for custody of withheld funds, for reporting withheld funds to the state and to the payee, and for remitting withheld funds to the state in the same manner as is done for wage withholding, including utilization of federal forms and participation by Indiana in the combined Federal/State Filing Program on magnetic media.

SECTION 29. IC 6-3-4-17, AS AMENDED BY P.L.42-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 17. Beginning after December 31, 2010, the department and the office of management and budget shall:

(1) develop a quarterly report that summarizes the amount reported to and processed by the department under section 4.1(h) of this chapter, section 15.7(a)(3) of this chapter, ~~IC 6-3.5-1.1-18(c)~~; ~~IC 6-3.5-6-22(c)~~; and ~~IC 6-3.5-7-18(c)~~ **IC 6-3.6-8-5** for each county; and

(2) make the quarterly report available to county auditors within forty-five (45) days after the end of the calendar quarter.

SECTION 30. IC 6-3.1-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter, "state and local tax liability" means a taxpayer's total tax liability incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

- ~~(2) IC 6-3.5-1.1 (county adjusted gross income tax);~~
- ~~(3) IC 6-3.5-6 (county option income tax);~~
- ~~(4) IC 6-3.5-7 (county economic development income tax);~~
- (2) IC 6-3.6 (local income tax);**
- ~~(5) (3) IC 6-5.5 (the financial institutions tax);~~ and
- ~~(6) (4) IC 27-1-18-2 (the insurance premiums tax);~~

as computed after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 31. IC 6-3.5-0.7 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. (Status of Certain Property Tax Credits).

SECTION 32. IC 6-3.5-0.8 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. (Adoption of Certain Ordinances Relating to a County Adjusted Gross Income Tax or a County Option Income Tax).

SECTION 33. IC 6-3.5-2 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. (Employment Tax).

SECTION 34. IC 6-3.5-4-1, AS AMENDED BY P.L.205-2013, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter:

"Adopting entity" means either the county council or the ~~county~~ **local** income tax council established by ~~IC 6-3.5-6-2~~ **IC 6-3.6-3-1** for the county, whichever adopts an ordinance to impose a surtax first.

"Branch office" means a branch office of the bureau of motor vehicles.

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

"Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

"Surtax" means the annual license excise surtax imposed by an adopting entity under this chapter.

SECTION 35. IC 6-3.5-4-1.1, AS ADDED BY P.L.205-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1.1. For purposes of acting as the adopting entity under this chapter, a ~~county~~ **local** income tax council is comprised of the same members as the ~~county~~ **local** income tax council that is established by ~~IC 6-3.5-6-2~~ **IC 6-3.6-3-1** for the county.

(regardless of the income tax that may be in effect in the county). The **county local** income tax council shall use the same procedures that apply under ~~IC 6-3.5-6~~ **IC 6-3.6-3** when acting as an adopting entity under this chapter.

SECTION 36. IC 6-3.5-5-1, AS AMENDED BY P.L.205-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter:

"Adopting entity" means either the county council or the **county local** income tax council established by ~~IC 6-3.5-6-2~~ **IC 6-3.6-3-1** for the county, whichever adopts an ordinance to impose a wheel tax first.

"Branch office" means a branch office of the bureau of motor vehicles.

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"Commercial motor vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in IC 34-6-2-141.

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

SECTION 37. IC 6-3.5-5-1.1, AS ADDED BY P.L.205-2013, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1.1. For purposes of acting as the adopting entity under this chapter, a **county local** income tax council is comprised of the same members as the **county local** income tax council that is established by ~~IC 6-3.5-6-2~~ **IC 6-3.6-3-1** for the county. (regardless of the income tax that may be in effect in the county). The **county local** income tax council shall use the same procedures that apply under ~~IC 6-3.5-6~~ **IC 6-3.6-3** when acting as an adopting entity under this chapter.

SECTION 38. IC 6-3.5-9-1, AS ADDED BY P.L.173-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2017]: Sec. 1. This chapter applies to a city or county that receives a certified distribution of a tax imposed under ~~IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7~~. **IC 6-3.6-4.**

SECTION 39. IC 6-3.6-1-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The purpose of this article is to consolidate and simplify the various local income tax laws (referred to as a "former tax" in this article) that are in effect on May 1, 2016, into a uniform law that transitions each county from the former taxes to the tax governed by this article.

(b) Notwithstanding the effective date of the repeal of the former tax laws on January 1, 2017, an adopting body may not adopt any ordinances under a former tax after June 30, 2016. In addition, notwithstanding the effective date of this article being July 1, 2015, an adopting body may not take any action under this article before July 1, 2016.

(c) To carry out the transition, the office of management and budget, along with the appropriate state agencies and in cooperation with each county, shall do the following:

(1) Document all terms, conditions, limitations, and obligations that exist under the former taxes.

(2) Categorize the tax rate under the former taxes into the appropriate tax rate or rates under this article to provide revenue for all the same purposes for which revenue under a former tax was used in 2016, except to the extent required under this article and to the extent that an adopting body takes action under this article after June 30, 2016, to change the purposes and allocation of the revenue as permitted under this article. Matching the purposes of a former tax to the purposes under this article, including the apportionment, allocation, and distribution of revenue under this article shall be accomplished by using the best information available. These purposes include, but are not limited to, one (1) or more of the following:

(A) Property tax credits using the options set forth in IC 6-3.6-5. This categorization is limited to former tax rates that were dedicated to providing credits against property taxes under IC 6-3.5-1.1-26 (**repealed**), IC 6-3.5-6 (**repealed**), or IC 6-3.5-7 (**repealed**).

(B) School corporation distributions and additional revenue. All former tax rates not used for a specified project or categorized under clause (A) shall be categorized under IC 6-3.6-6 using the former tax rates or dollar amounts that were dedicated for school corporation distributions, public safety, economic development, and certified shares.

(C) A special purpose project (IC 6-3.6-7) using the former tax rate that was dedicated to the project.

(d) The office of management and budget shall compile a comprehensive report detailing for each taxing unit throughout the state and for each property class type described in IC 6-3.6-5, the categorization of revenue and its uses under this article compared to the former taxes. Before November 1, 2015, the office of management and budget shall submit its report to the legislative council in an electronic format under IC 5-14-6.

(e) The transition under this article shall be completed by August 1, 2016, for purposes of local government budgets for 2017 and for purposes of the distribution and allocation of revenue under this article after December 31, 2016.

SECTION 40. IC 6-3.6-1-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. (a) The general assembly has considered the report submitted under section 1 of this chapter in which the office of management and budget categorized local income tax revenue and its uses under this article compared to the former taxes.**

(b) The general assembly finds that the categorizations satisfy the requirements of this article and shall be used for making the transition from the former taxes to the tax rates and uses under this article subject to any amendments made during the 2016 regular session of the Indiana general assembly.

SECTION 41. IC 6-3.6-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) In counties that adopted a homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017), the transition from the former taxes to the taxes governed under this article shall include the transition of the homestead credit under IC 6-3.5-6-13 (before its repeal January 1,**

2017) to a property tax relief rate under IC 6-3.6-5.

(b) To accomplish the transition under this section, the department of local government finance shall determine the portion of the income tax rate under IC 6-3.5-6-8 (before its repeal January 1, 2017) that is attributable to the homestead credit approved under IC 6-3.5-6-13 (before its repeal January 1, 2017) and shall allocate that portion of the income tax rate that is attributable to the homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017) to the property tax relief rate under IC 6-3.6-5.

(c) The department of local government finance shall notify each affected county of the rate that will be allocated to the property tax relief rate not later than July 1, 2016. In addition, the department of local government finance shall notify the state budget agency of the transition under this section.

(d) The approval of the local income tax council is not required for the transition of the homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017) to a property tax relief rate as set forth in this section.

SECTION 42. IC 6-3.6-1-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. Except to the extent that taxes imposed in a county **under or determined** under:

- (~~1~~) ~~IC 6-3.5-1 (repealed)~~;
- (~~2~~) **(1) IC 6-3.5-1.1 (repealed)**;
- (2) IC 6-3.5-1.5 (repealed)**;
- (3) IC 6-3.5-6 (repealed); or
- (4) IC 6-3.5-7 (repealed);

are increased, decreased, or rescinded under this article, the total tax rate in effect in a county under the provisions described in subdivisions (1) through (4) on May 1, 2016, continue in effect after May 1, 2016, and shall be treated as taxes imposed under this article.

SECTION 43. IC 6-3.6-1-4, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. Notwithstanding:

- (~~1~~) ~~IC 6-3.5-1 (repealed)~~;
- (~~2~~) **(1) IC 6-3.5-1.1 (repealed)**;
- (2) IC 6-3.5-1.5 (repealed)**;

(3) IC 6-3.5-6 (repealed); or

(4) IC 6-3.5-7 (repealed);

a change in a tax imposed under a provision described in subdivisions (1) through (4), credits related to property taxes, allocations of tax revenue, and pledges for payment from tax revenue after December 31, 2016, must be made under this article and not under the provisions described in subdivisions (1) through (4).

SECTION 44. IC 6-3.6-2-14, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. "Public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3), an enhanced emergency telephone system (as defined in IC 36-8-16-2, before its repeal on July 1, 2012), **a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22) and located within the**

county, or the statewide 911 system (as defined in IC 36-8-16.7-22).

(12) Medical and health expenses for jailed inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of a fire department (as defined in IC 36-8-1-8) or any other employee of the fire department.

(B) A member of a police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by the police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

SECTION 45. IC 6-3.6-3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to a county in which the county adopting body is the county council.**

(b) Before the county council may vote on a proposed ordinance under this article, the county council must hold a public hearing on the proposed ordinance and provide the public with notice of the date, time, and place where the public hearing will be held.

(c) The notice required by subsection (b) must be given in accordance with IC 5-3-1 and include the proposed ordinance.

SECTION 46. IC 6-3.6-5-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. The auditor of state shall assist adopting bodies and county auditors in calculating credit percentages and amounts under this ~~chapter~~ **article**.

SECTION 47. IC 6-3.6-6-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. Revenue raised from a tax imposed under this chapter shall be treated as follows:

(1) To make distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1 **(repealed)**. The revenue categorized from the first twenty-five hundredths percent (0.25%) of the rate for a former tax adopted

under IC 6-3.5-1.1 (**repealed**) shall be allocated to school corporations and civil taxing units. The amount of the allocation to a school corporation or civil taxing unit shall be determined using the allocation amounts for civil taxing units and school corporations in the ~~determination~~: **county**.

(2) The remaining revenue shall be treated as additional revenue (referred to as "additional revenue" in this chapter). Additional revenue may not be considered by the department of local government finance in determining:

(A) any taxing unit's maximum permissible property tax levy limit under IC 6-1.1-18.5; or

(B) the approved property tax rate for any fund.

In the case of a civil taxing unit that has pledged the tax from additional revenue for the payment of bonds, leases, or other obligations as reported by the civil taxing unit under IC 5-1-18, the adopting body may not, under section 4 of this chapter, reduce the proportional allocation of the additional revenue that was allocated in the preceding year if the reduction for that year would result in an amount less than the amount necessary for the payment of bonds, leases, or other obligations payable or required to be deposited in a sinking fund or other reserve in that year for the bonds, leases, or other obligations for which the tax from additional revenue has been pledged.

SECTION 48. IC 6-3.6-6-4, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. The adopting body shall, by ordinance, determine how the additional revenue from a tax under this chapter must be allocated in subsequent years. **The allocations are subject to IC 6-3.6-11.** The ordinance must be adopted before July 1 and first applies in the following year and then thereafter until it is rescinded or modified. The revenue must be allocated among **one (1) or more of** the following uses as provided in this chapter:

- (1) Public safety.
- (2) Economic development projects.
- (3) Certified shares.

The ordinance ~~may~~ **must** describe the allocation of additional revenue by use of percentages. ~~or dollar amounts.~~

SECTION 49. IC 6-3.6-6-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The adopting body may not ~~allocate~~ **reduce the proportional allocation among the uses described in section 4 of this chapter** in a year **if the reduction would allocate** less to the payment of bonds or leases for which the tax under this chapter has been pledged in accordance with law than the amount pledged and payable in that year or required under the agreements for the bonds or leases to be deposited in a sinking fund or other reserve in that year.

SECTION 50. IC 6-3.6-6-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: (a) The total amount allocated in a year to the uses described in section 4 of this chapter may not, in the aggregate, exceed the amount of additional revenue raised by the tax imposed under this chapter for that year. If the amount available in a year is less than the amount necessary to fund all the purposes authorized by the adopting body, the county auditor shall reduce the amount distributed to these purposes to eliminate the deficit.

(b) The county auditor may not in a year reduce an allocation of money pledged to make bond payments or lease payments less than the amount pledged to make payments in that year.

(c) Subject to subsection (b), the county auditor shall reduce allocations under this section in accordance with the instructions in an ordinance adopted by the adopting body. To the extent that the adopting body has not adopted an ordinance to specify how a deficiency is to be eliminated, or the ordinance does not eliminate the deficiency, the county auditor shall, subject to subsection (b), uniformly reduce allocations in each category.

SECTION 51. IC 6-3.6-6-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: The county auditor may not allocate more than the amount authorized by the adopting body. If the amount available in a year for allocation under this chapter is greater than the amount necessary to fund all the purposes authorized by the adopting body, the county auditor shall:

- (1) allocate the excess as directed by the adopting body; or
- (2) in the absence of an ordinance that allocates all the excess, retain the excess and apply it, as necessary, to fund the purposes authorized by the adopting body for the following year.

SECTION 52. IC 6-3.6-6-8, AS ADDED BY P.L.243-2015,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) This section applies to the allocation of additional revenue from a tax under this chapter to public safety purposes.

~~(b) This subsection applies to Marion County. The adopting body may allocate part or all of the certified distribution that is allocated to public safety purposes to fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b).~~

~~(c)~~ **(b)** Except as provided in subsection ~~(d)~~; **(c)**, the amount of the certified distribution that is allocated to public safety purposes, and ~~for Marion County~~ after making allocations under IC 6-3.6-11, shall be allocated to the county and to each municipality in the county that is carrying out or providing at least one (1) public safety purpose. For purposes of this subsection, in the case of a consolidated city, the total property taxes imposed by the consolidated city include the property taxes imposed by the consolidated city and all special taxing districts (except for a public library district, a public transportation corporation, and a health and hospital corporation), and all special service districts. The amount allocated under this subsection to a county or municipality is equal to the result of:

(1) the amount of the **remaining** certified distribution that is allocated to public safety purposes; multiplied by

(2) a fraction equal to:

(A) in the case of a county that initially imposed a rate for public safety under IC 6-3.5-6 **(repealed)**, the result of the total property taxes imposed in the county by the county or municipality for the calendar year, divided by the sum of the total property taxes imposed in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year; or

(B) in the case of a county that initially imposed a rate for public safety under IC 6-3.5-1.1 **(repealed)** or a county that did not impose a rate for public safety under either IC 6-3.5-1.1 **(repealed)** or IC 6-3.5-6 **(repealed)**, the result of the attributed allocation amount of the county or municipality for the calendar year, divided by the sum of the attributed

allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

~~(d)~~ (c) A fire department, volunteer fire department, or emergency medical services provider that:

- (1) provides fire protection or emergency medical services within the county; and
- (2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may, before July 1 of a year, apply to the adopting body for a distribution of tax revenue under this section during the following calendar year. The adopting body shall review an application submitted under this subsection and may, before September 1 of a year, adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is allocated under subsection ~~(e)~~ (b).

SECTION 53. IC 6-3.6-6-9, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. (a) This section applies to the allocation of additional revenue from a tax under this chapter for economic development purposes.

(b) Money designated for economic development purposes shall be allocated to the county, cities, and towns for use by the taxing unit's fiscal body for any of the purposes described in IC 6-3.6-10. Except as provided in subsections (c) and (d) **and IC 6-3.6-11**, and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution allocated to economic development purposes that the county and each city or town in a county is entitled to receive each month of each year equals the amount determined using the following

formula:

STEP ONE: Determine the sum of:

- (A) the total property taxes being imposed by the county, city, or town during the calendar year of the distribution; plus
- (B) for a county, the welfare allocation amount.

STEP TWO: Determine the quotient of:

- (A) The STEP ONE amount; divided by
- (B) the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount.

STEP THREE: Determine the product of:

- (A) the amount of the certified distribution allocated to economic development purposes for that month; multiplied by
- (B) the STEP TWO amount.

(c) The body imposing the tax may adopt an ordinance before August 2 of a year to provide for a distribution of the amount allocated to economic development purposes based on population instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

- (1) The ordinance is effective January 1 of the following year.
- (2) The amount of the certified distribution allocated to economic development purposes that the county and each city and town in the county are entitled to receive during each month of each year equals the product of:

- (A) the amount of the certified distribution that is allocated to economic development purposes for the month; multiplied by
- (B) the quotient of:

~~(A)~~ (i) for a city or town, the population of the city or the town that is located in the county and for a county, the population of the part of the county that is not located in a city or town; divided by

~~(B)~~ (ii) the population of the entire county.

- (3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) In a county having a consolidated city, only the consolidated city is entitled to the amount of the certified distribution that is allocated to economic development purposes.

(c) ~~This subsection applies to Porter County. Three million five hundred thousand dollars (\$3,500,000) of the additional revenue that is allocated each year for economic development purposes shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county to make transfers as provided in and required under IC 36-7.5-4-2 (before its repeal).~~

SECTION 54. IC 6-3.6-6-11, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 11. (a) Except as provided in this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) Subject to this chapter, any civil taxing unit that imposes an ad valorem property tax in the county that has a tax rate in effect under this chapter is eligible for an allocation under this chapter.

(c) A school corporation is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter. The distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1 (**repealed**) as provided in section 3(1) of this chapter is not considered an allocation of certified shares. A school corporation's allocation amount for purposes of section 3(1) of this chapter shall be determined under section 12 of this chapter.

(d) A county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter unless a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving the distribution.

(e) A resolution passed by a county fiscal body under subsection (d) may:

- (1) expire on a date specified in the resolution; or
- (2) remain in effect until the county fiscal body revokes or rescinds the resolution.

SECTION 55. IC 6-3.6-6-20, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. **(a) This section does not apply to distributions of revenue under section 9 of this chapter.**

(a) (b) This section applies only to the following:

(1) Any allocation or distribution of revenue under section 3(1) of this chapter that is made on the basis of property tax levies in counties that formerly imposed a tax under IC 6-3.5-1.1 (before its repeal January 1, 2017).

(2) Any allocation or distribution of revenue under section ~~3(1)~~ or 3(2) of this chapter that is made on the basis of property tax levies in counties that formerly imposed a tax under IC 6-3.5-6 (before its repeal January 1, 2017).

(c) Subject to subsection (b), if a school corporation or civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which revenue under section ~~3(1)~~ or ~~3(2)~~ **3** of this chapter is being allocated or distributed, that school corporation or civil taxing unit is entitled to receive a part of the revenue under section 3(1) or 3(2) of this chapter (as appropriate) to be distributed within the county. The fractional amount that such a school corporation or civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount of revenue under section ~~3(1)~~ or ~~3(2)~~ **3** of this chapter to be distributed on the basis of property tax levies during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that school corporation or civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all school corporations or civil taxing units of that county for that calendar year.

~~(b)~~ **(d) Subject to subsection (b)**, if for a calendar year a school corporation or civil taxing unit is allocated a part of a county's revenue under section ~~3(1)~~ or ~~3(2)~~ **3** of this chapter by subsection ~~(a)~~; **(c)**, the calculations used to determine the shares of revenue of all other school corporations and civil taxing units under section ~~3(1)~~ or ~~3(2)~~ **3** of this chapter (as appropriate) shall be changed each month for that same year by reducing the amount of revenue to be distributed by the amount of revenue under section ~~3(1)~~ or ~~3(2)~~ **3** of this chapter allocated under subsection ~~(a)~~ **(c)** for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

SECTION 56. IC 6-3.6-7-2, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2017]: Sec. 2. An adopting body ~~that had the authority to adopt a special purpose rate under the former tax law~~ may impose a tax on the adjusted gross income of local taxpayers in the county served by the adopting body that is a combination of one (1) or more of the tax rates permitted in this chapter in the county served by the adopting body. The total of all tax rates under this chapter in a county may not be greater than the sum of the tax rates specified in this chapter for special purpose projects in the county and may be imposed only for the length of time that rate ~~was~~ **is** permitted under **this chapter, including any periods that occurred before the repeal of the former tax law.**

SECTION 57. IC 6-3.6-7-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) A separate tax rate is permitted under this chapter for each of the following **special purposes set forth in this chapter.**

(1) ~~To finance; construct; acquire; improve; renovate; remodel; or equip a criminal justice facility; including a court, a jail, a juvenile detention center facility, or a juvenile probation facility; including:~~

~~(A) related buildings and parking facilities;~~

~~(B) costs related to the demolition of existing buildings;~~

~~(C) the acquisition of land; and~~

~~(D) any other reasonably related costs;~~

~~for these purposes:~~

~~(2) To renovate a former county hospital for additional office space; educational facilities; nonsecure juvenile facilities; and other county functions:~~

~~(3) To finance; construct; acquire; renovate; and equip buildings for a volunteer fire department (as defined in IC 36-8-12-2) that provides services in any part of the county:~~

~~(4) To finance; construct; acquire; and renovate firefighting apparatus or other related equipment for a volunteer fire department (as defined in IC 36-8-12-2) that provides services in any part of the county:~~

~~(5) To finance; construct; acquire; renovate; and operate a public transportation system described in IC 8-25:~~

~~(6) To carry out the purposes set forth throughout this chapter:~~

(b) The rate permitted under subsection (a)(1) **the section in this**

chapter authorizing the special purpose tax rate may include a rate to repay bonds issued or leases entered into for a **the special** purpose. ~~described in subsection (a)(1). A tax rate imposed under this section may be imposed only until the last of the following dates:~~

- ~~(1) The date on which the purposes described in subsection (a)(1) are completed.~~
- ~~(2) The date on which the last of any bonds issued (including any refunding bonds) or leases described in subsection (a) are fully paid.~~

However, for a bond or lease entered into after December 31, 2015, the term of the bonds issued (including any refunding bonds) or a lease entered into under this section may not exceed twenty (20) years, **unless the section in this chapter authorizing the special purpose tax rate specifies a different term.** The adopting body shall provide a notice to the budget agency, the department of local government finance, and the department of state revenue specifying that the date for the termination of the tax rate has occurred.

(c) If the section in this chapter authorizing the special purpose tax rate does not specify what to do with money accumulated from the tax ~~under this section~~ after:

- (1) the redemption of bonds issued; or
- (2) the final payment of lease rentals due under a lease entered into under this section;

the money accumulated shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 58. IC 6-3.6-7-4, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. In order to impose a tax under this chapter, an adopting body ~~that had the authority to adopt a special purpose rate under the former tax law~~ must adopt an ordinance finding and determining that revenues from the tax are needed for the purposes described in the section under which the tax is imposed. **The adoption of an ordinance under the former tax law for a special purpose described in this chapter is considered an ordinance adopted under this chapter.**

SECTION 59. IC 6-3.6-7-8, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2017]: Sec. 8. (a) This section applies to Elkhart County.

(b) The county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed the lesser of the following:

(1) Twenty-five hundredths percent (0.25%).

(2) The rate necessary to carry out the purposes described in subsection (c).

(c) Revenue raised from a tax under this section may be used only for the following purposes:

(1) To finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land.

(2) To repay bonds issued or leases entered into for the purposes described in subdivision (1).

(3) To operate and maintain jail facilities described in subdivision (1)(A) ~~but only~~ after the purposes described in subdivision (1) are completed and any bonds issued or leases entered into under subdivision (2) are fully paid.

(d) The term of the bonds issued (including any refunding bonds) or a lease entered into under this section may not exceed twenty (20) years.

(e) Money accumulated from a tax under this section that remains after the tax imposed by this section is terminated shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 60. IC 6-3.6-7-12, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. (a) This section applies only to Jasper County.

(b) The county council may, by ordinance, determine that additional local income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional local income tax revenue is also needed in the county to operate or maintain any of the facilities described in subsection (b)(1)(A) through (b)(1)(D) that are located in the county. The county council may make a determination under both this subsection and subsection (b).

(d) The county council may impose a tax rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of ~~county~~ **local** taxpayers if the adopting body makes a finding and determination set forth in subsection (b) or (c).

(e) If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and

(2) all bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities described in subsection (b)(1)(A). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(f) The tax imposed under this section may be imposed only until the latest of the following:

(1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.

(2) The date on which the last of any bonds issued or leases

entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.

(3) The date on which an ordinance adopted under subsection (c) is rescinded.

(g) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(h) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. Revenue derived from the tax imposed under this section shall be deposited in the criminal justice facilities revenue fund.

(i) Revenue derived from the tax imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(j) Notwithstanding any other law, money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 61. IC 6-3.6-7-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.5. (a) This section applies to Rush County.**

(b) The county council may, by ordinance, determine that additional local income tax revenue is needed in the county to do the following:

- (1) Finance, construct, acquire, improve, renovate, and equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.**

(2) Repay bonds issued or leases entered into for the purposes described in subdivision (1).

(3) Operate and maintain the facilities described in subdivision (1).

(c) If the county council makes the determination set forth in subsection (b), the county council may adopt an ordinance to impose a local income tax rate of:

- (1) fifteen-hundredths percent (0.15%);**
- (2) two-tenths percent (0.2%);**
- (3) twenty-five hundredths percent (0.25%);**
- (4) three-tenths percent (0.3%);**
- (5) thirty-five hundredths percent (0.35%);**
- (6) four-tenths percent (0.4%);**
- (7) forty-five hundredths percent (0.45%);**
- (8) five-tenths percent (0.5%);**
- (9) fifty-five hundredths percent (0.55%); or**
- (10) six-tenths percent (0.6%).**

The tax rate may not be greater than the rate necessary to pay for the purposes described in subsection (b).

(d) The tax rate used to pay for the purposes described in subsection (b)(1) and (b)(2) may be imposed only until the latest of the following dates:

- (1) The date on which the financing, construction, acquisition, improvement, and equipping of the facilities as described in subsection (b) are completed.**
- (2) The date on which the last of any bonds issued (including refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping of the facilities described in subsection (b) are fully paid.**
- (3) The date on which an ordinance adopted under subsection (c) is rescinded.**

(e) If the county council imposes a tax under this section to pay for the purposes described in subsection (b)(1) and (b)(2), in the year before the facilities are ready for occupancy, the county council shall by ordinance establish a tax rate at a rate permitted under subsection (c) so that the revenue from the tax rate established under this subsection does not exceed the costs of operating and maintaining the facilities described in subsection (b).

The tax rate under this subsection may be imposed beginning in the year following the year the ordinance is adopted and until the date on which the ordinance adopted under this subsection is rescinded.

(f) The term of a bond issued (including any refunding bond) or a lease entered into under subsection (b) may not exceed twenty-five (25) years.

(g) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. Local income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund.

(h) Local income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for the purposes described in subsection (b).

(i) Rush County possesses unique governmental and economic development challenges and opportunities due to the following:

(1) Deficiencies in the current county jail, including the following:

(A) Aging facilities that have not been significantly improved or renovated since the original construction.

(B) Lack of recreation and medical facilities.

(C) Inadequate line of sight supervision of inmates due to the configuration of the aging jail.

(D) Lack of adequate housing for an increasing female inmate population and for inmates with special needs.

(E) Lack of adequate administrative space.

(F) Increasing maintenance demands and costs resulting from having aging facilities.

(2) A limited industrial and commercial assessed valuation in the county.

The use of local income tax revenues as provided in this section is necessary for the county to provide adequate jail capacity in the county and to maintain low property tax rates essential to

economic development. The use of local income tax revenues as provided in this section to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping of the facilities described in subsection (b), rather than the use of property taxes, promotes those purposes.

(j) Money accumulated from the local income tax rate imposed under this section after the termination of the tax under this section shall be transferred to the county rainy day fund under IC 36-1-8-5.1.

SECTION 62. IC 6-3.6-7-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 21.5. (a) This section applies only to Tipton County.**

(b) The county council may, by ordinance, determine that additional local income tax revenue is needed in the county to:

(1) finance the:

(A) construction, acquisition, and equipping of the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(B) improvement, renovation, remodeling, repair, and equipping of the courthouse to address security concerns and mitigate excess moisture in the courthouse; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) If the county council makes the determination set forth in subsection (b), the county council may adopt an ordinance to impose a local income tax rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

(5) thirty-five hundredths percent (0.35%); or

(6) four-tenths percent (0.4%).

The tax rate may not be imposed at a rate greater than is necessary to pay for the purposes described in subsection (b).

(d) The tax imposed under this section may be imposed only until the later of the date on which:

- (1) the financing for constructing, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) is completed; or**
- (2) the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) are fully paid.**

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(e) The county treasurer shall establish a county facilities revenue fund to be used only for the purposes described in this section. Local income tax revenues derived from the tax rate imposed under this section shall be deposited in the county facilities revenue fund.

(f) Local income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;**
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible ad valorem property tax levy limit under IC 6-1.1-18.5; and**
- (3) may be pledged to the repayment of bonds issued or leases entered into for the purposes described in subsection (b).**

(g) Tipton County possesses unique governmental and economic development challenges and opportunities due to:

- (1) the county's heavy agricultural base;**
- (2) deficiencies in the current county jail, including:**
 - (A) overcrowding;**
 - (B) lack of program and support space for efficient jail operations;**
 - (C) inadequate line of sight supervision of inmates, due to current jail configuration;**
 - (D) lack of adequate housing for an increasing female inmate population and inmates with special needs;**
 - (E) lack of adequate administrative space; and**
 - (F) increasing maintenance demands and costs resulting from having aging facilities;**

- (3) the presence of a large industrial employer that offers the opportunity to expand the income tax base; and**
- (4) the presence of the historic Tipton County jail and sheriff's home, listed on the National Register of Historic Places.**

The use of local income tax revenue as provided in this section is necessary for the county to provide adequate jail facilities in the county and to maintain low property tax rates essential to economic development. The use of local income tax revenues as provided in this section to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b), rather than the use of property taxes, promotes those purposes.

(h) Money accumulated from the local income tax rate imposed under this section after:

- (1) the redemption of bonds issued; or**
- (2) the final payment of lease rentals due under a lease entered into under this section;**

shall be transferred to the county rainy day fund under IC 36-1-8-5.1.

SECTION 63. IC 6-3.6-7-27, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 27. (a) This section applies only to an eligible county, as defined in IC 8-25-1-4.

(b) If the voters of the county approve a local public question under IC 8-25-2, the fiscal body of the county may adopt an ordinance to provide for the use of local income tax revenues attributable to an additional tax rate imposed under IC 6-3.6-6 to fund a public transportation project under IC 8-25. However, a county fiscal body shall adopt an ordinance under this subsection if required by IC 8-25-6-10 to impose an additional tax rate on the county taxpayers **(as defined in IC 8-24-1-10)** who reside in a township in which the voters approve a public transportation project in a local public question held under IC 8-25-6. An ordinance adopted under this subsection must specify an additional tax rate to be imposed in the county (or township in the case of an additional rate required by IC 8-25-6-10) of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If an ordinance is adopted under this subsection, the

amount of the certified distribution attributable to the additional tax rate imposed under this subsection must be:

- (1) retained by the county auditor;
- (2) deposited in the county public transportation project fund established under IC 8-25-3-7; and
- (3) used for the purpose provided in this subsection instead of as a property tax replacement distribution.

(c) The tax rate under this section plus the tax rate under IC 6-3.6-6 may not exceed ~~two and five-tenths percent (2.5%)~~. **the tax rate specified in IC 6-3.6-2.**

SECTION 64. IC 6-3.6-8-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) Except as otherwise provided in subsection (b) and the other provisions of this article, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

- (1) definitions;
- (2) declarations of estimated tax;
- (3) filing of returns;
- (4) deductions or exemptions from adjusted gross income;
- (5) remittances;
- (6) incorporation of the provisions of the Internal Revenue Code;
- (7) penalties and interest; and
- (8) exclusion of military pay credits for withholding;

apply to the imposition, collection, and administration of the tax imposed by this article.

(b) ~~IC 6-3-1-3.5(a)(6)~~, IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the tax imposed by this article.

(c) Notwithstanding subsections (a) and (b), each employer shall report to the department of state revenue the amount of withholdings attributable to each county. This report shall be submitted to the department of state revenue:

- (1) each time the employer remits to the department the tax that is withheld; and
- (2) annually along with the employer's annual withholding report.

SECTION 65. IC 6-3.6-8-8 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 8: (a) ~~If for a particular taxable year a local taxpayer is, or a local taxpayer and the taxpayer's spouse who file a joint return are, allowed a credit for the elderly or individuals with a~~

total disability under Section 22 of the Internal Revenue Code, the local taxpayer is, or the local taxpayer and the taxpayer's spouse are, entitled to a credit against the tax liability imposed under this article for that same taxable year. The amount of the credit equals the lesser of:

(1) the product of:

(A) the credit for the elderly or individuals with a total disability for that same taxable year; multiplied by

(B) a fraction equal to:

(i) the tax rate imposed against the local taxpayer, or the local taxpayer and the taxpayer's spouse; divided by

(ii) fifteen-hundredths (0.15); or

(2) the amount of tax imposed on the local taxpayer, or the local taxpayer and the taxpayer's spouse.

(b) If a local taxpayer and the taxpayer's spouse file a joint return and are subject to different tax rates for the same taxable year, they must compute the credit under this section by using the formula provided by subsection (a); except that they must use the average of the two (2) tax rates imposed against them as the numerator referred to in subsection (a)(1)(B).

SECTION 66. IC 6-3.6-9-9, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The budget agency shall provide the **county council adopting body** with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under section 15 of this chapter.

SECTION 67. IC 6-3.6-9-11, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The information described in sections 9 and 10 of this chapter must be certified to the county auditor, **to the fiscal officer of each taxing unit in the county**, and to the department of local government finance not later than the later of the following:

- (1) October 1 of each calendar year.
- (2) Thirty (30) days after the adopting body certifies a new rate to the budget agency.

SECTION 68. IC 6-3.6-10-7, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. (a) The general assembly finds that counties and municipalities in Indiana have a need to foster economic development, the development of new technology, and industrial and commercial growth. The general assembly finds that it is necessary and proper to provide an alternative method for counties and municipalities to foster the following:

- (1) Economic development.
- (2) The development of new technology.
- (3) Industrial and commercial growth.
- (4) Employment opportunities.
- (5) The diversification of industry and commerce.

The fostering of economic development and the development of new technology under this section or section 8 of this chapter for the benefit of the general public, including industrial and commercial enterprises, is a public purpose.

(b) The fiscal bodies of two (2) or more counties or municipalities may, by resolution, do the following:

- (1) Determine that part or all the revenue described in section 2 of this chapter should be combined to foster:
 - (A) economic development;
 - (B) the development of new technology; and
 - (C) industrial and commercial growth.
- (2) Establish a regional venture capital fund.

(c) Each unit participating in a regional venture capital fund established under subsection (b) may deposit the following in the fund:

- (1) Revenues described in section 2 of this chapter.
- (2) The proceeds of public or private grants.

(d) A regional venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The

fund is subject to ~~an annual~~ audit by the state board of accounts. The fund must bear the full costs of the audit.

(e) The fiscal body of each participating unit shall approve an interlocal agreement created under IC 36-1-7 establishing the terms for the administration of the regional venture capital fund. The terms must include the following:

- (1) The membership of the governing board.
- (2) The amount of each unit's contribution to the fund.
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.

(f) An interlocal agreement made by the participating units under subsection (e) must provide that:

- (1) each of the participating units is represented by at least one (1) member of the governing board; and
- (2) the membership of the governing board is established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) An interlocal agreement made by the participating units under subsection (e) must be submitted to the Indiana economic development corporation for approval before the participating units may contribute to the fund.

(i) A majority of members of a governing board of a regional venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

- (1) To promote significant employment opportunities for the residents of the units participating in the regional venture capital

fund.

(2) To attract a major new business enterprise to a participating unit.

(3) To develop, retain, or expand a significant business enterprise in a participating unit.

(k) The expenditures of a borrower or grantee of money from a regional venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

(1) Research and development of technology.

(2) Job training and education.

(3) Acquisition of property interests.

(4) Infrastructure improvements.

(5) New buildings or structures.

(6) Rehabilitation, renovation, or enlargement of buildings or structures.

(7) Machinery, equipment, and furnishings.

(8) Funding small business development with respect to:

(A) prototype products or processes;

(B) marketing studies to determine the feasibility of new products or processes; or

(C) business plans for the development and production of new products or processes.

SECTION 69. IC 6-3.6-11-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) This section applies to any county that imposed a former tax to provide for a levy freeze.

(b) The revenue used to offset the levy freeze shall be part of the tax rate under IC 6-3.6-6.

(c) The levy freeze amount prescribed by the adopting body shall continue to be applied under this article as it was applied under the former tax until an adopting body adopts an ordinance that fixes the levy freeze amount as of a certain date as permitted under the former tax. A levy freeze **amount** may be fixed as of a certain date, but may not be rescinded.

(d) The levy freeze, levy amounts, and income tax distributions shall be administered in the same manner as under the former tax. The distributions of income tax shall be made before allocating or distributing revenue under IC 6-3.6-6 or applying the property tax

credits funded by a tax rate under IC 6-3.6-5.

(e) Notwithstanding IC 6-1.1-18.5-3, and ~~IC 6-3.5-1.5~~, for purposes of calculating the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for an ensuing calendar year beginning after December 31, 2016, revenue under IC 6-3.6-6 that is applied under this section for purposes of a levy freeze shall not be included in the amount determined under STEP ONE of IC 6-1.1-18.5-3 for the civil taxing unit.

(f) This subsection applies for ensuing calendar years beginning after December 31, 2016. This subsection applies in a county that:

- (1) imposed a tax rate for a levy freeze under IC 6-3.5-1.1-24 (before its repeal January 1, 2017) or IC 6-3.5-6-30 (before its repeal January 1, 2017); and
- (2) has not adopted an ordinance specifying that the levy freeze will not apply to future increases in maximum permissible ad valorem property tax levies.

The maximum permissible ad valorem property tax levy calculated under IC 6-1.1-18.5 for the ensuing calendar year for a civil taxing unit in a county subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current calendar year.

SECTION 70. IC 6-3.6-11-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) This section applies to Lake County's categorizations, allocations, and distributions under IC 6-3.6-5.

(b) The rate under the former tax in Lake County that was used for any of the following shall be categorized under IC 6-3.6-5, and the Lake County council may adopt an ordinance providing that the revenue from the tax rate under this section may be used for any of the following:

- (1) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.
- (2) To provide local property tax replacement credits in Lake County in the following manner:
 - (A) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department of state revenue based on the

department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(B) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department of state revenue) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county.

(3) To provide property tax credits in the following manner:

(A) Sixty percent (60%) of the tax revenue shall be used as provided in subdivision (2).

(B) Forty percent (40%) of the tax revenue shall be used to provide property tax replacement credits against property tax levies of the county and each township and municipality in the county. The percentage of the tax revenue distributed under this item that shall be used as credits against the county's levies or against a particular township's or municipality's levies is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

The Lake County council shall determine whether the credits under subdivision (1), (2), or (3) shall be provided to homesteads, to all qualified residential property, or to all taxpayers. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of property tax credits under this ~~subdivision~~ **section**. The tax revenue under this section that is used to provide credits under this ~~subdivision~~ **section** shall be treated for all purposes as property tax levies but shall not be considered for purposes of computing the maximum permissible property tax levy under IC 6-1.1-18.5-3 or the credit under IC 6-1.1-20.6.

SECTION 71. IC 6-3.6-11-4, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2017]: Sec. 4. (a) This section applies to ~~Marion County's~~ the allocation of the tax revenue under IC 6-3.6-6 that is dedicated to public safety **and funding for:**

(1) a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22) and located within the county; or

(2) the operation of a public communications system and computer facilities district as provided in subsection (b).

This tax revenue shall be allocated and distributed to the PSAP or Marion County before the allocation and distribution of the remaining tax revenue as provided in IC 6-3.6-6.

(b) **In Marion County**, the adopting body may allocate part or all of the certified distribution that is allocated to public safety purposes to fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b).

SECTION 72. IC 6-3.6-11-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) **This section applies to Lake County, LaPorte County, Porter County, and any municipality in those counties that is a member of the northwest Indiana regional development authority (IC 36-7.5) for purposes of categorizations, allocations, and distributions of additional revenue that is allocated each year for economic development purposes under IC 6-3.6-6-9.**

(b) **This subsection applies only to Lake County. The county or a city or town in the county may use additional revenue that is allocated each year for economic development purposes under IC 6-3.6-6-9 to provide homestead credits in the county, city, or town. The following apply to homestead credits provided under this subsection:**

(1) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead credits. The ordinance must specify the amount of additional revenue that will be used to provide homestead credits in the following year.

(2) The county, city, or town fiscal body that adopts an ordinance under this subsection must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the

ordinance is adopted.

(3) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(4) The homestead credits shall be treated for all purposes as property tax levies.

(5) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(6) The auditor of state shall determine the homestead credit percentage for a particular year based on the amount of additional revenue that will be used under this subsection to provide homestead credits in that year.

(c) This subsection applies only to LaPorte County as follows:

(1) This subsection applies if:

(A) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

(2) Additional revenue that is allocated each year for economic development purposes under IC 6-3.6-6-9 may be used by a county or a city described in IC 36-7.5-2-3(e) for making transfers required by IC 36-7.5-4-2. In addition, if the allocation of additional revenue for economic development purposes under IC 6-3.6-6-9 is increased in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the allocation increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2 and shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county.

(3) All of the additional revenue allocated for economic development purposes under IC 6-3.6-6-9 that results each year from an allocation increase described in subdivision (2)

and that is in excess of the first three million five hundred thousand dollars (\$3,500,000) must be used by the county and cities and towns in the county for homestead credits under this subsection. The following apply to homestead credits provided under this subsection:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The auditor of state shall determine the homestead credit percentage for a particular year based on the amount of additional revenue that will be used under this subdivision to provide homestead credits in that year.

(d) This subsection applies only to Porter County. The additional revenue designated each year for economic development purposes under IC 6-3.6-6 shall be allocated and used as follows:

(1) First, the revenue attributable to an income tax rate of twenty-five hundredths percent (0.25%) shall be allocated to the county and cities and towns as provided in IC 6-3.6-6-9.

(2) Second, the next three million five hundred thousand dollars (\$3,500,000) of the revenue shall be used for the county or for eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county, to make transfers as provided in and required under IC 36-7.5-4-2. This amount shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2. If Porter County ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the county treasurer shall continue to transfer this amount to the treasurer of the northwest Indiana regional development

authority under IC 36-7.5-4-2.

(3) Third, except as provided in IC 36-7.5-3-5, all of the revenue each year that is in excess of the amounts described in subdivisions (1) and (2) must be used by the county and cities and towns in the county for homestead credits. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The auditor of state shall determine the homestead credit percentage for a particular year based on the amount of additional revenue that will be used under this subdivision to provide homestead credits in that year.

SECTION 73. IC 6-8-12-3, AS AMENDED BY P.L.131-2008, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) Except as provided in subsection (b), all property owned by an eligible entity, revenues of an eligible entity, and expenditures and transactions of an eligible entity:

(1) in connection with an eligible event; and

(2) resulting from holding an eligible event in Indiana or making preparatory advance visits to Indiana in connection with an eligible event;

are exempt from taxation in Indiana for all purposes.

(b) Salaries and wages paid to employees of the National Collegiate Athletic Association and its affiliates that are ordinarily subject to taxation under:

(1) IC 6-3-1 through IC 6-3-7; and

(2) ~~IC 6-3.5;~~ **IC 6-3.6;**

are subject to income taxation regardless of whether the salaries and wages are paid in connection with an eligible event, holding an eligible

event in Indiana, or making a preparatory advance visit to Indiana in connection with an eligible event.

SECTION 74. IC 6-8.1-1-1, AS AMENDED BY P.L.220-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (**repealed**); the county option income tax (IC 6-3.5-6) (**repealed**); the county economic development income tax (IC 6-3.5-7) (**repealed**); **the local income tax (IC 6-3.6)**; the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); ~~the regional transportation improvement income tax (IC 8-24-17)~~; the oil inspection fee (IC 16-44-2); ~~the emergency and hazardous chemical inventory form fee (IC 6-6-10)~~; the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); and any other tax or fee that the department is required to collect or administer.

SECTION 75. IC 6-8.1-3-16, AS AMENDED BY P.L.182-2009(ss), SECTION 250, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) The department shall

prepare a list of all outstanding tax warrants for listed taxes each month. The list shall identify each taxpayer liable for a warrant by name, address, amount of tax, and either Social Security number or employer identification number. Unless the department renews the warrant, the department shall exclude from the list a warrant issued more than ten (10) years before the date of the list. The department shall certify a copy of the list to the bureau of motor vehicles.

(b) The department shall prescribe and furnish tax release forms for use by tax collecting officials. A tax collecting official who collects taxes in satisfaction of an outstanding warrant shall issue to the taxpayers named on the warrant a tax release stating that the tax has been paid. The department may also issue a tax release:

- (1) to a taxpayer who has made arrangements satisfactory to the department for the payment of the tax; or
- (2) by action of the commissioner under IC 6-8.1-8-2(k).

(c) The department may not issue or renew:

- (1) a certificate under IC 6-2.5-8;
- (2) a license under IC 6-6-1.1 or IC 6-6-2.5; or
- (3) a permit under IC 6-6-4.1;

to a taxpayer whose name appears on the most recent monthly warrant list, unless that taxpayer pays the tax, makes arrangements satisfactory to the department for the payment of the tax, or a release is issued under IC 6-8.1-8-2(k).

(d) The bureau of motor vehicles shall, before issuing the title to a motor vehicle under IC 9-17, determine whether the purchaser's or assignee's name is on the most recent monthly warrant list. If the purchaser's or assignee's name is on the list, the bureau shall enter as a lien on the title the name of the state as the lienholder unless the bureau has received notice from the commissioner under IC 6-8.1-8-2(k). The tax lien on the title:

- (1) is subordinate to a perfected security interest (as defined and perfected in accordance with IC 26-1-9.1); and
- (2) shall otherwise be treated in the same manner as other title liens.

(e) The commissioner is the custodian of all titles for which the state is the sole lienholder under this section. Upon receipt of the title by the department, the commissioner shall notify the owner of the department's receipt of the title.

(f) The department shall reimburse the bureau of motor vehicles for all costs incurred in carrying out this section.

(g) Notwithstanding IC 6-8.1-8, a person who is authorized to collect taxes, interest, or penalties on behalf of the department under IC 6-3 or ~~IC 6-3.5~~ **IC 6-3.6** may not, except as provided in subsection (h) or (i), receive a fee for collecting the taxes, interest, or penalties if:

(1) the taxpayer pays the taxes, interest, or penalties as consideration for the release of a lien placed under subsection (d) on a motor vehicle title; or

(2) the taxpayer has been denied a certificate or license under subsection (c) within sixty (60) days before the date the taxes, interest, or penalties are collected.

(h) In the case of a sheriff, subsection (g) does not apply if:

(1) the sheriff collects the taxes, interest, or penalties within sixty (60) days after the date the sheriff receives the tax warrant; or

(2) the sheriff collects the taxes, interest, or penalties through the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

(i) In the case of a person other than a sheriff:

(1) subsection (g)(2) does not apply if the person collects the taxes, interests, or penalties within sixty (60) days after the date the commissioner employs the person to make the collection; and

(2) subsection (g)(1) does not apply if the person collects the taxes, interest, or penalties through the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

(j) IC 5-14-3-4, IC 6-8.1-7-1, and any other law exempting information from disclosure by the department do not apply to this subsection. The department shall prepare a list of retail merchants whose registered retail merchant certificate has not been renewed under IC 6-2.5-8-1(g) or whose registered retail merchant certificate has been revoked under IC 6-2.5-8-7. The list compiled under this subsection must identify each retail merchant by name (including any name under which the retail merchant is doing business), address, and county. The department shall publish the list compiled under this subsection on the department's Internet web site (as operated under IC 4-13.1-2) and make the list available for public inspection and copying under IC 5-14-3. The department or an agent, employee, or

officer of the department is immune from liability for the publication of information under this subsection.

SECTION 76. IC 6-8.1-5-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) Except as otherwise provided in this section, the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed, or either of the following:

(1) The due date of the return.

(2) In the case of a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(b) If a person files a **return for the utility receipts tax return** (IC 6-2.3), **an adjusted gross income tax** (IC 6-3), supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1) (**repealed**), county option income tax (IC 6-3.5-6) (**repealed**), **local income tax (IC 6-3.6)**, or financial institutions tax (IC 6-5.5) **return** that understates the person's income, as that term is defined in the particular income tax law, by at least twenty-five percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years provided in subsection (a).

(c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

(d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a commercial vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes of this article.

(e) In the case of the excise tax imposed on recreational vehicles and truck campers under IC 6-6-5.1, the tax shall be assessed as

provided in IC 6-6-5.1 and must include the penalties and interest due on all listed taxes not paid by the due date. A person who fails to properly register a recreational vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.1 is considered to have failed to file a return for purposes of this article. A person who fails to pay the tax due under IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

(f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.

(g) If any part of a listed tax has been erroneously refunded by the department, the erroneous refund may be recovered through the assessment procedures established in this chapter. An assessment issued for an erroneous refund must be issued:

- (1) within two (2) years after making the refund; or
- (2) within five (5) years after making the refund if the refund was induced by fraud or misrepresentation.

(h) If, before the end of the time within which the department may make an assessment, the department and the person agree to extend that assessment time period, the period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must contain:

- (1) the date to which the extension is made; and
- (2) a statement that the person agrees to preserve the person's records until the extension terminates.

The department and a person may agree to more than one (1) extension under this subsection.

(i) If a taxpayer's federal taxable income, federal adjusted gross income, or federal income tax liability for a taxable year is modified due to a modification as provided under IC 6-3-4-6(c) and IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or alteration as provided under IC 6-5.5-6-6(c) and ~~IC 6-5.5-6-6(d)~~ **IC 6-5.5-6-6(e)** (for the financial institutions tax), then the date by which the department must issue a proposed assessment under section 1 of this chapter for tax imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification is filed with the department by the taxpayer.

SECTION 77. IC 6-8.1-6-8, AS ADDED BY P.L.182-2009(ss),

SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) ~~Beginning after December 31, 2010~~, The department in cooperation with the department of local government finance and the budget agency shall provide information annually that:

- (1) identifies the total number of individual taxpayers that live within a particular incorporated city or town;
- (2) identifies the total individual adjusted gross income of those taxpayers; and
- (3) includes any other information that:
 - (A) can be abstracted from the taxpayers' individual income tax returns; and
 - (B) is necessary to obtain information concerning individual income taxation under IC 6-3.5-1.1 (**repealed**), IC 6-3.5-6 (**repealed**), ~~and IC 6-3.5-7 (repealed)~~, **and IC 6-3.6;**

as agreed to by the department and the legislative services agency.

(b) As used in this subsection, "authorized agency" refers to the legislative services agency or the budget agency. As used in this subsection, "director" refers to the executive director of the legislative services agency or the director of the budget agency. The department shall provide access to the information described in subsection (a) in electronic format to an authorized agency:

- (1) upon receipt of a written request from the director of the authorized agency; and
- (2) upon the director's agreement that any information accessed (other than aggregate data) will be kept confidential and used solely for official purposes.

SECTION 78. IC 6-9-10.5-8, AS ADDED BY P.L.172-2011, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) If the tax levied under section 6 of this chapter is increased by an ordinance adopted by the county fiscal body after June 30, 2011, the county treasurer shall establish a county promotion fund. The county treasurer shall deposit in the county promotion fund the difference between:

- (1) the amount received under section 6 of this chapter; minus
- (2) the amount deposited in the lake enhancement fund under section 7(c) of this chapter.

(b) In a county in which a commission has been established under

section 9 of this chapter, the county auditor shall issue a warrant directing the county treasurer to transfer money from the county promotion fund to the commission's treasurer if the commission submits a written request for the transfer.

(c) Money in a county promotion fund, or money transferred from such a fund under subsection (b), may be expended only to promote and encourage conventions, visitors, tourism, and economic development within the county. Expenditures that may be made under this subsection include expenditures for advertising, promotional activities, trade shows, special events, and recreation, and expenditures that are authorized by ~~IC 6-3.5-7-13.~~ **IC 6-3.6-10-2** with respect to the county's **additional revenue that is allocated for economic development income tax fund purposes under IC 6-3.6-6-9.**

SECTION 79. IC 6-9-26-12.5, AS AMENDED BY P.L.119-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12.5. (a) This section applies if there are no outstanding obligations for which a pledge has been made under section 15(a) of this chapter concerning uses authorized under section 12 of this chapter.

(b) Money deposited in the county economic development project fund ~~before March 1, 1992;~~ shall be transferred to the following:

(1) ~~Fifty percent (50%)~~ **Forty percent (40%)** of the money deposited shall be transferred to the fiscal officer of a city having a population of more than fifty-five thousand (55,000) but less than sixty thousand (60,000).

(2) ~~Fifty percent (50%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for:~~

~~(A) economic development projects in locations other than a city described in subdivision (1); or~~

~~(B) the following purposes:~~

~~(i) The financing, construction, or equipping of a secure detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed);~~

~~(ii) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory expenses related to the financing, construction, or equipping of a facility described in item (i);~~

~~(iii)~~ The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in item (i).

~~(e)~~ Except as provided in subsection ~~(d)~~, money deposited in the county economic development project fund after February 29, 1992, shall be transferred to the following:

~~(1)~~ Forty percent (40%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection ~~(b)(1)~~.

(2) Forty percent (40%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for the following purposes:

(A) The financing, construction, or equipping of a secure detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).

(B) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory expenses related to the financing, construction, or equipping of a facility described in clause (A).

(C) The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in clause (A).

(3) Twenty percent (20%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in ~~subsection (b)(1)~~: **subdivision (1)**.

~~(d)~~ **(c)** After the retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a secure detention facility under subsection ~~(c)(2)~~; **(b)(2)**, money deposited in the county economic development project fund after February 29, 1992, shall be transferred to the following:

(1) Seventy percent (70%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection ~~(b)(1)~~.

(2) Thirty percent (30%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subsection ~~(b)(1)~~.

~~(e)~~ **(d)** Money transferred to a city fiscal officer under subsection (b)(1) or (c)(1) or ~~(d)(1)~~ shall be credited to a special account to be known as the city economic development account. Money credited to the account shall be used only for those purposes described in ~~IC 6-3.5-7 (the county economic development income tax):~~ **IC 6-3.6-10-2 (local income tax for economic development purposes).**

SECTION 80. IC 6-9-33-8, AS AMENDED BY P.L.137-2012, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) If a tax is imposed under section 3 of this chapter, the county treasurer shall establish a supplemental coliseum improvement fund. The county treasurer shall deposit in this fund all amounts received from the tax imposed under this chapter. Money in this fund:

(1) may be appropriated only to retire or advance refund bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 (referred to in this chapter as "obligations") to remodel, expand, improve, or acquire an athletic and exhibition coliseum in existence before the effective date of an ordinance adopted under section 3 of this chapter; and

(2) shall be used to make transfers required by subsection (b).

(b) There is established a food and beverage tax fund, with a food and beverage tax reserve account, both to be administered by the capital improvement board of managers (IC 36-10-8). The money that is deposited in the supplemental coliseum improvement fund after December 31, 2009, and is not needed in a year to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009, shall be transferred to the capital improvement board. The county treasurer shall make the transfer before February 1 of the following year. The capital improvement board shall deposit the money it receives in the board's food and beverage tax fund reserve account. Money in the reserve account may not be withdrawn or transferred during the year it is received except to make transfers back to the county to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009. However, the capital improvement board may transfer:

(1) interest earned on money in the reserve account; and

(2) an amount equal to the balance that has been held in the

reserve account for at least twelve (12) months; to the board's food and beverage tax fund and used as provided in subsection (c).

(c) Excess revenue transferred under subsection (b) to the capital improvement board of managers may be used to provide funding for:

- (1) the construction of a capital improvement (as defined in IC 36-10-1-4);
- (2) an economic development project as described in:
 - (A) ~~IC 6-3.5-7-13.1(e)(1) or IC 6-3.5-7-13.1(e)(2)(A) through IC 6-3.5-7-13.1(e)(2)(I); IC 6-3.6-2-8(1) or IC 6-3.6-2-8(2)(A) through IC 6-3.6-2-8(2)(I);~~ and
 - (B) ~~IC 6-3.5-7-13.1(e)(2)(K); IC 6-3.6-2-8(2)(K);~~ or
- (3) financing a capital improvement or an economic development project described in subdivision (1) or (2).

In carrying out this subsection, the capital improvement board may borrow against future tax revenue that will be collected under this chapter. In addition, the capital improvement board may use an amount not to exceed one hundred thousand dollars (\$100,000) annually from the tax revenue collected under this chapter to pay expenses related to investigating a potential capital improvement or economic development project, including feasibility and preliminary engineering studies related to such a capital improvement or economic development project.

(d) Excess revenue transferred under subsection (b) to the capital improvement board of managers may not be used to:

- (1) provide funding for improvements initiated before January 1, 2009, that are located in the area bounded on the north by Jefferson Boulevard, on the east by Harrison Street, on the south by Breckenridge Street, and on the west by Ewing Street as those public ways were located on January 1, 2009, as part of the Harrison Square project;
- (2) provide for debt service or lease payments for a project for which the obligations for the project were incurred before January 1, 2009; or
- (3) pay operational expenses for any facilities of the municipality.

SECTION 81. IC 6-9-38-6, AS ADDED BY P.L.214-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. As used in this chapter, "economic

development project" has the meaning set forth in ~~IC 6-3.5-7-13.1.~~
IC 6-3.6-2-8.

SECTION 82. IC 8-14-16-5, AS AMENDED BY P.L.232-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. Money in the fund may be expended only for the following purposes:

- (1) Construction of highways, roads, and bridges.
- (2) In a county that is a member of the northwest Indiana regional development authority, or in a city or town located in such a county, any purpose for which the regional development authority may make expenditures under IC 36-7.5.
- (3) Providing funding for economic development projects (as defined in ~~IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(K).~~ **IC 6-3.6-2-8(1) or IC 6-3.6-2-8(2)(A) through IC 6-3.6-2-8(2)(K).**)
- (4) Matching federal grants for a purpose described in this section.
- (5) Providing funding for interlocal agreements under IC 36-1-7 for a purpose described in this section.
- (6) Providing the county's, city's, or town's contribution to a regional development authority established under IC 36-7.6-2-3.

SECTION 83. IC 8-18-8-5, AS AMENDED BY P.L.30-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. All expenses incurred in the maintenance of county highways shall first be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state. In addition, a county may use funds derived from the:

- (1) county motor vehicle excise surtax;
- (2) county wheel tax;
- ~~(3) county adjusted gross income tax;~~
- ~~(4) county option income tax;~~
- (3) local income tax (IC 6-3.6);**
- ~~(5) (4) riverboat admission tax (IC 4-33-12);~~
- ~~(6) (5) riverboat wagering tax (IC 4-33-13); or~~
- ~~(7) (6) property taxes and miscellaneous revenue deposited in the county general fund.~~

SECTION 84. IC 8-18-22-6 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) Except as provided in subsection (b), the county fiscal body may pledge revenues for the payment of principal and interest on the bonds and for other purposes under the ordinance as provided by IC 5-1-14-4, including revenues from the following sources:

- (1) The motor vehicle highway account.
- (2) The local road and street account.
- (3) The county motor vehicle excise surtax.
- (4) The county wheel tax.
- ~~(5) The county adjusted gross income tax.~~
- ~~(6) The county option income tax.~~
- ~~(7) The economic development income tax.~~
- (5) The local income tax (IC 6-3.6).**
- ~~(8) (6) Assessments.~~
- ~~(9) (7) Any other unappropriated or unencumbered money.~~

(b) The county fiscal body may not pledge to levy ad valorem property taxes for these purposes, except for revenues from the following:

- (1) IC 8-16-3.
- (2) IC 8-16-3.1.

(c) If the county fiscal body has pledged revenues from the ~~county option local~~ **county local** income tax as set forth in subsection (a), the ~~county local~~ **county local** income tax council ~~(as defined in IC 6-3.5-6-1)~~ **(as defined in IC 6-3.6-2-12)** may covenant that the council will not repeal or modify the tax in a manner that would adversely affect owners of outstanding bonds issued under this chapter. The ~~county local~~ **county local** income tax council may make the covenant by adopting an ordinance using procedures described in ~~IC 6-3.5-6~~ **IC 6-3.6-3**.

~~(d) If the county fiscal body has pledged revenues from the economic development income tax as set forth in subsection (a), the county income tax council (if the council is the body that imposed the tax) may covenant that the council will not repeal or modify the tax in a manner that would adversely affect owners of outstanding bonds issued under this chapter. The county income tax council may make the covenant by adopting an ordinance using procedures described in IC 6-3.5-6.~~

SECTION 85. IC 8-25-2-2, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2017]: Sec. 2. If the fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify a copy of the ordinance to the department of local government finance, including the language for the question required by section 3 ~~4~~, ~~or~~ 5 of this chapter, whichever is applicable to the eligible county. The department shall review the language for compliance with section 3 ~~4~~, ~~or~~ 5 of this chapter, whichever is applicable to the eligible county. The department of local government finance may approve or reject the language. The department shall send its decision to the county auditor and the fiscal body of the eligible county not more than ten (10) days after the ordinance is submitted to the department. If the language is approved, the county auditor shall certify a copy of the ordinance, including the language for the question and the department's approval, to the county election board of the eligible county.

SECTION 86. IC 8-25-2-3, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) This section applies to **Delaware County**, Hamilton County, **Hancock County**, **Johnson County**, **Madison County**, and Marion County.

(b) If a fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify the ordinance to the county election board, and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

"Shall _____ County have the ability to impose a ~~county economic development local~~ income tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question), to pay for improving or establishing public transportation service in the county through a public transportation project that _____ (insert the description of the public transportation project set forth in the ordinance authorizing the local public question)?"

SECTION 87. IC 8-25-2-4 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. ~~4~~: (a) This section applies to ~~Delaware County and Madison County~~.

(b) ~~If a fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify the ordinance~~

to the county election board; and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

"Shall _____ County have the ability to impose a county option income tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question); to pay for improving or establishing public transportation service in the county through a public transportation project that _____ (insert the description of the public transportation project set forth in the ordinance authorizing the local public question)?".

SECTION 88. IC 8-25-2-5 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 5: (a) This section applies to Hancock County and Johnson County:

(b) If a fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify the ordinance to the county election board; and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

"Shall _____ County have the ability to impose a county adjusted gross income tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question); to pay for improving or establishing public transportation service in the county through a public transportation project that _____ (insert the description of the public transportation project set forth in the ordinance authorizing the local public question)?".

SECTION 89. IC 8-25-2-6, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. Except as provided in section 9 of this chapter, if a county auditor certifies an ordinance under section 3 ~~4~~; or 5 of this chapter, the county election board shall place the local public question on the ballot at the next general election for which the question may be certified under IC 3-10-9-3 and for which all voters of the county are entitled to vote.

SECTION 90. IC 8-25-3-1, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) This section applies to **Delaware**

County, Hamilton County, **Hancock County**, **Johnson County**, **Madison County**, and Marion County.

(b) If the voters of an eligible county approve a local public question under IC 8-25-2, the fiscal body of the eligible county may, subject to section 4 of this chapter, adopt an ordinance under ~~IC 6-3.5-7-26(m)~~ **IC 6-3.6-6** to impose an additional county economic development local income tax rate as allowed by ~~IC 6-3.5-7-5(o)~~ **IC 6-3.6-7-27** for the public transportation project.

SECTION 91. IC 8-25-3-2 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 2: (a) This section applies to Delaware County and Madison County.

(b) If the voters of an eligible county approve a local public question under IC 8-25-2, the fiscal body of the eligible county may, subject to section 4 of this chapter, adopt an ordinance under ~~IC 6-3.5-6-30(t)~~ to impose an additional county option income tax rate for the public transportation project.

SECTION 92. IC 8-25-3-3 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 3: (a) This section applies to Hancock County and Johnson County.

(b) If the voters of an eligible county approve a local public question under IC 8-25-2, the fiscal body of the eligible county may, subject to section 4 of this chapter, adopt an ordinance under ~~IC 6-3.5-1.1-24(s)~~ to impose an additional county adjusted gross income tax rate for the public transportation project.

SECTION 93. IC 8-25-3-5 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 5: (a) The minimum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed to fund a public transportation project is one-tenth percent (0.1%).

(b) The maximum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed to fund a public transportation project is twenty-five hundredths percent (0.25%).

SECTION 94. IC 8-25-3-6, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) The following apply to the funding of a public transportation project:

(1) For the first year of operations, an amount must be raised from

sources other than taxes and fares that is equal to at least ten percent (10%) of the revenue that the budget agency certifies that the county will receive in that year from a ~~county adjusted gross income tax; county option income tax; or county economic development local~~ income tax imposed to fund the public transportation project.

(2) For the second year of operations and each year thereafter, at least ten percent (10%) of the annual operating expenses of the public transportation project must be paid from sources other than taxes and fares. For purposes of this subdivision, operating expenses include only those expenses incurred in the operation of fixed route services that are established or expanded as a result of a public transportation project authorized and funded under this article.

The budget agency shall assist the fiscal body of an eligible county in determining the amount of money that must be raised under subdivision (1).

(b) A county fiscal body or another entity authorized to carry out a public transportation project under IC 8-25-4 shall raise the revenue required by subsection (a) for a particular calendar year before the end of the third quarter of the preceding calendar year. Money raised under this section must be deposited in the county public transportation fund established under section 7 of this chapter.

(c) If a county fiscal body or other entity fails to raise the revenue required by subsection (a) before the deadline specified in subsection (b), the county in which the public transportation project is located is responsible for paying the difference between:

- (1) the amount that subsection (a) requires to be raised from sources other than taxes and fares; minus
- (2) the amount actually raised from sources other than taxes and fares.

SECTION 95. IC 8-25-5-6, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) Except as provided in subsection (b), the county fiscal body may pledge revenues for the payment of principal and interest on the bonds and for other purposes under the ordinance as provided by IC 5-1-14-4, including revenues from the following sources:

(1) ~~The county adjusted gross local income tax in Delaware County, Hamilton County, Hancock County, or Johnson County, Madison County, or Marion County.~~

(2) ~~The county option income tax in Delaware County or Madison County.~~

(3) ~~The county economic development income tax in Hamilton County or Marion County.~~

(b) The county fiscal body may not pledge to levy ad valorem property taxes for these purposes.

(c) If the county fiscal body has pledged revenues from the ~~county economic development local~~ income tax as set forth in subsection (a), the county fiscal body may covenant that the county fiscal body will not repeal or modify the tax in a manner that would adversely affect owners of outstanding bonds issued under this chapter. The county fiscal body may make the covenant by adopting an ordinance.

SECTION 96. IC 8-25-6-3, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. If the fiscal body of a township adopts a resolution under section 2 of this chapter, the township trustee shall certify a copy of the resolution to the department of local government finance, including the language for the question required by IC 8-25-2-3. ~~IC 8-25-2-4, or IC 8-25-2-5, whichever is applicable to the eligible county in which the township is located.~~ The township trustee may modify the proposed local question as necessary to indicate that the local question concerns a public transportation project for the township. The department shall review the language for compliance with section ~~3, 4 or 5~~ of this chapter, whichever is applicable to the eligible county, while taking into account any necessary modifications for the township. The department of local government finance may approve or reject the language. The department shall send its decision to the township trustee and the fiscal body of the township not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the township trustee shall certify a copy of the resolution, including the language for the question and the department's approval, to the county election board of the eligible county.

SECTION 97. IC 8-25-6-4, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2017]: Sec. 4. If the county election board of an eligible county receives from a township trustee a certified copy of the resolution adopted under section 2 of this chapter and the approved language for the local public question, the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

"Shall _____ County impose a _____ (insert the name of the applicable income tax under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7) **local income** tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question), on the **county local** taxpayers residing in _____ Township to pay for improving or establishing public transportation service in _____ Township through a public transportation project that _____ (insert the description of the public transportation project set forth in the township resolution authorizing the local public question)?".

SECTION 98. IC 8-25-6-10, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. If the voters of a township located in an eligible county approve a local public question under this chapter, the fiscal body of the eligible county shall adopt an ordinance under IC 6-3.5-1.1-24(s), IC 6-3.5-6-30(t), or IC 6-3.5-7-26(m), whichever is applicable to the eligible county; **IC 6-3.6-6** to impose an additional county adjusted gross income tax rate; county option income tax rate; or county economic development **local** income tax rate, **as permitted by IC 6-3.6-7-27**, upon the county taxpayers (**as defined in IC 8-24-1-10**) residing in the township for the public transportation project in the township.

SECTION 99. IC 8-25-6-11 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 11. (a) The minimum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed upon the county taxpayers who reside in a township to fund a public transportation project in the township is one-tenth percent (0.1%).

(b) The maximum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed upon the county taxpayers who reside in a

township to fund a public transportation project in the township is twenty-five hundredths percent (0.25%):

SECTION 100. IC 8-25-6-12, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. A tax rate imposed under this chapter applies only to the **county local** taxpayers who reside in a township in which the voters approve a local public question held under this chapter.

SECTION 101. IC 8-25-6-14, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. Bonds issued with respect to a public transportation project in the township must be paid from tax revenue collected from **county local** taxpayers who reside in the township.

SECTION 102. IC 12-20-25-0.4 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 0.4. (a) Notwithstanding the amendment of section 40 of this chapter by P.L.73-2005, funds that are in the county income tax poor relief control fund on June 30, 2005, are transferred to the county income tax township assistance control fund established by section 40 of this chapter, as amended by P.L.73-2005.~~

~~(b) Notwithstanding the amendment of section 51 of this chapter by P.L.73-2005, funds that are in the distressed township supplemental poor relief fund on June 30, 2005, are transferred to the distressed township supplemental township assistance fund established by section 51 of this chapter as amended by P.L.73-2005.~~

SECTION 103. IC 12-20-25-34, AS AMENDED BY P.L.73-2005, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 34. The financial plan adopted under section 33 of this chapter may include the following:

- (1) The adoption in the current year of
 - (A) the county adjusted gross income tax at a rate allowed by IC 6-3.5-1.1; or
 - (B) the county option a local income tax at a rate under IC 6-3.6 not to exceed one percent (1%).

~~to If a local income tax rate is imposed under this chapter, the ordinance must specify whether any revenue in excess of the rate needed to carry out the financial plan is to be used for property tax relief (IC 6-3.6-5) or as additional revenue (IC 6-3.6-6). The revenue from the tax rate under this section~~

shall be distributed as provided in this chapter. The adoption of ~~either county a local~~ income tax **rate** under this chapter is in addition to the ~~county adjusted gross income tax or the county option local~~ income tax **rate under IC 6-3.6** that may already be in effect in the county.

(2) The payment of township assistance with county money.

(3) The elimination or reduction of township assistance services not required under this article.

SECTION 104. IC 12-20-25-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 35. (a) The control board shall report the following to the county fiscal body:

(1) The audit findings of the management committee.

(2) The financial plan adopted under section 33 of this chapter.

(b) Not more than thirty (30) days after notice, the county fiscal body shall adopt one (1) of the following:

(1) An ordinance adopting the financial plan adopted by the control board.

(2) An ordinance rejecting the financial plan adopted by the control board.

(c) Notwithstanding ~~IC 6-3.5-6~~, **IC 6-3.6-3**, if:

(1) the financial plan adopted under section 33 of this chapter includes ~~the county option a local~~ income tax **rate**; and

(2) the fiscal body adopts an ordinance adopting the financial plan under subsection (b);

the ~~county option local~~ income tax **rate** is imposed at the rate adopted in the financial plan. Subject to the requirements of this chapter **and notwithstanding that the local income tax council may be the adopting body specified in IC 6-3.6-3-1**, the county fiscal body, rather than the ~~county local~~ income tax council, has the authority granted to a ~~county local~~ income tax council by ~~IC 6-3.5-6~~ **IC 6-3.6-3** as long as the ~~county option local~~ income tax **rate** imposed under this chapter remains in effect.

SECTION 105. IC 12-20-25-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) If the county fiscal body adopts an ordinance adopting the control board's financial plan as provided in section 35 of this chapter and the plan includes a proposal to adopt ~~the county adjusted gross income tax or the county option a local~~ income tax **rate**, the control board shall notify

the department of state revenue of this fact.

(b) Notwithstanding ~~IC 6-3.5-1.1 and IC 6-3.5-6~~, **IC 6-3.6**, after receiving notice from the control board, the department of state revenue shall collect the tax beginning on the earlier of July 1 or January 1 immediately following the notice from the control board. Except as provided in this chapter, a ~~county adjusted gross income tax or county option local income tax rate~~ imposed under this chapter shall be administered in the same manner that ~~other county adjusted gross income taxes or county option income taxes~~ are **the local income tax** is administered under ~~IC 6-3.5-1.1 or IC 6-3.5-6~~, whichever applies. **IC 6-3.6-8.**

SECTION 106. IC 12-20-25-38, AS AMENDED BY P.L.73-2005, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 38. (a) If the county fiscal body adopts an ordinance adopting the control board's financial plan as provided in section 35 of this chapter and the plan includes a proposal to adopt the ~~county adjusted gross income tax or the county option local income tax~~, the control board may request an advance of state general fund money in the year the county fiscal body adopts the plan and in any subsequent year in anticipation of the ~~county adjusted gross income tax or the county option local income tax~~ revenue. However, the state, acting through the state board of finance, may not advance an amount that is greater than the amount of ~~county adjusted gross income tax or county option local income tax~~ revenue expected to be collected within the year in which the advancement is made. The department of state revenue shall estimate and certify to the state board of finance the amount of ~~county adjusted gross income tax or county option local income tax~~ revenue expected to be collected.

(b) If the county fiscal body adopts an ordinance adopting the control board's financial plan as provided in section 35 of this chapter and the plan includes a proposal to adopt the ~~county adjusted gross income tax or the county option local income tax~~, a state advance from the state general fund must be repaid before any money is distributed to the county. The treasurer of state shall withhold sufficient money from the county's ~~county adjusted gross income tax or county option local income tax~~ account to repay the state the amount of state advances provided to the county from the state general fund. The treasurer of state shall disburse any balance in the county's account to

the county, to be used as provided in section 40 of this chapter.

(c) This section does not impose liability on the state for the township assistance debts of the county.

SECTION 107. IC 12-20-25-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 39. The proceeds of the ~~county adjusted gross income tax or the county option local~~ income tax imposed under this chapter shall be deposited by the treasurer of state on behalf of the county into a separate county ~~adjusted gross income tax or county option local~~ income tax account. ~~whichever applies~~. The money in the account shall be disbursed as provided in section 38(b) of this chapter.

SECTION 108. IC 12-20-25-40, AS AMENDED BY P.L.169-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the ~~county local~~ income tax township assistance control fund. Notwithstanding ~~IC 6-3.5-1.1, IC 6-3.5-6, IC 6-3.6~~ and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

- (1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).
- (2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 (before its repeal), or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.
- (3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).
- (4) As provided in **IC 6-3.6, for the purposes specified in the ordinance imposing the local income tax under this chapter.** ~~IC 6-3.5-6 if the county option income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as~~

~~provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.~~

SECTION 109. IC 12-20-25-41, AS AMENDED BY P.L.73-2005, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 41. (a) As used in subsection (c), "advance" refers to money provided to a distressed township from the state general fund under section 38 of this chapter.

(b) As used in subsection (c), "support" refers to money provided from the distressed township supplemental township assistance fund established by section 51 of this chapter to pay township assistance claims and the operating costs of the management committee during the period the management committee is in control of the township trustee's office.

(c) The controlled status of a township under this chapter terminates at the end of a year if at that time the county, with respect to each controlled township:

- (1) has repaid:
 - (A) all state advances provided to the county under this chapter; and
 - (B) state support provided to the county under this chapter if the department has reduced the county's general fund budget under section 36 of this chapter;
- (2) has paid all valid township assistance claims in the distressed township, including the claims approved under section 27 or 28 of this chapter;
- (3) will have sufficient money to pay, not more than thirty (30) days after a claim is submitted for payment, all valid township assistance claims in the distressed township that are expected to be submitted in the following year as determined by the control board, excluding any advances from the state, revenues from short term loans from the county or a financial institution under IC 12-2-4.5 (before its repeal) or IC 12-20-24, and proceeds from bonds issued under IC 12-2-1 (before its repeal), IC 12-2-5

(before its repeal), or this article; and

(4) has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(d) Notwithstanding ~~IC 6-3.5-1.1~~ and ~~IC 6-3.5-6~~, **IC 6-3.6**, if the control board finds that:

(1) the requirements of subsection (c)(1), (c)(2), and (c)(4) are satisfied; and

(2) the requirements of subsection (c)(3) cannot be satisfied because the township's maximum permissible ad valorem property tax levy provides insufficient revenue to ensure the payment of all valid township assistance claims in the distressed township that will be incurred during the year following the termination of the controlled status of the township;

the county fiscal body may dedicate to the provision of township assistance, from the ~~county adjusted gross income tax or the county option local~~ income tax imposed as a result of adopting a financial plan under section 35 of this chapter, an amount necessary to satisfy the requirements of subsection (c)(3).

(e) If the control board finds that the **local** income tax dedicated under subsection (d) will satisfy the requirements of subsection (c)(3), the controlled status of the township under this chapter terminates at the end of the year in which the control board makes the board's finding.

SECTION 110. IC 12-20-25-43, AS AMENDED BY P.L.73-2005, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 43. Notwithstanding ~~IC 6-3.5-1.1~~ and ~~IC 6-3.5-6~~, **IC 6-3.6**, if:

(1) there has been a controlled township in a county;

(2) the township that has been controlled has levied the township's maximum permissible ad valorem property tax levy for township assistance;

(3) the maximum permissible ad valorem property tax levy is insufficient to ensure the payment within thirty (30) days of all valid township assistance claims in the township; and

(4) the ~~county adjusted gross income tax or county option local~~ income tax is in effect in the county as a result of adopting a financial plan under this chapter;

the county fiscal body shall dedicate from the ~~county adjusted gross~~

~~income tax or county option local~~ income tax imposed under this chapter an amount of revenue determined by the department to be necessary to ensure the payment within thirty (30) days of all township assistance claims in the township that has been controlled. The county fiscal body shall distribute any **local** income tax revenues dedicated under this section before the fiscal body makes any other distributions in accordance with this chapter. Notwithstanding section 45 of this chapter, the county fiscal body may not reduce the ~~county option local~~ income tax rate below the rate necessary to satisfy the requirements of this section.

SECTION 111. IC 12-20-25-44, AS AMENDED BY P.L.73-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 44. (a) This section applies after the termination of the controlled status of all townships located in a county as provided in section 41 of this chapter.

(b) If the ~~county adjusted gross income tax or county option local~~ income tax is imposed under this chapter, the tax shall be distributed as provided in section 46 of this chapter. If the county fiscal body has not dedicated ~~county adjusted gross income tax or county option local~~ income tax revenue for township assistance under section 41 of this chapter, the county fiscal body may rescind the tax as provided in ~~IC 6-3.5-1.1 or IC 6-3.5-6, whichever applies.~~ **IC 6-3.6**. If the county fiscal body has dedicated ~~county adjusted gross income tax or county option local~~ income tax revenue for township assistance under section 41 of this chapter, the county fiscal body may rescind the tax but not until after the end of the year following the termination of the controlled status of the township.

(c) If:

- (1) the ~~county adjusted gross income tax (IC 6-3.5-1.1) or the county option local~~ income tax ~~(IC 6-3.5-6)~~ **(IC 6-3.6)** was in effect before the ~~county adjusted gross income tax or the county option local~~ income tax **rate** is imposed under this chapter; and
- (2) the county fiscal body did not dedicate ~~county adjusted gross income tax or county option local~~ income tax revenue for township assistance under section 41 of this chapter;

the ~~county adjusted gross income tax or county option local~~ income tax imposed under this chapter terminates as of the date the controlled status of all townships located in the county terminates.

SECTION 112. IC 12-20-25-45, AS AMENDED BY P.L.113-2010, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 45. (a) Notwithstanding ~~IC 6-3.5-6;~~ **IC 6-3.6**, after the termination of the controlled status of all townships located in a county as provided in section 41 of this chapter and if the **county option local** income tax is imposed under this chapter, the county fiscal body may adopt an ordinance to:

- (1) grant a credit for homesteads that ~~are eligible for receive~~ a standard deduction under IC 6-1.1-12-37 in the county; or
- (2) reduce the **county option local** income tax rate for ~~resident~~ **county local** taxpayers to a rate not less than the greater of:
 - (A) the minimum rate necessary to satisfy the requirements of section 43 of this chapter; or
 - (B) the minimum rate necessary to satisfy the requirements of sections 43 and 46(2) of this chapter if an ordinance is adopted under subdivision (1).

~~(b) A county fiscal body may not grant a credit for homesteads that exceeds the percentage permitted under IC 6-3.5-6-13 for a county option income tax imposed under IC 6-3.5-6.~~

~~(c) (b)~~ The increase in the homestead credit percentage must be uniform for all homesteads in a county.

~~(d) (c)~~ In an ordinance that increases the homestead credit percentage, the county fiscal body may provide for a series of increases or decreases to take place for each of a group of succeeding calendar years.

~~(e) (d)~~ An ordinance may be adopted under this section after January 1 but before June 1 of a calendar year.

~~(f) (e)~~ An ordinance adopted under this section takes effect January 1 of the next calendar year.

~~(g) (f)~~ An ordinance adopted under this section for a county is not applicable for a year if on January 1 of that year the **county option local** income tax is not in effect.

SECTION 113. IC 12-20-25-46, AS AMENDED BY P.L.113-2010, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 46. After the termination of the controlled status of all townships located in a county as provided in section 41 of this chapter, if the **county adjusted gross income tax or the county option local** income tax is imposed under this chapter, any revenues

from the ~~county adjusted gross income tax or the county option local income tax imposed under this chapter shall be distributed in the following priority:~~

- (1) To satisfy the requirements of section 43 of this chapter.
- (2) ~~If the county option income tax imposed under this chapter is in effect,~~ To replace the amount, if any, of property tax revenue lost due to the allowance of a homestead credit within the county under an ordinance adopted under section 45 of this chapter.
- (3) To be used as a certified distribution as provided in ~~IC 6-3.5-1.1 or IC 6-3.5-6, whichever applies.~~ **IC 6-3.6-6.**

SECTION 114. IC 12-29-2-2, AS AMENDED BY P.L.153-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) A county shall fund the operation of community mental health centers in the amount determined under subsection (b), unless a lower tax levy amount will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

- (1) If the total population of the county is served by one (1) center.
- (2) If the total population of the county is served by more than one (1) center.
- (3) If the partial population of the county is served by one (1) center.
- (4) If the partial population of the county is served by more than one (1) center.

(b) The amount of funding under subsection (a) for taxes first due and payable in a calendar year is the following:

~~(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:~~

~~STEP ONE: Determine the amount that was levied within the county to comply with this section from property taxes first due and payable in 2002.~~

~~STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.~~

~~STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.~~

~~(2) Except as provided in subsection (c), for 2005 and each year thereafter, the~~

result equal to:

~~(A) (1) the amount that was levied in the county to comply with this section from property taxes first due and payable in the calendar year immediately preceding the ensuing calendar year; multiplied by~~

~~(B) (2) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.~~

~~(c) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a county for which:~~

~~(1) a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24; or~~

~~(2) a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30;~~

~~to provide property tax relief that provides a levy freeze in the county as provided in IC 6-3.6-11-1. Notwithstanding any provision in this section or any other section of this chapter, for a county subject to this subsection, the county's maximum property tax levy under this section to fund the operation of community mental health centers for the ensuing calendar year is equal to the county's maximum property tax levy to fund the operation of community mental health centers for the current calendar year.~~

~~(d) Except as provided in subsection (h), the county shall pay to the division of mental health and addiction the part of the funding determined under subsection (b) that is appropriated solely for funding the operations of a community health center. The funding required under this section for operations of a community health center shall be paid by the county to the division of mental health and addiction. These funds shall be used solely for satisfying the ~~non-federal~~ **nonfederal** share of medical assistance payments to community mental health centers serving the county for:~~

~~(1) allowable administrative services; and~~

~~(2) community mental health rehabilitation services.~~

~~All other funding appropriated for the purposes allowed under section 1.2(b)(1) of this chapter shall be paid by the county directly to the community mental health center semiannually at the times that the~~

payments are made under subsection (e).

(e) The county shall appropriate and disburse the funds for operations semiannually not later than December 1 and June 1 in an amount equal to the amount determined under subsection (b) and requested in writing by the division of mental health and addiction. The total funding amount paid to the division of mental health and addiction for a county for each calendar year may not exceed the amount that is calculated in subsection (b) and set forth in writing by the division of mental health and addiction for the county. Funds paid to the division of mental health and addiction by the county shall be submitted by the county in a timely manner after receiving the written request from the division of mental health and addiction, to ensure current year compliance with the community mental health rehabilitation program and any administrative requirements of the program.

(f) The division of mental health and addiction shall ensure that the ~~non-federal~~ **nonfederal** share of funding received from a county under this program is applied only for matching federal funds for the designated community mental health centers to the extent a center is eligible to receive county funding under IC 12-21-2-3(5)(D).

(g) The division of mental health and addiction:

(1) shall first apply state funding to a community mental health center's ~~non-federal~~ **nonfederal** share of funding under this program; and

(2) may next apply county funding received under this section to any remaining ~~non-federal~~ **nonfederal** share of funding for the community mental health center.

The division shall distribute any excess state funds that exceed the community mental health rehabilitation services ~~non-federal~~ **nonfederal** share applied to a community mental health center that is entitled to the excess state funds.

(h) The health and hospital corporation of Marion County created by IC 16-22-8-6 may make payments to the division for the operation of a community mental health center as described in this chapter.

SECTION 115. IC 16-22-7-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) The county fiscal body shall annually levy a tax sufficient to produce funds that, with other funds available, are sufficient to pay the lease rental

provided to be paid from taxes.

(b) If the lease rental is payable from taxes, net revenues of the hospital of which the leased buildings are a part that are not required to be kept in reserve for additional construction, equipment, betterment, maintenance, or operation shall be transferred to a fund for the payment of the lease rental. To the extent that the transferred funds are insufficient to pay the lease rental, cumulative building funds reserved for lease rental payable from taxes under section 20 of this chapter shall be transferred.

(c) In fixing and determining the necessary levy to pay lease rentals payable from taxes, the county council shall consider the amounts transferred from the net revenues of the hospital and may appropriate and pay funds from any available sources, including revenues derived under ~~IC 6-3-5~~ **IC 6-3.6**. This subsection does not relieve the county from the obligation to pay from taxes any lease rental payable from taxes if other funds are not available. The tax levies are reviewable by other bodies vested by law with the authority to ascertain that the levies are sufficient to meet the rental under the lease contract that is payable from taxes. The lease rental shall be paid semiannually to the authority.

(d) A lease by the authority to the county may not provide for rentals payable from the levy of a tax by a county unless the lease is approved by a majority vote of the county fiscal body.

SECTION 116. IC 16-31-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

- (1) Establish, operate, and maintain emergency medical services.
- (2) Levy taxes under and limited by ~~IC 6-3-5~~ **IC 6-3.6** and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.
- (3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:
 - (A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and
 - (B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of

the city or town without the approval of the governing body of the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

SECTION 117. IC 20-26-11-13, AS AMENDED BY P.L.205-2013, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's current ADM, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school:

- (A) State tuition support distributions received during the calendar year in which the school year ends.
- (B) Property tax levies under IC 20-45-7 and IC 20-45-8 for the calendar year in which the school year ends.
- (C) The sum of the following excise tax revenue received for deposit in the calendar year in which the school year begins:
 - (i) Financial institution excise tax revenue (IC 6-5.5).
 - (ii) Motor vehicle excise taxes (IC 6-6-5).
 - (iii) Commercial vehicle excise taxes (IC 6-6-5.5).
 - (iv) Boat excise tax (IC 6-6-11).
 - (v) Aircraft license excise tax (IC 6-6-6.5).
- (D) Allocations to the transferee school under ~~IC 6-3.5~~.

IC 6-3.6.

STEP THREE: Determine the greater of:

- (A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

- (1) capital outlay;
- (2) debt service;
- (3) costs of transportation;
- (4) salaries of board members;
- (5) contracted service for legal expenses; and
- (6) any expenditure that is made from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

- (1) the cost of the special equipment; divided by
- (2) the product of:
 - (A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by
 - (B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

- (1) the transferee school corporation's operating costs for the class

of school in which the transfer student is enrolled; by

- (2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

- (1) the total amount of revenues received during a period; by
- (2) the current ADM of the transferee school for the period in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total current ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive during the period by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

- (1) be entered into for a period of not more than five (5) years with an option to renew;
- (2) specify a maximum number of students to be transferred; and
- (3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that

provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

- (1) be for one (1) year or longer; and
- (2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

SECTION 118. IC 22-4-17-2.5, AS AMENDED BY P.L.2-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2.5. (a) When an individual files an initial claim, the individual shall be advised of the following:

- (1) Unemployment compensation is subject to federal, state, and local income taxes.
- (2) Requirements exist concerning estimated tax payments.
- (3) The individual may elect to have income taxes withheld from the individual's payment of unemployment compensation. If an election is made, the department shall withhold federal income tax at the applicable rate provided in the Internal Revenue Code.
- (4) After December 31, 2011, the individual may elect to have state adjusted gross income tax imposed under IC 6-3 and **the local taxes income tax** imposed under ~~IC 6-3.5~~ **IC 6-3.6** deducted and withheld from the individual's payment of unemployment compensation. If an election is made, the department shall withhold state adjusted gross income tax imposed under IC 6-3 and **the local taxes income tax** imposed under ~~IC 6-3.5~~ **IC 6-3.6** at the applicable rate prescribed in withholding instructions issued by the department of state revenue.
- (5) An individual is allowed to change an election made under this section.

(b) Money withheld from unemployment compensation under this section shall remain in the unemployment fund until transferred to the federal taxing authority or the state (as appropriate) for payment of income taxes.

(c) The commissioner shall follow all procedures of the United

States Department of Labor, the Internal Revenue Service, and the department of state revenue concerning the withholding of income taxes.

(d) Money shall be deducted and withheld in accordance with the priorities established in regulations developed by the commissioner.

SECTION 119. IC 36-1-7-11.5, AS ADDED BY P.L.169-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 11.5. (a) As used in this section, "economic development project" has the meaning set forth in ~~IC 6-3.5-7-13.1(c)~~ **IC 6-3.6-2-8**. The term also includes any project related to transportation services, transportation infrastructure, or the development or construction of a hotel or other tourism destination.

(b) An entity entering into an agreement under this chapter that is related to an economic development project may do any of the following to carry out the agreement:

(1) After appropriation by the entity's fiscal body, transfer money derived from any source to any of the following:

(A) One (1) or more entities that have entered into the agreement.

(B) An economic development entity (as defined in section 15 of this chapter) established by an entity that has entered into the agreement.

(C) A regional development authority, including the northwest Indiana regional development authority established by IC 36-7.5-2-1.

(D) A regional transportation authority including the regional bus authority established under IC 36-9-3-2(c).

(2) Transfer any property or provide personnel, services, or facilities to any entity or authority described in subdivision (1)(A) through (1)(D).

SECTION 120. IC 36-1-8-5.1, AS AMENDED BY P.L.288-2013, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5.1. (a) A political subdivision may establish a rainy day fund by the adoption of:

(1) an ordinance, in the case of a county, city, or town; or

(2) a resolution, in the case of any other political subdivision.

(b) An ordinance or a resolution adopted under this section must specify the following:

- (1) The purposes of the rainy day fund.
- (2) The sources of funding for the rainy day fund, which may include the following:
 - (A) Unused and unencumbered funds under:
 - (i) section 5 of this chapter; **or**
 - ~~(ii) IC 6-3.5-1.1-21.1;~~
 - ~~(iii) IC 6-3.5-6-17.3; or~~
 - ~~(iv) IC 6-3.5-7-17.3.~~
 - (ii) IC 6-3.6-9-15.**
 - (B) Any other funding source:
 - (i) specified in the ordinance or resolution adopted under this section; and
 - (ii) not otherwise prohibited by law.
- (c) The rainy day fund is subject to the same appropriation process as other funds that receive tax money.
- (d) In any fiscal year, a political subdivision may, at any time, do the following:
 - (1) Transfer any unused and unencumbered funds specified in subsection (b)(2)(A) from any fiscal year to the rainy day fund.
 - (2) Transfer any other unobligated cash balances from any fiscal year that are not otherwise identified in subsection (b)(2)(A) or section 5 of this chapter to the rainy day fund as long as the transfer satisfies the following requirements:
 - (A) The amount of the transfer is authorized by and identified in an ordinance or resolution.
 - (B) The amount of the transfer is not more than ten percent (10%) of the political subdivision's total annual budget adopted under IC 6-1.1-17 for that fiscal year.
 - (C) The transfer is not made from a debt service fund.
- (e) A political subdivision may use only the funding sources specified in subsection (b)(2)(A) or in the ordinance or resolution establishing the rainy day fund. The political subdivision may adopt a subsequent ordinance or resolution authorizing the use of another funding source.
- (f) The department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.
- (g) A county, city, or town may at any time, by ordinance or

resolution, transfer to:

- (1) its general fund; or
 - (2) any other appropriated funds of the county, city, or town;
- money that has been deposited in the rainy day fund of the county, city, or town.

SECTION 121. IC 36-3-7-6, AS ADDED BY P.L.135-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. The governing body of a public library located in the county may recommend and the county fiscal body may elect to provide revenue to the public library from part of the certified distribution, if any, that the county is to receive during that same year under ~~IC 6-3-5-6-17~~. **IC 6-3.6-9**. To make the election, the county fiscal body must adopt an ordinance before November 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the public library. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 122. IC 36-4-3-4.2, AS ADDED BY P.L.228-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4.2. (a) As used in this section, "infrastructure" means the capital improvements that comprise:

- (1) a sanitary sewer system or wastewater treatment facility;
- (2) a building and appurtenances;
- (3) a park or recreational facility;
- (4) a road, street, highway, or bridge; or
- (5) a water treatment, water storage, or water distribution facility.

(b) This section applies:

- (1) only to an annexation for which an annexation ordinance is adopted after June 30, 2015; and
- (2) if there is debt, evidenced by bonds, leases, or other obligations, that is outstanding on infrastructure on the date that the annexation becomes effective.

(c) This subsection applies if:

- (1) the municipality takes ownership of infrastructure located within the annexation territory, or part of an item of infrastructure, owned by the county; and
- (2) the outstanding debt is payable from property taxes or from

revenue bonds or obligations.

The annexing municipality is liable to the county for reimbursements only if the municipality assumes ownership or partial ownership of the infrastructure. If the municipality assumes ownership or partial ownership of the infrastructure, the municipality shall reimburse the county for the appropriate share of the remaining debt that is payable by the county from property taxes or revenues. The county and the annexing municipality shall enter into an interlocal agreement under IC 36-1-7 regarding the allocation of the debt and reimbursement terms.

(d) This subsection applies if ~~a~~ **the** local income tax under ~~IC 6-3.5~~ **IC 6-3.6** has been pledged by the county to pay outstanding debt on infrastructure located within the county. To offset the change in local income tax distributions that will occur after the annexation, the annexing municipality is liable to the county for reimbursements in the amount that represents part of the outstanding debt on the infrastructure until the debt is fully paid. The amount that the municipality is required to reimburse the county is the percent of the total county income tax distribution that is indebted, multiplied by the amount of local income tax revenue for the distribution year that is shifted from the county to the municipality as a result of the annexation.

(e) Reimbursements received by a county under this section shall be deposited in the appropriate debt service fund.

SECTION 123. IC 36-7-4-1318 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1318. (a) A unit may not adopt an impact fee ordinance under section 1311 of this chapter unless the unit has prepared or substantially updated a zone improvement plan for each impact zone during the immediately preceding one (1) year period. A single zone improvement plan may be used for two (2) or more infrastructure types if the impact zones for the infrastructure types are congruent.

(b) Each zone improvement plan must contain the following information:

- (1) A description of the nature and location of existing infrastructure in the impact zone.
- (2) A determination of the current level of service.
- (3) Establishment of a community level of service. A unit may provide that the unit's current level of service is the unit's

community level of service in the zone improvement plan.

(4) An estimate of the nature and location of development that is expected to occur in the impact zone during the following ten (10) year period.

(5) An estimate of the nature, location, and cost of infrastructure that is necessary to provide the community level of service for the development described in subdivision (4). The plan must indicate the proposed timing and sequencing of infrastructure installation.

(6) A general description of the sources and amounts of money used to pay for infrastructure during the previous five (5) years.

(c) If a zone improvement plan provides for raising the current level of service to a higher community level of service, the plan must:

(1) provide for completion of the infrastructure that is necessary to raise the current level of service to the community level of service within the following ten (10) year period;

(2) indicate the nature, location, and cost of infrastructure that is necessary to raise the current level of service to the community level of service; and

(3) identify the revenue sources and estimate the amount of the revenue sources that the unit intends to use to raise the current level of service to the community level of service for existing development. Revenue sources include, without limitation, any increase in revenues available from one (1) or more of the following:

(A) Adopting or increasing the following:

~~(i) The county adjusted gross income tax.~~

~~(ii) The county option income tax.~~

~~(iii) The county economic development income tax.~~

(i) The local income tax (IC 6-3.6-6).

~~(iv)~~ **(ii)** The annual license excise surtax.

~~(v)~~ **(iii)** The wheel tax.

(B) Imposing the property tax rate per one hundred dollars (\$100) of assessed valuation that the unit may impose to create a cumulative capital improvement fund under IC 36-9-14.5 or IC 36-9-15.5.

(C) Transferring and reserving for infrastructure purposes other general revenues that are currently not being used to pay for capital costs of infrastructure.

(D) Dedicating and reserving for infrastructure purposes any newly available revenues, whether from federal or state revenue sharing programs or from the adoption of newly authorized taxes.

(d) A unit must consult with a qualified engineer licensed to perform engineering services in Indiana when the unit is preparing the portions of the zone improvement plan described in subsections (b)(1), (b)(2), (b)(5), and (c)(2).

(e) A zone improvement plan and amendments and modifications to the zone improvement plan become effective after adoption as part of the comprehensive plan under the 500 SERIES of this chapter or adoption as part of the capital improvements program under section 503(5) of this chapter. If the unit establishing the impact fee schedule or formula and establishing the zone improvement plan is different from the unit having planning and zoning jurisdiction, the unit having planning and zoning jurisdiction shall incorporate the zone improvement plan as part of the unit's comprehensive plan and capital improvement plan.

(f) If a unit's zone improvement plan identifies revenue sources for raising the current level of service to the community level of service, impact fees may not be assessed or collected by the unit unless:

(1) before the effective date of the impact fee ordinance the unit has available or has adopted the revenue sources that the zone improvement plan specifies will be in effect before the impact fee ordinance becomes effective; and

(2) after the effective date of the impact fee ordinance the unit continues to provide adequate funds to defray the cost of raising the current level of service to the community level of service, using revenue sources specified in the zone improvement plan or revenue sources other than impact fees.

SECTION 124. IC 36-7-7.6-18, AS AMENDED BY P.L.39-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 18. (a) The commission shall prepare and adopt an annual appropriation budget for its operation. The appropriation budget shall be apportioned to each participating county on a pro rata per capita basis. After adoption of the appropriation budget, any amount that does not exceed an amount for each participating county equal to seventy cents (\$0.70) per capita for each

participating county shall be certified to the respective county auditor.

(b) A county's portion of the commission's appropriation budget may be paid from any of the following, as determined by the county fiscal body:

- (1) Property tax revenue as provided in subsections (c) and (d).
- (2) Any other local revenue, other than property tax revenue, received by the county, including local ~~option~~ income tax revenue under ~~IC 6-3.5~~, **IC 6-3.6**, excise tax revenue, riverboat admissions tax revenue, riverboat wagering tax revenue, riverboat incentive payments, and any funds received from the state that may be used for this purpose.

(c) The county auditor shall:

- (1) advertise the amount of property taxes that the county fiscal body determines will be levied to pay the county's portion of the commission's appropriation budget, after the county fiscal body determines the amount of other local revenue that will be paid under subsection (b)(2); and
- (2) establish the rate necessary to collect that property tax revenue;

in the same manner as for other county budgets.

(d) The tax levied under this section and certified shall be estimated and entered upon the tax duplicates by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other county taxes are estimated, entered, collected, and enforced. The tax collected by the county treasurer shall be transferred to the commission.

(e) In fixing and determining the amount of the necessary levy for the purpose provided in this section, the commission shall take into consideration the amount of revenue, if any, to be derived from federal grants, contractual services, and miscellaneous revenues above the amount of those revenues considered necessary to be applied upon or reserved upon the operation, maintenance, and administrative expenses for working capital throughout the year.

(f) After the budget is approved, amounts may not be expended except as budgeted unless the commission authorizes their expenditure. Before the expenditure of sums appropriated as provided in this section, a claim must be filed and processed as other claims for allowance or disallowance for payment as provided by law.

(g) Any two (2) of the following officers may allow claims:

- (1) Chairperson.
- (2) Vice chairperson.
- (3) Secretary.
- (4) Treasurer.

(h) The treasurer of the commission may receive, disburse, and otherwise handle funds of the commission, subject to applicable statutes and to procedures established by the commission.

(i) The commission shall act as a board of finance under the statutes relating to the deposit of public funds by political subdivisions.

(j) Any appropriated money remaining unexpended or unencumbered at the end of a year becomes part of a nonreverting cumulative fund to be held in the name of the commission. Unbudgeted expenditures from this fund may be authorized by vote of the commission and upon other approval as required by statute. The commission is responsible for the safekeeping and deposit of the amounts in the nonreverting cumulative fund, and the state board of accounts shall prescribe the methods and forms for keeping the accounts, records, and books to be used by the commission. The books, records, and accounts of the commission shall be audited periodically by the state board of accounts, and those audits shall be paid for as provided by statute.

SECTION 125. IC 36-7-13-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.8. As used in this chapter, "state and local income taxes" means taxes imposed under any of the following:

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax).
- (2) ~~IC 6-3.5-1.1 (county adjusted gross income tax):~~
- (3) ~~IC 6-3.5-6 (county option income tax):~~
- (4) ~~IC 6-3.5-7 (county economic development income tax):~~
- (2) IC 6-3.6 (local income tax).**

SECTION 126. IC 36-7-14-25.5, AS AMENDED BY P.L.172-2011, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 25.5. (a) Notwithstanding any other law, the legislative body may pledge revenues received or to be received by the unit from:

- (1) the unit's
 - (A) ~~certified shares of the county adjusted gross income tax~~

~~under IC 6-3.5-1.1;~~

~~(B) distributive share of the county option income tax under IC 6-3.5-6; or~~

~~(C) distributions of county economic development income tax revenue under IC 6-3.5-7;~~

additional revenue from the local income tax that is designated for certified shares or economic development under IC 6-3.6-6;

(2) any other source legally available to the unit for the purposes of this chapter; or

(3) any combination of revenues under subdivisions (1) through (2);

in any amount to pay amounts payable under section 25.1 or 25.2 of this chapter.

(b) The legislative body may covenant to adopt an ordinance to increase its tax rate under the county option income tax or any other revenues at the time it is necessary to raise funds to pay any amounts payable under section 25.1 or 25.2 of this chapter.

(c) The commission may pledge revenues received or to be received from any source legally available to the commission for the purposes of this chapter in any amount to pay amounts payable under section 25.1 or 25.2 of this chapter.

(d) The pledge or the covenant under this section may be for the life of the bonds issued under section 25.1 of this chapter, the term of a lease entered into under section 25.2 of this chapter, or for a shorter period as determined by the legislative body. Money pledged by the legislative body under this section shall be considered revenues or other money available to the commission under sections 25.1 through 25.2 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant so long as any bonds issued under section 25.1 of this chapter are outstanding or as long as any lease entered into under section 25.2 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

SECTION 127. IC 36-7-15.1-17.5, AS AMENDED BY P.L.172-2011, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 17.5. (a) Notwithstanding any other law, the legislative body may pledge

revenues received or to be received by the unit from:

(1) the unit's

(A) ~~certified shares of the county adjusted gross income tax under IC 6-3.5-1.1;~~

(B) ~~distributive share of the county option income tax under IC 6-3.5-6; or~~

(C) ~~distributions of county economic development income tax revenue under IC 6-3.5-7;~~

additional revenue from the local income tax that is designated for certified shares or economic development under IC 6-3.6-6;

(2) any other source legally available to the unit for the purposes of this chapter; or

(3) combination of revenues under subdivisions (1) through (2); in any amount to pay amounts payable under section 17 or 17.1 of this chapter.

(b) The legislative body may covenant to adopt an ordinance to increase ~~its tax rate under the county option income tax or any other~~ revenues at the time it is necessary to raise funds to pay any amounts payable under section 17 or 17.1 of this chapter.

(c) The commission may pledge revenues received or to be received from any source legally available to it for the purposes of this chapter in any amount to pay amounts payable under section 17 or 17.1 of this chapter.

(d) The pledge or the covenant under this section may be for the life of the bonds issued under section 17 of this chapter, the term of a lease entered into under section 17.1 of this chapter, or for a shorter period as determined by the legislative body. Money pledged by the legislative body under this section shall be considered revenues or other money available to the commission under sections 17 through 17.1 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant so long as any bonds issued under section 17 of this chapter are outstanding or as long as any lease entered into under section 17.1 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

SECTION 128. IC 36-7-15.1-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 48. (a)

Notwithstanding any other law, the legislative body of the excluded city may pledge revenues received or to be received by the excluded city from:

- (1) the excluded city's ~~distributive share~~ **certified shares** of the **county option local** income tax under ~~IC 6-3-5-6~~; **IC 6-3.6**;
 - (2) any other source legally available to the excluded city for the purposes of this chapter; or
 - (3) a combination of revenues under subdivisions (1) through (2);
- in any amount to pay amounts payable under section 45 or 46 of this chapter.

(b) The legislative body of the excluded city may covenant to adopt an ordinance to increase ~~its tax rate under the county option income tax~~ **or any other** revenues at the time it is necessary to raise funds to pay amounts payable under section 45 or 46 of this chapter.

(c) The commission may pledge revenues received or to be received from any source legally available to it for the purposes of this chapter in any amount to pay amounts payable under section 45 or 46 of this chapter.

(d) The pledge or the covenant under this section may be for the life of the bonds issued under section 45 of this chapter, the term of a lease entered into under section 46 of this chapter, or a shorter period as determined by the legislative body of the excluded city. Money pledged by the legislative body of the excluded city under this section shall be considered revenues or other money available to the commission under sections 45 through 46 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant so long as any bonds issued under section 45 of this chapter are outstanding or as long as any lease entered into under section 46 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

SECTION 129. IC 36-7-27-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. (a) As used in this chapter, "county taxpayer" means an individual who:

- (1) resides in the county; or
- (2) maintains the individual's principal place of business or employment in the county and who does not reside in another county in which the ~~county option income tax~~; ~~the county adjusted income tax~~; **or the county economic development local** income

tax is in effect.

(b) For purposes of this section, an individual shall be treated as a resident of the county in which the individual:

- (1) maintains a home, if the individual maintains only one (1) home in Indiana;
- (2) if subdivision (1) does not apply, is registered to vote;
- (3) if subdivision (1) or (2) does not apply, registers the individual's personal automobile; or
- (4) if subdivision (1), (2), or (3) does not apply, spends the majority of the individual's time spent in Indiana during the taxable year in question.

SECTION 130. IC 36-7-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "covered local income taxes" means the ~~following income taxes~~ **local income tax** imposed on county taxpayers

~~(1) County option income tax;~~

~~(2) County economic development income tax;~~

under IC 6-3.6.

SECTION 131. IC 36-7-27-13, AS AMENDED BY P.L.261-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) The treasurer of state shall establish an incremental income tax financing fund for the county. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) Before July 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall estimate and certify to the county auditor the amount of incremental income tax for the tax areas in the county that will be collected from that county during the twelve (12) month period beginning July 1 of that calendar year and ending June 30 of the following calendar year. The amount certified shall be deposited into the fund and shall be distributed on the dates specified in subsection (e) for the following calendar year. The amount certified may be adjusted under subsection (c) or (d). Taxpayers operating in the tax area shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the incremental income tax amount. A taxpayer operating in the tax area that files a consolidated tax return with the department also shall file annually an

informational return with the department for each business location of the taxpayer within the tax area. If a taxpayer fails to report the information required by this section, the department shall use the best information available in calculating the amount of incremental income taxes.

(c) The department may certify to the county an amount that is greater than the estimated twelve (12) month incremental income tax collection if the department, after reviewing the recommendation of the budget agency, determines that there will be a greater amount of incremental income tax available for distribution from the fund.

(d) The department may certify an amount less than the estimated twelve (12) month incremental income tax collection if the department, after reviewing the recommendation of the budget agency, determines that a part of those collections need to be distributed during the current calendar year so that the county will receive its full certified amount for the current calendar year.

(e) The auditor of state shall disburse the certified amount to the commission in equal semiannual installments on May 31 and November 30 of each year.

(f) Money in the fund may be pledged by the commission to the following purposes:

- (1) To pay debt service on the bonds issued under section 14 of this chapter.
- (2) To pay lease rentals under section 14 of this chapter.
- (3) To establish and maintain a debt service reserve established by the commission or by a lessor that provides local public improvements to the commission.

(g) When money in the fund is sufficient when combined with other sources of payment to pay all outstanding principal and interest or lease rentals to the date on which the obligations can be redeemed on obligations of the commission for a local public improvement in the county, no additional incremental income tax for that project shall be deposited in the fund and **local** covered income taxes shall be distributed as provided in ~~IC 6-3.5-6 or IC 6-3.5-7~~, as appropriate. **IC 6-3.6-9.**

SECTION 132. IC 36-7-30-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 21. (a) Notwithstanding any other law, the legislative body may pledge

revenues received or to be received by the unit from:

- (1) the unit's ~~distributive share of the county option income tax under IC 6-3.5-6;~~
- (2) ~~the unit's distributive share of the county economic development income tax under IC 6-3.5-7;~~ **additional revenue from the local income tax that is designated for certified shares or economic development under IC 6-3.6-6;**
- (3) ~~(2)~~ any other source legally available to the unit for the purposes of this chapter; or
- (4) ~~(3)~~ **(3)** any combination of revenues under subdivisions (1) through (3); **(2)**;

in any amount to pay amounts payable under section 18 or 19 of this chapter.

(b) The legislative body may covenant to adopt an ordinance to increase its ~~tax rate under the county option income tax, county economic development income tax or any other~~ revenues at the time it is necessary to raise funds to pay any amounts payable under section 18 or 19 of this chapter.

(c) The reuse authority may pledge revenues received or to be received from any source legally available to the reuse authority for the purposes of this chapter in any amount to pay amounts payable under section 18 or 19 of this chapter.

(d) The pledge or covenant under this section may be for the term of the bonds issued under section 18 of this chapter, the term of a lease entered into under section 19 of this chapter, or for a shorter period as determined by the legislative body. Money pledged by the legislative body under this section shall be considered revenues or other money available to the reuse authority under sections 18 through 19 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant as long as any bonds issued under section 18 of this chapter are outstanding or as long as any lease entered into under section 19 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

SECTION 133. IC 36-7-30.5-26, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 26. (a) Notwithstanding any other law, the legislative body of a unit may pledge revenues received or to be

received by the unit from:

- ~~(1)~~ the unit's distributive share of the county adjusted gross income tax under IC 6-3.5-1.1;
- ~~(2)~~ the unit's distributive share of the county option income tax under IC 6-3.5-6;
- ~~(3)~~ the unit's distributive share of the county economic development income tax under IC 6-3.5-7;
- (1) the unit's additional revenue from the local income tax that is designated for certified shares or economic development under IC 6-3.6-6;**
- ~~(4)~~ **(2)** any other source legally available to the unit for the purposes of this chapter; or
- ~~(5)~~ **(3)** any combination of revenues under subdivisions (1) through ~~(4)~~; **(2)**;

in any amount to pay amounts payable under section 23 or 24 of this chapter.

(b) The legislative body may covenant to adopt an ordinance to increase its tax rate under the county adjusted gross income tax, county option income tax, county economic development income tax or any other revenues at the time it is necessary to raise funds to pay any amounts payable under section 23 or 24 of this chapter.

(c) The development authority may pledge revenues received or to be received from any source legally available to the development authority for the purposes of this chapter in any amount to pay amounts payable under section 23 or 24 of this chapter.

(d) The pledge or covenant under this section may be for:

- (1) the term of the bonds issued under section 23 of this chapter;
- (2) the term of a lease entered into under section 24 of this chapter; or
- (3) ~~for~~ a shorter period as determined by the legislative body.

Money pledged by the legislative body under this section shall be considered revenues or other money available to the development authority under sections 23 through 24 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant as long as any bonds issued under section 23 of this chapter are outstanding or as long as any lease entered into under section 24 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

SECTION 134. IC 36-7-31-6, AS AMENDED BY P.L.182-2009(ss), SECTION 408, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. As used in this chapter, "covered taxes" means the following:

(1) With respect to the professional sports development area as it existed on December 31, 2008:

(A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(C) ~~A county option~~ **The local** income tax imposed under ~~IC 6-3.5-6.~~ **IC 6-3.6.**

(D) A food and beverage tax imposed under IC 6-9.

(2) With respect to an addition to the professional sports development area after December 31, 2008:

(A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(C) ~~A county option~~ **The local** income tax imposed under ~~IC 6-3.5-6.~~ **IC 6-3.6.**

SECTION 135. IC 36-7-31.3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. As used in this chapter, "covered taxes" means the part of the following taxes attributable to the operation of a facility designated as part of a tax area under section 8 of this chapter:

(1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(3) ~~A county option~~ **The local** income tax imposed under ~~IC 6-3.5.~~ **IC 6-3.6.**

(4) Except in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000), a food and beverage tax imposed under IC 6-9.

SECTION 136. IC 36-7-31.3-8, AS AMENDED BY P.L.119-2012, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) A designating body may

designate as part of a professional sports and convention development area any facility that is:

- (1) owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used by a professional sports franchise for practice or competitive sporting events;
- (2) owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of the following:
 - (A) A facility used principally for convention or tourism related events serving national or regional markets.
 - (B) An airport.
 - (C) A museum.
 - (D) A zoo.
 - (E) A facility used for public attractions of national significance.
 - (F) A performing arts venue.
 - (G) A county courthouse registered on the National Register of Historic Places; or
- (3) a hotel.

Notwithstanding section 9 of this chapter or any other law, a designating body may by resolution approve the expansion of a professional sports and convention development area after June 30, 2009, to include a hotel designated by the designating body. A resolution for such an expansion must be reviewed by the budget committee and approved by the budget agency in the same manner as a resolution establishing a professional sports and convention development area is reviewed and approved. A facility may not include a private golf course or related improvements. The tax area may include only facilities described in this section and any parcel of land on which a facility is located. An area may contain noncontiguous tracts of land within the city, county, or school corporation.

(b) Except for a tax area that is located in a city having a population of:

- (1) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or
- (2) more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400);

a tax area must include at least one (1) facility described in subsection (a)(1).

(c) A tax area may contain other facilities not owned by the designating body if:

- (1) the facility is owned by a city, the county, a school corporation, or a board established under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11; and
- (2) an agreement exists between the designating body and the owner of the facility specifying the distribution and uses of the covered taxes to be allocated under this chapter.

(d) This subsection applies to all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000). The facilities located at an Indiana University-Purdue University regional campus are added to the tax area designated by the county. The maximum amount of covered taxes that may be captured in all tax areas located in the county is three million dollars (\$3,000,000) per year, regardless of the designating body that established the tax area. ~~The county option revenue from the local income taxes tax~~ imposed under ~~IC 6-3-5~~ **IC 6-3.6** that ~~are~~ **is** captured must be counted first toward this maximum.

SECTION 137. IC 36-7-32-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. As used in this chapter, "income tax base period amount" means the aggregate amount of the following taxes paid by employees employed in the territory comprising a certified technology park with respect to wages and salary earned for work in the certified technology park for the state fiscal year that precedes the date on which the certified technology park was designated under section 11 of this chapter:

- (1) The adjusted gross income tax.
- (2) ~~The county adjusted gross income tax.~~
- (3) ~~The county option income tax.~~
- (4) ~~The county economic development income tax.~~
- (2) The local income tax (IC 6-3.6).**

SECTION 138. IC 36-7-32-8.5, AS ADDED BY P.L.199-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8.5. As used in this chapter, "income tax incremental amount" means the remainder of:

- (1) the total amount of state adjusted gross income taxes ~~county~~

~~adjusted gross income tax, county option income taxes, and county economic development local~~ income taxes paid by employees employed in the territory comprising the certified technology park with respect to wages and salary earned for work in the territory comprising the certified technology park for a particular state fiscal year; minus

(2) the sum of the:

- (A) income tax base period amount; and
- (B) tax credits awarded by the economic development for a growing economy board under IC 6-3.1-13 to businesses operating in a certified technology park as the result of wages earned for work in the certified technology park for the state fiscal year;

as determined by the department of state revenue.

SECTION 139. IC 36-7-32-22, AS AMENDED BY P.L.249-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 22. (a) The treasurer of state shall establish an incremental tax financing fund for each certified technology park designated under this chapter. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) Subject to subsection (c), the following amounts shall be deposited during each state fiscal year in the incremental tax financing fund established for a certified technology park under subsection (a):

(1) The aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the certified technology park, until the amount of state gross retail and use taxes deposited equals the gross retail incremental amount for the certified technology park.

(2) The aggregate amount of the following taxes paid by employees employed in the certified technology park with respect to wages earned for work in the certified technology park, until the amount deposited equals the income tax incremental amount:

- (A) The adjusted gross income tax.
- ~~(B) The county adjusted gross income tax.~~
- ~~(C) The county option income tax.~~
- ~~(D) The county economic development income tax.~~
- (B) The local income tax (IC 6-3.6).**

(c) Except as provided in subsection (d), not more than a total of five million dollars (\$5,000,000) may be deposited in a particular incremental tax financing fund for a certified technology park over the life of the certified technology park.

(d) In the case of a certified technology park that is operating under a written agreement entered into by two (2) or more redevelopment commissions, and subject to section 26(b)(4) of this chapter:

(1) not more than a total of five million dollars (\$5,000,000) may be deposited over the life of the certified technology park in the incremental tax financing fund of each redevelopment commission participating in the operation of the certified technology park; and

(2) the total amount that may be deposited in all incremental tax financing funds over the life of the certified technology park, in aggregate, may not exceed the result of:

(A) five million dollars (\$5,000,000); multiplied by

(B) the number of redevelopment commissions that have entered into a written agreement for the operation of the certified technology park.

(e) On or before the twentieth day of each month, all amounts held in the incremental tax financing fund established for a certified technology park shall be distributed to the redevelopment commission for deposit in the certified technology park fund established under section 23 of this chapter.

SECTION 140. IC 36-7.5-3-5, AS ADDED BY P.L.213-2015, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) There is established a grant program to provide state matching grants for construction projects extending the Chicago, South Shore, and South Bend Railway.

(b) To participate in the grant program, the development authority must prepare an update to the comprehensive strategic development plan prepared under section 4 of this chapter. The update must include detailed information concerning the following:

(1) The proposed projects to be undertaken by the development authority to extend the Chicago, South Shore, and South Bend Railway using grants made under this section.

(2) The commitments being made by the development authority and political subdivisions in exchange for receiving grants under

this section.

(3) The following information for each project included under subdivision (1):

(A) The location of each project.

(B) A timeline and budget, including milestones that the development authority commits to achieving by the time specified.

(C) The expected return on investment.

(D) Any projected or expected federal and local matching funds.

(c) To receive a matching grant under this section, the development authority must adopt an authorizing resolution and submit the updated plan along with a grant application to the Indiana finance authority for approval, after review by the budget committee.

(d) A grant may not be approved under this section unless the Indiana finance authority finds all of the following:

(1) The development authority commits to matching the biennial appropriations provided from the state general fund to the northwest Indiana regional development authority commuter rail construction fund for the term of the grant project. The funds used to match these biennial appropriations must be funds received by the development authority under IC 36-7.5-4-1 and IC 36-7.5-4-2.

(2) The development authority can demonstrate an annual return on investment that, within twenty (20) years after the first grant is made for the projects, is at least twice the annualized amount of the grant requested. The return on investment must be measured by the annual amount of incremental state fiscal year increases to state gross retail and use taxes and state income taxes that are projected to be collected as a direct result of the projects, as determined by the Indiana finance authority. Projections to determine the return on investment must be provided in detail by the development authority and shall be evaluated by the office of management and budget.

(e) If projects that will be financed are approved under this section, the Indiana finance authority may, after review by the budget committee, approve a grant, comprised of a series of annual grants, not to exceed thirty (30) years, that is consistent with the financing requirements for the approved projects. If the Indiana finance authority

approves and makes a grant under this section, the general assembly covenants that it will not:

- (1) repeal or amend this section in a manner that would adversely affect owners of outstanding bonds, or payment of any lease rentals, secured by grants made under this section; or
- (2) in any way impair the rights of owners of bonds of the development authority, or the owners of bonds secured by lease rentals, secured by grants made under this section.

The budget agency shall allot the appropriation for the duration of the grants that are needed to complete the approved projects.

(f) If the Indiana finance authority approves and makes a grant under this section, the development authority shall in July of each year through 2045 submit an annual progress report to the Indiana finance authority.

(g) The following must be deposited each year in the northwest Indiana regional development authority commuter rail construction fund established by section 6 of this chapter:

- (1) Money that is granted to the development authority by the state under this section during the year.
- (2) Money that is committed by the development authority under this section for the year.
- (3) Money that is committed by a political subdivision ~~from county to~~ economic development ~~income tax under IC 6-3.5-7.~~ **purposes under IC 6-3.6-6.**

(4) In the case of a political subdivision in Porter County, ~~notwithstanding IC 6-3.5-7-13.1(b)(5),~~ the money that is committed by the political subdivision **to economic development purposes under IC 6-3.6-6** from ~~county economic development~~ **the local** income tax shall be paid from tax revenue that is in excess of the first three million five hundred thousand dollars (\$3,500,000) ~~that results each year from the tax rate increase described in IC 6-3.5-7-13.1(b)(4).~~ **that is required to be transferred under IC 6-3.6-11-6(d)(2).** Any remaining tax revenue that:

- (A) is in excess of the first three million five hundred thousand dollars (\$3,500,000) **each year that results each year from the tax rate increase described in IC 6-3.5-7-13.1(b)(4); is required to be transferred under IC 6-3.6-11-6(d)(2); and**

(B) is not committed by a political subdivision under this subdivision;

shall be used for the purposes set forth in ~~IC 6-3.5-7-13.1(b)(5)~~:
as required by IC 6-3.6-11-6(d)(3).

SECTION 141. IC 36-7.5-3-6, AS ADDED BY P.L.213-2015, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) As used in this section, "fund" refers to the northwest Indiana regional development authority commuter rail construction fund established by subsection (b).

(b) The northwest Indiana regional development authority commuter rail construction fund is established within the treasury of the development authority as a restricted fund for the purpose of holding money to be used to provide matching grants for projects that:

- (1) are related to the extension of the Chicago, South Shore, and South Bend Railway; and
- (2) are approved by the development authority under this section.

(c) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Contributions received by the development authority under IC 36-7.5-4-1 and IC 36-7.5-4-2.
- (3) Contributions of ~~county economic development~~ **the local** income tax revenue received by the fund in accordance with section 5 of this chapter.
- (4) Federal grants.
- (5) Gifts.

(d) The development authority shall administer the fund.

(e) Money in the fund that is not needed to satisfy the obligations of the fund may be invested in the manner that other public money may be invested. Interest or other investment returns received on investments of money in the fund becomes part of the fund.

(f) Money in the fund may be disbursed from the fund only for the following purposes:

- (1) To pay debt service on bonds issued to fund construction projects extending the Chicago, South Shore, and South Bend Railway.
- (2) To provide matching grants in accordance with the requirements of this section.
- (3) To pay the expenses of the development authority in

administering the fund.

(4) To return money to the entity that contributed the money to correct an error in the contribution amount or because the money is no longer needed for the purpose for which the money was contributed.

SECTION 142. IC 36-7.5-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 425, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The development board shall establish and administer a development authority fund.

(b) The development authority fund consists of the following:

(1) Riverboat admissions tax revenue, riverboat wagering tax revenue, or riverboat incentive payments received by a city or county described in IC 36-7.5-2-3(b) and transferred by the county or city to the fund.

(2) ~~County~~ **Local income tax revenue dedicated to** economic development ~~income tax revenue received under IC 6-3.5-7~~ **purposes** by a county or city and transferred by the county or city to the fund.

(3) Amounts distributed under IC 8-15-2-14.7.

(4) Food and beverage tax revenue deposited in the fund under IC 6-9-36-8.

(5) Funds received from the federal government.

(6) Appropriations to the fund by the general assembly.

(7) Other local revenue appropriated to the fund by a political subdivision.

(8) Gifts, donations, and grants to the fund.

(c) The development authority shall establish a development authority fund. The development board shall establish and administer a general account, a lease rental account, and such other accounts in the fund as are necessary or appropriate to carry out the powers and duties of the development authority. Except as otherwise provided by law or agreement with holders of any obligations of the development authority, all money transferred to the development authority fund under subsection (b)(1), (b)(2), and (b)(4) shall be deposited in the lease rental account and used only for the payment of or to secure the payment of obligations of an eligible political subdivision under a lease entered into by an eligible political subdivision and the development

authority under this chapter. However, any money deposited in the lease rental account and not used for the purposes of this subsection shall be returned by the treasurer of the development authority to the respective counties and cities that contributed the money to the development authority.

(d) If the amount of money transferred to the development authority fund under subsection (b)(1), (b)(2), and (b)(4) for deposit in the lease rental account in any one (1) calendar year is greater than an amount equal to:

- (1) one and twenty-five hundredths (1.25); multiplied by
- (2) the total of the highest annual debt service on any bonds then outstanding to their final maturity date, which have been issued under this article and are not secured by a lease, plus the highest annual lease payments on any leases to their final maturity, which are then in effect under this article;

all or a portion of the excess may instead be deposited in the general account.

(e) Except as otherwise provided by law or agreement with the holders of obligations of the development authority, all other money and revenues of the development authority may be deposited in the general account or the lease rental account at the discretion of the development board. Money on deposit in the lease rental account may be used only to make rental payments on leases entered into by the development authority under this article. Money on deposit in the general account may be used for any purpose authorized by this article.

(f) The development authority fund shall be administered by the development authority.

(g) Money in the development authority fund shall be used by the development authority to carry out this article and does not revert to any other fund.

SECTION 143. IC 36-7.5-4-2, AS AMENDED BY P.L.192-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) Except as provided in subsections (b) and (d), ~~beginning in 2006~~ the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. However, if a county having a

population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of ~~county economic development~~ **the local income tax revenue that is dedicated to economic development purposes that is required to be** transferred under ~~IC 6-3.5-7-13.1(b)(4)~~ **IC 6-3.6-11-6** is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

- (1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;
- (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and
- (3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

~~Beginning in 2007~~; The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars (\$2,625,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. ~~Beginning in 2007~~; The fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining transfers required by subsections (a) and (b):

- (1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.
- (2) Except as provided in subdivision (3), ~~after December 31, 2005~~, each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority fund before the last business day of January, April, July, and October

of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) ~~After December 31, 2006,~~ The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2007. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2007.

(4) The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any ~~county economic development~~ **local income tax revenue that is dedicated to economic development purposes under IC 6-3.6-6 and** received under ~~IC 6-3.5-7~~ **IC 6-3.6-9** by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under IC 4-33-12-6(d) and IC 4-33-13-5(j). However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount

required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by IC 4-33-13-5(j) on behalf of the unit with respect to a particular state fiscal year.

SECTION 144. IC 36-7.6-1-10, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. "Economic development project" means an economic development project described in ~~IC 6-3.5-7-13.1(e)~~. **IC 6-3.6-2-8.**

SECTION 145. IC 36-7.6-4-2, AS AMENDED BY P.L.178-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) This section applies only to a development authority and its member counties and municipalities to the extent necessary to make required payments and maintain a required reserve for debt obligations or leases that were issued or entered into by the development authority before May 1, 2015.

(b) Beginning January 1 of the year following the year in which a development authority is established, the fiscal officer of each county and each municipality that is a member of the development authority shall transfer the amount determined under subsection (c) to the development authority for deposit in the development authority fund.

(c) The amount of the transfer required each year by subsection (b) from each county and each municipality is equal to the following:

(1) Except as provided in subdivision (2), the amount that would be distributed to the county or the municipality as certified distributions of ~~county economic development local~~ income tax revenue raised from a ~~county economic development local~~ income tax rate of five-hundredths of one percent (0.05%) in the county **that is dedicated to economic development purposes under IC 6-3.6-6.**

(2) In the case of a county or municipality that becomes a member of a development authority after June 30, 2011, and before July 1, 2013, the amount that would be distributed to the county or municipality as certified distributions of ~~county economic development local~~ income tax revenue raised from a ~~county economic development local~~ income tax rate of twenty-five

thousandths of one percent (0.025%) in the county **that is dedicated to economic development purposes under IC 6-3.6-6.**

(d) Notwithstanding subsection (c), if the additional ~~county economic development local~~ income tax **rate permitted** under ~~IC 6-3.5-7-28 IC 6-3.6-7-24~~ is in effect in a county, the obligations of the county and each municipality in the county under this section are satisfied by the transfer to the development fund of all ~~county economic development local~~ income tax revenue derived from the additional tax and deposited in the county regional development authority fund.

(e) The following apply to the transfers required by this section:

(1) The transfers shall be made without appropriation by the fiscal body of the county or the fiscal body of the municipality.

(2) Except as provided in subdivision (3), the fiscal officer of each county and each municipality that is a member of the development authority shall transfer twenty-five percent (25%) of the total transfers due for the year before the last business day of January, April, July, and October of each year.

(3) ~~County economic development Local~~ income tax revenue derived from the additional ~~county economic development local~~ income tax **rate permitted** under ~~IC 6-3.5-7-28 IC 6-3.6-7-24~~ must be transferred to the development fund not more than thirty (30) days after being deposited in the county regional development fund.

(4) This subdivision does not apply to a county in which the additional ~~county economic development local~~ income tax **rate permitted** under ~~IC 6-3.5-7-28 IC 6-3.6-7-24~~ has been imposed or to any municipality in the county. The transfers required by this section may be made from any local revenue (other than property tax revenue) of the county or municipality, including excise tax revenue, **local** income tax revenue, ~~local option tax revenue~~, riverboat tax revenue, distributions, incentive payments, or money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16.

SECTION 146. IC 36-8-15-19, AS AMENDED BY P.L.137-2012, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. (a) This subsection applies to a county that has a population of more than one hundred eighty-five

thousand (185,000) but less than two hundred fifty thousand (250,000). For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under ~~IC 6-3.5-6-17~~. **IC 6-3.6-9**. To make such an election, the county fiscal body must adopt an ordinance before November 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the department of local government finance shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the department of local government finance, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the department of local government finance, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 147. IC 36-8-19-7.5, AS ADDED BY P.L.182-2009(ss), SECTION 442, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7.5. (a) This section applies to:

- (1) ~~county adjusted gross income tax; county option income tax; and county economic development local~~ income tax distributions; and
- (2) excise tax distributions;

made after December 31, 2009.

(b) For purposes of allocating any ~~county adjusted gross income tax; county option income tax; and county economic development local~~ income tax distributions or excise tax distributions that are distributed based on the amount of a taxing unit's property tax levies, each participating unit in a territory is considered to have imposed a part of the property tax levy imposed for the territory. The part of the property tax levy imposed for the territory for a particular year that shall be attributed to a participating unit is equal to the amount determined in the following STEPS:

STEP ONE: Determine the total amount of all property taxes imposed by the participating unit in the year before the year in which a property tax levy was first imposed for the territory.

STEP TWO: Determine the sum of the STEP ONE amounts for all participating units.

STEP THREE: Divide the STEP ONE result by the STEP TWO result.

STEP FOUR: Multiply the STEP THREE result by the property tax levy imposed for the territory for the particular year.

SECTION 148. IC 36-9-4-42, AS AMENDED BY P.L.137-2012, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

- (1) by issuing bonds under section 43 or 44 of this chapter;
- (2) by borrowing money made available for such purposes by any source;
- (3) by accepting grants or contributions made available for such purposes by any source;
- (4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or
- (5) in the case of a public transportation corporation, by levying a tax under section 49 of this chapter or by recommending an election to use revenue from the ~~county option~~ **local income taxes; tax**, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

- (1) studies under section 4, 9, or 11 of this chapter;
- (2) grants in aid;
- (3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the buses or real property;

- (4) the acquisition by a public transportation corporation of property of an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;
- (5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and
- (6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in a county having a consolidated city. In order to provide revenue to a public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation from part of the certified distribution, if any, that the county is to receive during that same year under ~~IC 6-3.5-6-17~~. **IC 6-3.6-9**. To make the election, the county fiscal body must adopt an ordinance before November 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 149. IC 36-9-14.5-6, AS AMENDED BY P.L.146-2008, SECTION 791, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) ~~Except as provided in subsection (c)~~; The county fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the county. **For purposes of this section, a county in which only the county economic development income tax (IC 6-3.5-7, repealed) was in effect on January 1, 2016, is considered a county in which the local income tax is not in effect unless the county increases, after 2015, the allocation of its local income tax revenue to property tax relief, public safety, or certified shares by an amount that is at least equal to the revenue raised from an income tax rate of twenty-five hundredths percent (0.25%).**

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county

in which the ~~county option income tax or the county adjusted gross~~ **local** income tax is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0167
1 or more	\$0.0333

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which ~~neither the county option income tax nor the county adjusted gross the local~~ income tax is **not** in effect on January 1 of that year depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0133
1 or more	\$0.0233

SECTION 150. IC 36-9-15.5-6, AS AMENDED BY P.L.146-2008, SECTION 792, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) ~~Except as provided in subsection (c);~~ The municipal fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the municipality. **For purposes of this section, a county in which only the county economic development income tax (IC 6-3.5-7, repealed) was in effect on January 1, 2016, is considered a county in which the local income tax is not in effect unless the county increases, after 2015, the allocation of its local income tax revenue to property tax relief, public safety, or certified shares by an amount that is at least equal to the revenue raised from an income tax rate of twenty-five hundredths percent (0.25%).**

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a municipality that is either wholly or partially located in a county in which the ~~county option income tax or the county adjusted gross local~~

income tax is in effect on January 1 of that year depends upon the number of years the municipality has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0167
1	\$0.0333
2 or more	\$0.05

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a municipality that is wholly located in a county in which ~~neither the county option income tax nor the county adjusted gross the local~~ income tax is **not** in effect on January 1 of that year depends upon the number of years the municipality has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0133
1	\$0.0267
2 or more	\$0.04

SECTION 151. IC 36-9-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. In order to provide for the collection and disposal of waste in the consolidated city and for the management, operation, acquisition, and financing of facilities for waste disposal, the board may exercise the following powers on behalf of the city, in addition to the powers specifically set forth elsewhere in this chapter:

- (1) To sue and be sued.
- (2) To exercise the power of eminent domain as provided in IC 32-24 within the corporate boundaries of the city; however, the power of eminent domain may not be exercised to acquire the property of any public utility used for the production or distribution of energy.
- (3) To provide for the collection of waste accumulated within the service district and to provide for disposal of waste accumulated within the waste disposal district, including contracting with

persons for collection, disposal, or waste storage, and the recovery of byproducts from waste, and granting these persons the right to collect and dispose of any such wastes and store and recover byproducts from them.

(4) To plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for waste disposal.

(5) To enter into all contracts or agreements necessary or incidental to the collection, disposal, or recovery of byproducts from waste, such as put or pay contracts, contracts and agreements for the design, construction, operation, financing, ownership, or maintenance of facilities or the processing or disposal of waste or the sale or other disposition of any products generated by a facility. Notwithstanding any other statute, any such contract or agreement may be for a period not to exceed forty (40) years.

(6) To enter into agreements for the leasing of facilities in accordance with IC 36-1-10. ~~however, any such agreement having an original term of five (5) or more years is subject to approval by the department of local government finance under IC 6-3.5. Such an agreement may be executed before approval, but if the department of local government finance does not approve the agreement, it is void.~~

(7) To purchase, lease, or otherwise acquire real or personal property.

(8) To contract for architectural, engineering, legal, or other professional services.

(9) To exclusively control, within the city, the collection, transportation, storage, and disposal of waste and, subject to the provisions of sections 6 and 8 of this chapter, to fix fees in connection with these matters.

(10) To determine exclusively the location and character of any facility, subject to local zoning ordinances and environmental management laws (as defined in IC 13-11-2-71).

(11) To sell or lease to any person any facility or part of it.

(12) To make and contract for plans, surveys, studies, and investigations.

(13) To enter upon property to make surveys, soundings, borings, and examinations.

- (14) To accept gifts, grants, or loans of money, other property, or services from any source, public or private, and to comply with their terms.
- (15) To issue from time to time waste disposal district bonds to finance the cost of facilities as provided in section 9 of this chapter.
- (16) To issue from time to time revenue bonds to finance the cost of facilities as provided in section 10 of this chapter.
- (17) To issue from time to time waste disposal development bonds to finance the cost of facilities as provided in section 11 of this chapter.
- (18) To issue from time to time notes in anticipation of grants or in anticipation of the issuance of bonds to finance the cost of facilities as provided in section 13 of this chapter.
- (19) To establish fees for the collection and disposal of waste, subject to the provisions of sections 6 and 8 of this chapter.
- (20) To levy a tax within the service district to pay costs of operation in connection with waste collection, waste disposal, mowing services, and animal control, subject to regular budget and tax levy procedures. For purposes of this subdivision, "mowing services" refers only to mowing services for rights-of-way or on vacant property.
- (21) To levy a tax within the waste disposal district to pay costs of operation in connection with waste disposal, subject to regular budget and tax levy procedures.
- (22) To borrow in anticipation of taxes.
- (23) To employ staff engineers, clerks, secretaries, and other employees in accordance with an approved budget.
- (24) To issue requests for proposals and requests for qualifications as provided in section 4 of this chapter.
- (25) To require all persons located within the service district or waste disposal district to deposit waste at sites designated by the board.
- (26) To otherwise do all things necessary for the collection and disposal of waste and the recovery of byproducts from it.

SECTION 152. IC 36-9-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. For purposes of ~~IC 6-3-5-1.1~~, The service district and the waste disposal district

~~constitute civil taxing units, and they~~ may impose ad valorem property tax levies for the purpose of paying for waste collection, or waste disposal. However, notwithstanding any other provision of this chapter, if a property tax is levied for waste collection, a user fee may not also be charged for waste collection or animal control.

SECTION 153. IC 36-10-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. A lease under this chapter must provide for the payment of the lease rental by the city from the levy of taxes against the real and personal property located within the city. ~~The lease is subject to approval by the department of local government finance under IC 6-3-5. The lease may be executed before approval; however, if the department of local government finance does not approve the lease, it is void.~~

SECTION 154. IC 36-10-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) The lease shall be executed on behalf of the governmental entity by an officer authorized by law to execute contracts for the entity and on behalf of the authority by both the president or vice president of the board and the secretary of the board of directors.

(b) Notice of the execution of the lease shall be given by the governmental entity by publication as provided in IC 5-3-1.

(c) A lease may not be executed with annual lease rental exceeding an aggregate of two hundred seventy-five thousand dollars (\$275,000) unless the fiscal body of the lessee governmental entity finds that the estimated annual net income to the lessee governmental entity from the civic center, plus any other nonproperty tax funds made available annually for the payment of the lease rental, will not be less than the amount of the excess.

~~(d) The lease is subject to approval by the department of local government finance under IC 6-3-5. The lease may be executed before approval; however, if the department of local government finance does not approve the lease, it is void. The department of local government finance may not approve the lease under IC 6-3-5-1.1-8 unless it finds that the condition prescribed in subsection (c) is satisfied.~~

~~(e)~~ (d) All net revenues of the leased building, together with any other funds made available for the payment of lease rental, shall be

transferred at least annually by the lessee to a fund for payment of lease rental.

SECTION 155. An emergency is declared for this act.

ACTS 2016

Laws enacted by the

119th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION (2016)

VOLUME IV

(P.L.198-2016 through Index)

By the authority of
INDIANA LEGISLATIVE COUNCIL
(IC 2-6-1.5)

Office of Code Revision
Legislative Services Agency

P.L.198-2016
[H.1087. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 3-7-10-2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. For purposes of this article, "license branch" includes a location operated by a full service provider (as defined in IC 9-14.1-1-2).**

SECTION 2. IC 3-7-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.** Each license branch is a distribution site for registration by mail forms under ~~IC 9-16-7.~~ **IC 9-14.1-4.**

SECTION 3. IC 3-7-26.7-3, AS ADDED BY P.L.120-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.** As used in this chapter, "bureau" refers to the bureau of motor vehicles created by ~~IC 9-14-1-1.~~ **IC 9-14-7-1.**

SECTION 4. IC 4-13-1.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.** As used in this chapter, "state agency" means:

- (1) an agency described in IC 4-13-1-1; or
- (2) a license branch operating under ~~IC 9-16.~~ **IC 9-14.1.**

SECTION 5. IC 4-13-1.4-2, AS AMENDED BY P.L.2-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.** As used in this chapter, "state agency" means any of the following:

- (1) A state agency (as defined in IC 4-13-1-1).
- (2) Any other authority, board, branch, commission, committee, department, division, or other instrumentality of the executive

branch of state government, including the following:

(A) A state educational institution.

(B) A license branch operated or administered under ~~IC 9-16~~.

IC 9-14.1.

(C) The state police department created by IC 10-11-2-4.

SECTION 6. IC 4-21.5-2-5, AS AMENDED BY P.L.69-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. This article does not apply to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the collection of taxes.

(2) A determination of probable cause or no probable cause by the civil rights commission.

(3) A determination in a factfinding conference of the civil rights commission.

(4) A personnel action, except review of:

(A) a personnel action by the state employees appeals commission under IC 4-15-2.2-42; or

(B) a personnel action that is not covered by IC 4-15-2.2 but may be taken only for cause.

(5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, the office of tourism development, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

- (9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.
- (10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.
- (11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.
- (12) Determinations of the department of workforce development under IC 22-4.1-4-1.5(c)(1).
- (13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.
- (14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.
- (15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.
- (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.
- (17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

(18) An action of the bureau of motor vehicles subject to review under IC 9-33.

SECTION 7. IC 4-21.5-3-4, AS AMENDED BY P.L.3-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Notice must be given under this section concerning the following:

- (1) The ~~grant, renewal, restoration, transfer, or~~ denial of a **driver's** license by the bureau of motor vehicles under IC 9.
- (2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.
- (3) The grant, renewal, restoration, transfer, or denial of a license

by an entity described in IC 25-0.5-9.

(4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

(6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water system (as defined in IC 13-11-2-177.3) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water system;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

(i) A solid waste incinerator or a waste to energy facility.

(ii) A land disposal site.

(iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

- (1) Each person to whom the order is specifically directed.
- (2) Each person to whom a law requires notice to be given.

A person ~~who~~ **that** is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

- (1) A brief description of the order.
- (2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.
- (3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person ~~who~~ **that** has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person ~~who~~ **that** has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 8. IC 4-23-2.5-4, AS AMENDED BY P.L.133-2012,

SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The Indiana arts commission trust fund is established to support the programs and the administrative budget of the commission.

(b) The fund consists of the following:

- (1) Appropriations of the general assembly from revenue sources determined by the general assembly and in an amount determined by the general assembly.
- (2) Donations to the fund from public or private sources.
- (3) Interest and dividends on assets of the fund.
- (4) Money transferred to the fund from other funds.
- (5) Fees from the Indiana arts trust license plate issued under IC 9-18-41 **(before its expiration) or IC 9-18.5-20.**
- (6) Money from other sources that the commission may acquire.

SECTION 9. IC 5-2-6.1-11.5, AS ADDED BY P.L.121-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.5. A claimant's:

- (1) personal information (as defined in ~~IC 9-14-3.5-5~~; **IC 9-14-6-6**); and
- (2) medical records;

are confidential.

SECTION 10. IC 5-10.3-7-2, AS AMENDED BY P.L.195-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The following employees may not be members of the fund:

- (1) Officials of a political subdivision elected by vote of the people, unless the governing body specifically provides for the participation of locally elected officials.
- (2) Employees occupying positions normally requiring performance of service of less than six hundred (600) hours during a year who:
 - (A) were hired before July 1, 1982; or
 - (B) are employed by a participating school corporation.
- (3) Independent contractors or officers or employees paid wholly on a fee basis.
- (4) Employees who occupy positions that are covered by other pension or retirement funds or plans, maintained in whole or in part by appropriations by the state or a political subdivision,

except:

- (A) the federal Social Security program; and
 - (B) the prosecuting attorneys retirement fund established by IC 33-39-7-9.
- (5) Managers or employees of a license branch of the bureau of motor vehicles commission, except those persons who may be included as members under ~~IC 9-16-4~~. **IC 9-14-10.**
- (6) Employees, except employees of a participating school corporation, hired after June 30, 1982, occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year.
- (7) Persons who:
- (A) are employed by the state;
 - (B) have been classified as federal employees by the Secretary of Agriculture of the United States; and
 - (C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.

SECTION 11. IC 5-11-1-28, AS ADDED BY P.L.184-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) The bureau of motor vehicles (~~IC 9-14-1-1~~); (**IC 9-14-7-1**), office of the secretary of family and social services (IC 12-8-1.5-1), and department of state revenue (IC 6-8.1-2-1) shall each annually:

- (1) have performed by an internal auditor:
 - (A) an internal audit; and
 - (B) a review of internal control systems; of the agency; and
 - (2) have the internal auditor report the results of the internal audit and review to an examiner designated by the state examiner to receive the results.
- (b) The examiner designated under subsection (a) shall, not later than September 1 of each year:
- (1) compile a final report of the results of the internal audits and reviews performed and reported under subsection (a); and
 - (2) submit a copy of the final report to the following:
 - (A) The governor.
 - (B) The auditor of state.
 - (C) The chairperson of the audit committee, in an electronic

format under IC 5-14-6.

(D) The director of the office of management and budget.

(E) The legislative council, in an electronic format under IC 5-14-6.

SECTION 12. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

- (1) the identification of; and
- (2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(d) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(e) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(f) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

- (h) "Inspect" includes the right to do the following:
- (1) Manually transcribe and make notes, abstracts, or memoranda.
 - (2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.
 - (3) In the case of public records available:
 - (A) by enhanced access under section 3.5 of this chapter; or
 - (B) to a governmental entity under section 3(c)(2) of this chapter;to examine and copy the public records by use of an electronic device.
 - (4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.
- (i) "Investigatory record" means information compiled in the course of the investigation of a crime.
- (j) "Offender" means a person confined in a penal institution as the result of the conviction for a crime.
- (k) "Patient" has the meaning set out in IC 16-18-2-272(d).
- (l) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.
- (m) "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.
- (n) "Public agency", except as provided in section 2.1 of this chapter, means the following:
- (1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.
 - (2) Any:
 - (A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township,

- school corporation, city, or town;
 - (B) political subdivision (as defined by IC 36-1-2-13); or
 - (C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.
- (3) Any entity or office that is subject to:
- (A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or
 - (B) an audit by the state board of accounts that is required by statute, rule, or regulation.
- (4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.
- (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.
- (6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.
- (7) Any license branch ~~staffed by employees of the bureau of motor vehicles commission operated~~ under ~~IC 9-16~~. **IC 9-14.1.**
- (8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.
- (9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.
- (10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.
- (o) "Public record" means any writing, paper, report, study, map,

photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(p) "Standard sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(q) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(r) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 13. IC 5-16-9-1, AS AMENDED BY P.L.216-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued **one (1) of the following:**

- (1) A placard under IC 9-14-5 (**before its repeal**), a person who has been issued
- (2) A modified Purple Heart plate under IC 9-18-19-1(b) (**before its expiration**) or IC 9-18.5-6-1(b), or a person with
- (3) A disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22 (**before its**

expiration).

(4) A license plate or placard issued under IC 9-18.5-8.

(f) "Public agency" means:

(1) the state of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions; and

(2) a county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government.

SECTION 14. IC 5-16-9-5, AS AMENDED BY P.L.216-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 (**before its repeal**), **IC 9-18.5-8**, or under the laws of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued under IC 9-18-18 (**before its expiration**), IC 9-18-19-1(b) (**before its expiration**), IC 9-18-22 (**before its expiration**), **IC 9-18.5-5**, **IC 9-18.5-6**, **IC 9-18.5-8**, or under the laws of another state, in a parking space reserved under this chapter for a vehicle of a person with a physical disability commits a Class C infraction.

(b) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled commits a Class C infraction.

(c) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5 (**before its repeal**), IC 9-18-18 (**before its expiration**), IC 9-18-19-1(b) (**before its expiration**), IC 9-18-22 (**before its expiration**), **IC 9-18.5-6**, or **IC 9-18.5-8**, or under the laws of another state commits a Class C misdemeanor.

(d) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability commits a Class C infraction if that person is not, at that time, in the process of transporting a person

with a physical disability or disabled veteran.

(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars (\$100) must be imposed for an infraction committed in violation of this section.

SECTION 15. IC 5-16-9-8, AS AMENDED BY P.L.216-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) As used in this section, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18 **(before its expiration) or IC 9-18.1;**
- (2) the laws of another state; or
- (3) the laws of a foreign country.

(b) As used in this section, "lessee" means a person ~~who~~ **that** has care, custody, or control of a motor vehicle under a written agreement for the rental or lease of the motor vehicle for less than sixty-one (61) days. The term does not include an employee of the owner of the motor vehicle.

(c) An owner or lessee of a motor vehicle commits a Class C infraction if the motor vehicle:

- (1) is located in a parking space in a parking facility that is marked under section 2 of this chapter as a parking space reserved for a person with a physical disability; and
- (2) does not display:
 - (A) an unexpired parking **permit placard** for a person with a physical disability issued under IC 9-14-5 **(before its repeal) or IC 9-18.5-8;**
 - (B) an unexpired disabled veteran's registration plate issued under IC 9-18-18 **(before its expiration) or IC 9-18.5-5** or an unexpired modified Purple Heart license plate under IC 9-18-19-1(b) **(before its expiration) or IC 9-18.5-6-1(b);**
 - (C) an unexpired registration plate or decal for a person with a physical disability issued under IC 9-18-22 **(before its expiration) or IC 9-18.5-8;** or
 - (D) an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state.

(d) It is a defense that IC 9-30-11-8 applies to the violation.

(e) It is a defense that the motor vehicle was the subject of an

offense described in IC 35-43-4 at the time of the violation of this section.

(f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars (\$100) must be imposed for an infraction committed in violation of this section.

SECTION 16. IC 5-16-9-9, AS AMENDED BY P.L.216-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This chapter does not prohibit a county, city, or town from adopting and enforcing an ordinance that regulates standing or parking of motor vehicles in a space reserved for a person with a physical disability under section 2 of this chapter, IC 9-21-1-3, or IC 9-21-18-4.

(b) An ordinance described in subsection (a) may not conflict with this chapter.

(c) An ordinance described in subsection (a) may not require a person to obtain or display any permit, registration plate, or registration decal to stand or park in a space reserved for a person with a physical disability under section 2 of this chapter, except the following:

(1) A parking **permit placard** for a person with a physical disability issued under IC 9-14-5 **(before its repeal) or IC 9-18.5-8.**

(2) A disabled veteran's registration plate issued under IC 9-18-18 **(before its expiration) or IC 9-18.5-5** or a modified Purple Heart license plate under IC 9-18-19-1(b) **(before its expiration) or IC 9-18.5-6-1(b).**

(3) A registration plate or decal for a person with a physical disability issued under IC 9-18-22 **(before its expiration) or IC 9-18.5-8.**

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying:

(1) an unexpired parking permit for a person with a physical disability;

(2) an unexpired disabled veteran's registration plate; or

(3) an unexpired registration plate or decal for a person with a physical disability;

issued under the laws of another state to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability.

SECTION 17. IC 5-26-4-1, AS AMENDED BY P.L.216-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The integrated public safety communications fund is established to be used only to carry out the purposes of this article. The fund shall be administered by the commission.

(b) The fund consists of:

- (1) appropriations from the general assembly;
- (2) gifts;
- (3) federal grants;
- (4) fees and contributions from user agencies that the commission considers necessary to maintain and operate the system;
- (5) amounts distributed to the fund under ~~IC 9-29~~; **IC 9**; and
- (6) money from any other source permitted by law.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) If federal funds are not sufficient to pay for the system, the commission shall transfer money from the fund to the communications system infrastructure fund established by IC 5-26-5-4 in amounts sufficient to pay rentals and other obligations under use and occupancy agreements or other contracts or leases relating to the financing of the system under IC 4-13.5.

SECTION 18. IC 6-1.1-7-10, AS AMENDED BY P.L.194-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section does not apply to a mobile home that is offered for sale at auction under IC 9-22-1.5 for the transfer resulting from the auction.

(b) A mobile home may not be moved from one (1) location to another unless the owner obtains a permit to move the mobile home from the county treasurer.

(c) The bureau of motor vehicles may not:

- (1) transfer the title to a mobile home; or
 - (2) change names in any manner on the title to a mobile home;
- unless the owner holds a valid permit to transfer the title that was

issued by the county treasurer.

(d) A county treasurer shall issue a permit which is required to either move, or transfer the title to, a mobile home if the taxes, **special assessments, interest, penalties, judgments, and costs that are due and payable** on the mobile home have been paid. The county treasurer shall issue the permit not later than two (2) business days (excluding weekends and holidays) after the date the completed permit application is received by the county treasurer. The permit shall state the date it is issued.

(e) After issuing a permit to move a mobile home under subsection (d), a county treasurer shall notify the township assessor of the township to which the mobile home will be moved, or the county assessor if there is no township assessor for the township, that the permit to move the mobile home has been issued.

(f) A permit to move, or transfer title to, a mobile home that is issued under this section expires ninety (90) days after the date the permit is issued. The permit is invalid after the permit expires. If the owner wishes to move, or transfer title to, the mobile home after the permit has expired, the owner must obtain a new permit under this section.

SECTION 19. IC 6-1.1-7-10.4, AS AMENDED BY P.L.71-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) This section does not apply to a mobile home that is offered for sale at auction under IC 9-22-1.5 **or IC 9-22-1.7** for the transfer resulting from the auction.

(b) The owner of a mobile home who sells the mobile home to another person shall provide the purchaser with the permit required by section 10(c) of this chapter before the sale is consummated.

SECTION 20. IC 6-1.1-7-11, AS AMENDED BY P.L.203-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A person who is engaged to move a mobile home may not provide that service unless the owner presents the mover with a permit to move the mobile home and the permit is dated not more than ~~one (1) month~~ **ninety (90) days** before the date of the proposed move. The mover shall retain possession of the permit while the mobile home is in transit.

(b) The mover shall return the permit to the owner of the mobile home when the move is completed.

SECTION 21. IC 6-1.1-11-4, AS AMENDED BY P.L.183-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

- (1) described by IC 6-1.1-2-7; or
- (2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under ~~IC 9-15-1~~. **IC 9-14-9.**

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

- (1) the exempt property is:
 - (A) tangible property used for religious purposes described in IC 6-1.1-10-21;
 - (B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16;
 - (C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16; or
 - (D) other tangible property owned by a fraternity or sorority (as defined in IC 6-1.1-10-24).

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21, an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16, or use by a fraternity or sorority under IC 6-1.1-10-24; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24.

(e) If, after an assessment date, an exempt property is transferred or its use is changed resulting in its ineligibility for an exemption under IC 6-1.1-10, the county assessor shall terminate the exemption for that

assessment date. However, if the property remains eligible for an exemption under IC 6-1.1-10 following the transfer or change in use, the exemption shall be left in place for that assessment date. For the following assessment date, the person that obtained the exemption or the current owner of the property, as applicable, shall, under section 3 of this chapter and except as provided in this section, file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. In all cases, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in ownership or use in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance.

(f) If the county assessor discovers that title to or use of property granted an exemption under IC 6-1.1-10 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title or use and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners or use of the property and indicates whether the property continues to meet the requirements for an exemption under IC 6-1.1-10. Upon receipt of the affidavit, the county assessor shall reinstate the exemption under IC 6-1.1-15-12. However, a claim under IC 6-1.1-26-1 for a refund of all or a part of a tax installment paid and any correction of error under IC 6-1.1-15-12 must be filed not later than three (3) years after the taxes are first due.

SECTION 22. IC 6-3.5-4-1, AS AMENDED BY P.L.205-2013, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **As used in The following definitions apply throughout** this chapter:

"Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a surtax first.

~~"Branch office" means a branch office of the bureau of motor vehicles.~~

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

"Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

"Surtax" means the annual license excise surtax imposed by an adopting entity under this chapter.

SECTION 23. IC 6-3.5-4-15.5, AS ADDED BY P.L.149-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.5. **(a)** The department of state revenue or the bureau of motor vehicles, as applicable, may impose a service charge ~~under IC 9-29 of fifteen cents (\$0.15)~~ for each surtax collected under this chapter.

(b) A service charge imposed under this section by the bureau shall be deposited in the bureau of motor vehicles commission fund.

(c) A service charge imposed under this section by the department of state revenue shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1.

SECTION 24. IC 6-3.5-5-1, AS AMENDED BY P.L.205-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

"Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a wheel tax first.

~~"Branch office" means a branch office of the bureau of motor vehicles.~~

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"Commercial motor vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in IC 34-6-2-141.

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

SECTION 25. IC 6-3.5-5-9, AS AMENDED BY P.L.149-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. **(a)** A person may not register a vehicle in a county which has adopted the wheel tax unless the person pays the wheel tax due, if any, to the bureau of motor vehicles. The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time of registration.

(b) The bureau of motor vehicles shall collect the wheel tax due, if any, at the time a motor vehicle is registered.

(c) The department of state revenue or the bureau of motor vehicles, as applicable, may impose a service charge ~~under IC 9-29 of fifteen cents (\$0.15)~~ for each wheel tax collection made under this chapter.

(d) A service charge imposed under this section by the bureau shall be deposited in the bureau of motor vehicles commission fund.

(e) A service charge imposed under this section by the department of state revenue shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1.

SECTION 26. IC 6-3.5-5-13, AS AMENDED BY P.L.211-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. ~~(a) If the wheel tax is collected directly by the bureau of motor vehicles, instead of at a branch office, the commissioner of the bureau shall:~~

~~(1) remit the wheel tax to, and file a wheel tax collections report with, the appropriate county treasurer; and~~

~~(2) file a wheel tax collections report with the county auditor; in the same manner and at the same time that a branch office manager is required to remit and report under section 11 of this chapter.~~

~~(b) If the wheel tax for a commercial vehicle is collected directly by the department of state revenue, the commissioner of the department of state revenue shall:~~

~~(1) remit the wheel tax to, and file a wheel tax collections report with, the appropriate county treasurer; and~~

(2) file a wheel tax collections report with the county auditor; in the same manner and at the same time that a **branch office manager the bureau of motor vehicles** is required to remit and report under section 11 of this chapter.

SECTION 27. IC 6-6-2.5-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32.5. (a) A person that pays the tax imposed by this chapter on the use of special fuel in the operation of **an intercity bus (as defined in IC 9-13-2-83) a for-hire bus (as defined in IC 9-13-2-66.7)** is entitled to a refund of the tax without interest if the person has:

- (1) consumed the special fuel outside Indiana;
- (2) paid a special fuel tax or highway use tax for the special fuel in at least one (1) state or other jurisdiction outside Indiana; and
- (3) complied with subsection (b).

(b) To qualify for a refund under this section, a special fuel user shall submit to the department a claim for a refund, in the form prescribed by the department, that includes the following information:

- (1) Any evidence requested by the department of the following:
 - (A) Payment of the tax imposed by this chapter.
 - (B) Payment of taxes in another state or jurisdiction outside Indiana.
- (2) Any other information reasonably requested by the department.

SECTION 28. IC 6-6-4.1-2, AS AMENDED BY P.L.215-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to each:

- (1) road tractor;
- (2) tractor truck;
- (3) truck having more than two (2) axles;
- (4) truck having a gross weight or a declared gross weight greater than twenty-six thousand (26,000) pounds; and
- (5) vehicle used in combination if the gross weight or the declared gross weight of the combination is greater than twenty-six thousand (26,000) pounds;

that is propelled by motor fuel.

- (b) This chapter does not apply to the following:
 - (1) A vehicle operated by:

- (A) this state;
 - (B) a political subdivision (as defined in IC 36-1-2-13);
 - (C) the United States; or
 - (D) an agency of states and the United States, or of two (2) or more states, in which this state participates.
- ~~(2) A school bus (as defined by the laws of a state) operated by, for, or on behalf of a:~~
- ~~(A) state;~~
 - ~~(B) political subdivision (as defined in IC 36-1-2-13) of a state; or~~
 - ~~(C) private or privately operated school.~~
- ~~(3) A vehicle used in casual or charter bus operations.~~
- ~~(4) (2) Trucks, trailers, or semitrailers and tractors that are registered as farm trucks, farm trailers, or farm semitrailers and tractors under IC 9-18 (before its expiration), IC 9-18.1-7, or under a similar law of another state.~~
- ~~(5) An intercity bus (as defined in IC 9-13-2-83). (3) A bus (as defined in IC 9-13-2-17).~~
- ~~(6) (4) A vehicle described in subsection (a)(1) through (a)(5) (a)(3) when the vehicle is displaying a dealer registration plate.~~
- ~~(7) (5) A recreational vehicle.~~
- ~~(8) (6) A pickup truck that:~~
- ~~(A) is modified to include a third free rotating axle;~~
 - ~~(B) has a gross weight not greater than twenty-six thousand (26,000) pounds; and~~
 - ~~(C) is operated solely for personal use and not for commercial use.~~

SECTION 29. IC 6-6-4.1-13, AS AMENDED BY P.L.262-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A carrier may, in lieu of paying the tax imposed under this chapter that would otherwise result from the operation of a particular commercial motor vehicle, obtain from the department a trip permit authorizing the carrier to operate the commercial motor vehicle for a period of five (5) consecutive days. The department shall specify the beginning and ending days on the face of the permit. The fee for a trip permit for each commercial motor vehicle is fifty dollars (\$50). The report otherwise required under section 10 of this chapter is not required with respect to a vehicle for

which a trip permit has been issued under this subsection.

(b) The department may issue a temporary written authorization if unforeseen or uncertain circumstances require operations by a carrier of a commercial motor vehicle for which neither a trip permit described in subsection (a) nor an annual permit described in section 12 of this chapter has been obtained. A temporary authorization may be issued only if the department finds that undue hardship would result if operation under a temporary authorization were prohibited. A carrier who receives a temporary authorization shall:

- (1) pay the trip permit fee at the time the temporary authorization is issued; or
- (2) subsequently apply for and obtain an annual permit.

(c) A carrier may obtain an International Fuel Tax Agreement (IFTA) repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and
- (2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying the quarterly motor fuel tax imposed under this chapter, a carrier may pay an annual IFTA repair and maintenance fee of forty dollars (\$40) and receive an IFTA annual repair and maintenance permit. The IFTA annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IFTA annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IFTA annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23). The report otherwise required under section 10 of this chapter is not required with respect to a motor vehicle that is operated under an IFTA annual repair and maintenance permit.

(d) A carrier may obtain an International Registration Plan (IRP) repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

- (2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying apportioned or temporary IRP fees under IC 9-18-2 or IC 9-18-7, a carrier may pay an annual IRP repair and maintenance fee of forty dollars (\$40) and receive an IRP annual repair and maintenance permit. The IRP annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IRP annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IRP annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23).

- (e) A person may obtain a repair and maintenance permit to:

(1) move an unregistered off-road vehicle from a quarry or mine to a maintenance or repair facility; and

(2) return the unregistered off-road vehicle to its place of origin.

The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all unregistered off-road vehicles from the same quarry or mine.

- (f) A carrier may obtain a repair, maintenance, and relocation permit to:

(1) move a yard tractor from a terminal or loading or spotting facility to:

(A) a maintenance or repair facility; or

(B) another terminal or loading or spotting facility; and

(2) return the yard tractor to its place of origin.

The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all yard tractors operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or transport or draw a semitrailer or other vehicle under the permit. A carrier may operate a yard tractor under the permit instead of paying the tax imposed under this chapter. As used in this ~~section;~~ **subsection**, "yard tractor" ~~has the meaning set forth under IC 9-13-2-201;~~ **refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under this section if the tractor is ordinarily used to move**

semitrailers around a terminal or spotting facility.

(g) The department shall establish procedures, by rules adopted under IC 4-22-2, for:

- (1) the issuance and use of trip permits, temporary authorizations, and repair and maintenance permits; and
- (2) the display in commercial motor vehicles of evidence of compliance with this chapter.

SECTION 30. IC 6-6-4.1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) Notwithstanding IC 6-8.1-7 and ~~IC 9-14-3-1~~, **IC 9-14-12-1**, the department, the bureau of motor vehicles, and the Indiana department of transportation shall share the information regarding motor carriers and motor vehicles that is reasonably necessary for the effective administration and enforcement of IC 6-6-4.1, IC 8-2.1, and IC 9.

(b) For purposes of this section, the department may not divulge information:

- (1) regarding the motor carrier fuel taxes paid by specific motor carriers; or
- (2) contained on quarterly tax reports of specific motor carriers.

The department may provide statistical information that does not identify the amount of tax paid by a specific carrier.

SECTION 31. IC 6-6-5-1, AS AMENDED BY HEA 1365-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "vehicle" means a vehicle subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state.

(b) As used in this chapter, "mobile home" means a nonself-propelled vehicle designed for occupancy as a dwelling or sleeping place.

(c) As used in this chapter, "bureau" means the bureau of motor vehicles.

(d) As used in this chapter, "license branch" means a branch office of the bureau authorized to register motor vehicles pursuant to the laws of the state.

(e) As used in this chapter, "owner" means the person in whose name the vehicle or trailer is registered (as defined in IC 9-13-2).

(f) As used in this chapter, "motor home" means a self-propelled

vehicle having been designed and built as an integral part thereof having living and sleeping quarters, including that which is commonly referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

- (1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or
- (2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

- (1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.
- (2) ~~Mobile homes and motor homes.~~ **Vehicles subject to taxation under IC 6-6-5.1.**
- (3) Vehicles assessed under IC 6-1.1-8.
- (4) ~~Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.~~ **taxation under IC 6-6-5.5.**
- (5) Vehicles owned, or leased and operated, by a postsecondary educational institution described in IC 6-3-3-5(d).
- (6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).
- (7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1 **(before its expiration) or IC 9-18.1-9.**

(9) Farm wagons.

(10) Off-road vehicles (as defined in IC 14-8-2-185).

(11) Snowmobiles (as defined in IC 14-8-2-261).

(12) After June 30, 2017, vehicles owned or otherwise held as inventory by a person licensed under IC 9-32.

(13) Special machinery (as defined in IC 9-13-2-170.3).

(14) Buses (as defined in IC 9-13-2-17).

SECTION 32. IC 6-6-5-5, AS AMENDED BY P.L.250-2015, SECTION 43, AND AS AMENDED BY P.L.149-2015, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) The amount of tax imposed by this chapter shall be based upon the classification of the vehicle, as provided in section 4 of this chapter, and the age of the vehicle, in accordance with the schedule set out in subsection (c) or (d).

(b) A person ~~who that~~ owns a vehicle and ~~who that~~ is entitled to a property tax deduction under IC 6-1.1-12-13, IC 6-1.1-12-14, *or* IC 6-1.1-12-16 ~~or IC 6-1.1-12-17.4~~ is entitled to a credit against the annual license excise tax as follows: Any remaining deduction from assessed valuation to which the person is entitled, applicable to property taxes payable in the year in which the excise tax imposed by this chapter is due, after allowance of the deduction on real estate and personal property owned by the person, shall reduce the annual excise tax in the amount of two dollars (\$2) on each one hundred dollars (\$100) of taxable value or major portion thereof. The county auditor shall, upon request, furnish a certified statement to the person verifying the credit allowable under this section, and the statement shall be presented to and retained by the bureau to support the credit.

(c) After January 1, 1996, the tax schedule is as follows:

Year of Manufacture	I	II	III	IV	V
1st	\$12	\$36	\$50	\$50	\$66
2nd	12	30	50	50	57
3rd	12	27	42	50	50
4th	12	24	33	50	50
5th	12	18	24	48	50
6th	12	12	18	36	50

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7th	12	12	12	24	42
8th	12	12	12	18	24
9th	12	12	12	12	12
10th	12	12	12	12	12
and thereafter					
Year of					
Manufacture	VI	VII	VIII	IX	X
1st	\$84	\$103	\$123	\$150	\$172
2nd	74	92	110	134	149
3rd	63	77	93	115	130
4th	52	64	78	98	112
5th	50	52	64	82	96
6th	50	50	50	65	79
7th	49	50	50	52	65
8th	30	40	50	50	53
9th	18	21	34	40	50
10th	12	12	12	12	12
and thereafter					
Year of					
Manufacture	XI	XII	XIII	XIV	XV
1st	\$207	\$250	\$300	\$350	\$406
2nd	179	217	260	304	353
3rd	156	189	225	265	307
4th	135	163	184	228	257
5th	115	139	150	195	210
6th	94	114	121	160	169
7th	78	94	96	132	134
8th	64	65	65	91	91
9th	50	50	50	50	50
10th	21	26	30	36	42
and thereafter					
Year of					
Manufacture	XVI	XVII			
1st	\$469	\$532			
2nd	407	461			
3rd	355	398			
4th	306	347			
5th	261	296			

6th	214	242
7th	177	192
8th	129	129
9th	63	63
10th	49	50

and thereafter.

(d) Every vehicle shall be taxed as a vehicle in its first year of manufacture throughout the calendar year in which vehicles of that make and model are first offered for sale in Indiana, except that:

- (1) a vehicle of a make and model first offered for sale in Indiana after August 1 of any year; *and*
- (2) all motorcycles;

shall continue to be taxed as a vehicle in its first year of manufacture until the end of the calendar year following the year in which it is first offered for sale. Thereafter, the vehicle shall be considered to have aged one (1) year as of January 1 of each year.

SECTION 33. IC 6-6-5-7.2, AS AMENDED BY P.L.149-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.2. (a) ~~This section applies after December 31, 2007.~~

~~(b) In respect (a) This section applies~~ to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles. The tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration. ~~and~~

(b) For taxes due and payable before January 1, 2017, the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid **by the owner** at the time of the registration of the vehicle.

(c) For taxes due and payable after December 31, 2016, the tax shall be paid by the owner at the time of the registration of the vehicle and is determined as follows:

(1) For a vehicle with an initial registration period under IC 9-18.1-11-3, the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded up to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the vehicle by the STEP TWO product.

(2) For a vehicle with a renewal registration period described in IC 9-18.1-11-3(b), the annual excise tax for the current registration period.

(c) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and, if the next succeeding annual registration year does not extend beyond the end of the next calendar year, pay the excise tax due for the next succeeding annual registration year.

(d) Except as provided in subsection (g), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

(1) the tax paid for the vehicle; reduced by

(2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle

purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (h), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been

no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

- (A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and
- (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of: **determined under STEP FOUR of the following formula:**

- (A) ~~eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and~~
- (B) ~~the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.~~

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the owner's tax liability computed as of the time the owner would have been required to register if there had been no name change.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

(h) In order to claim a credit under subsection (f) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90)

days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 34. IC 6-6-5-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.7. (a) To claim a credit or a refund, or both, under this chapter, a person must provide a sworn statement to the bureau ~~or to an agent branch of the bureau~~ that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine if a credit or refund, or both, was properly allowed against the motor vehicle excise tax imposed on a vehicle owned by the person.

(c) If the bureau determines that a credit or refund, or both, was improperly allowed for a particular vehicle, the person ~~who~~ **that** claimed the credit or refund, or both, shall pay the bureau an amount equal to the credit or refund, or both, improperly allowed to the person plus a penalty of ten percent (10%) of the credit or refund, or both, improperly allowed. The tax collected under this subsection shall be paid to the county treasurer of the county in which the taxpayer resides. However, a penalty collected under this subsection shall be retained by the bureau.

SECTION 35. IC 6-6-5-9, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of:

- (1) license branches operated under ~~IC 9-16~~ IC 9-14.1;**
- (2) full service providers (as defined in IC 9-14.1-1-2); and**
- (3) partial services providers (as defined in IC 9-14.1-1-3);**

in its administration of the motor vehicle registration laws of the state of Indiana ~~The license branches may be so utilized~~ in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. ~~However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:~~

- (b) The bureau may impose a service charge of one dollar and**

seventy cents (\$1.70) for each excise tax collection made under this chapter. The service charge shall be deposited in the bureau of motor vehicles commission fund.

~~(1)~~ **(c)** The bureau of motor vehicles shall report the excise taxes collected on at least a weekly basis to the county auditor of the county to which the collections are due.

~~(2)~~ **If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29-1-10 for each vehicle registered upon which an excise tax is collected by that branch.**

~~(3)~~ **(d)** If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in ~~subdivision (4)~~; **subsection (e)**, any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

~~(4)~~ **(e)** This ~~subdivision~~ **subsection** applies only to interest or a penalty collected by the department of state revenue from a person ~~who:~~ **that:**

~~(A)~~ **(1)** fails to properly register a vehicle as required by IC 9-18 **(before its expiration) or IC 9-18.1** and pay the tax due under this chapter; and

~~(B)~~ **(2)** during any time after the date by which the vehicle was required to be registered under IC 9-18 **(before its expiration) or IC 9-18.1** displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

(f) The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards.

~~(b)~~ **(g)** On or before April 1 of each year, the bureau shall provide

to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

~~(e)~~ **(h)** On or before May 10 and November 10 of each year, the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection ~~(a)~~~~(4)~~ **(e)**;

that have been credited to the county under subsection ~~(a)~~ **(e)**. There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

~~(d)~~ **(i)** The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 36. IC 6-6-5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.4. The county auditor, shall from the copies of the registration forms furnished by the bureau, verify and determine the total amount of excise taxes collected for each taxing unit in the county. The bureau shall verify the collections ~~reported by the branches~~ and provide the county auditor adequate and accurate audit information, registration form information, records, and materials to support the proper assessment, collection, and refund of excise taxes.

SECTION 37. IC 6-6-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. An owner of a vehicle ~~who that~~ knowingly registers the vehicle without paying the excise tax required by this chapter commits a Class B misdemeanor. ~~An employee of the bureau or a branch manager or employee of a license branch office who~~ **A person that** recklessly issues a registration on any vehicle without collecting excise tax required to be collected with the registration commits a Class B misdemeanor.

SECTION 38. IC 6-6-5.1-1, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter does not apply to the following:

(1) A vehicle subject to ~~the motor vehicle excise tax taxation~~ under IC 6-6-5.

(2) A vehicle owned or leased and operated by the United States,

the state, or a political subdivision of the state.

(3) A mobile home.

(4) A vehicle assessed under IC 6-1.1-8.

(5) A vehicle subject to ~~the commercial vehicle excise tax~~ **taxation** under IC 6-6-5.5.

(6) A trailer subject to the annual excise tax imposed under IC 6-6-5-5.5.

(7) A bus (as defined in ~~IC 9-13-2-17(a)~~; **IC 9-13-2-17**).

(8) A vehicle owned or leased and operated by a postsecondary educational institution (as described in IC 6-3-3-5(d)).

(9) A vehicle owned or leased and operated by a volunteer fire department (as defined in IC 36-8-12-2).

(10) A vehicle owned or leased and operated by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members who serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(11) A vehicle that is exempt from the payment of registration fees under IC 9-18-3-1 (**before its expiration**) or **IC 9-18.1-9**.

(12) A farm wagon.

(13) A recreational vehicle or truck camper in the inventory of recreational vehicles and truck campers held for sale by a manufacturer, distributor, or dealer in the course of business.

(14) Special machinery (as defined in IC 9-13-2-170.3).

SECTION 39. IC 6-6-5.1-13, AS AMENDED BY P.L.250-2015, SECTION 44, AND AS AMENDED BY P.L.149-2015, SECTION 18, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) Subject to any reductions permitted under this chapter, the amount of tax imposed under this chapter on a recreational vehicle or truck camper is prescribed by the schedule set out in subsection (c). The amount of tax imposed by this chapter is determined using:

(1) the classification of the recreational vehicle or truck camper under section 12 of this chapter; and

(2) the age of the recreational vehicle or truck camper.

(b) If a person ~~who~~ **that** owns a recreational vehicle or truck camper is entitled to an ad valorem property tax assessed valuation deduction

under IC 6-1.1-12-13, IC 6-1.1-12-14, *or* IC 6-1.1-12-16 ~~*or* IC 6-1.1-12-17.4~~ in a year in which a tax is imposed by this chapter and any part of the deduction is unused after allowance of the deduction on real property and personal property owned by the person, the person is entitled to a credit that reduces the annual tax imposed by this chapter. The amount of the credit is determined by multiplying the amount of the unused deduction by two (2) and dividing the result by one hundred (100). The county auditor shall, upon request, furnish a certified statement to the person verifying the credit allowable under this subsection. The statement shall be presented to and retained by the bureau to support the credit.

(c) The tax schedule for each class of recreational vehicles and truck campers is as follows:

Year of Manufacture	I	II	III	IV	V
1st	\$15	\$36	\$50	\$59	\$103
2nd	12	31	43	51	91
3rd	12	26	35	41	75
4th	12	20	28	38	62
5th	12	15	20	34	53
6th	12	12	15	26	41
7th	12	12	12	16	32
8th	12	12	12	13	21
9th	12	12	12	12	13
10th	12	12	12	12	12
and thereafter					
Year of Manufacture	VI	VII	VIII		
1st	\$164	\$241	\$346		
2nd	148	212	302		
3rd	131	185	261		
4th	110	161	223		
5th	89	131	191		
6th	68	108	155		
7th	53	86	126		
8th	36	71	97		
9th	23	35	48		
10th	12	12	17		

and thereafter

Year of Manufacture	IX	X	XI	XII
1st	\$470	\$667	\$879	\$1,045
2nd	412	572	763	907
3rd	360	507	658	782
4th	307	407	574	682
5th	253	341	489	581
6th	204	279	400	475
7th	163	224	317	377
8th	116	154	214	254
9th	55	70	104	123
10th	25	33	46	55

and thereafter

Year of Manufacture	XIII	XIV	XV	XVI	XVII
1st	\$1,235	\$1,425	\$1,615	\$1,805	\$2,375
2nd	1,072	1,236	1,401	1,566	2,060
3rd	924	1,066	1,208	1,350	1,777
4th	806	929	1,053	1,177	1,549
5th	687	793	898	1,004	1,321
6th	562	648	734	821	1,080
7th	445	514	582	651	856
8th	300	346	392	439	577
9th	146	168	190	213	280
10th	64	74	84	94	123

and thereafter.

(d) Each recreational vehicle or truck camper shall be taxed as a recreational vehicle or truck camper in its first year of manufacture throughout the calendar year in which a recreational vehicle or truck camper of that make and model is first offered for sale in Indiana. *However, a recreational vehicle or truck camper of a make and model first offered for sale in Indiana after August 1 of any year continues to be taxed as a recreational vehicle or truck camper in its first year of manufacture until the end of the calendar year following the year in which it is first offered for sale.* Thereafter, the recreational vehicle or truck camper shall be considered to have aged one (1) year as of January 1 of each year.

SECTION 40. IC 6-6-5.1-15, AS AMENDED BY P.L.149-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) This section applies only to recreational vehicles.

(b) With respect to a recreational vehicle that has been acquired, has been brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the recreational vehicle is required under the state motor vehicle registration laws to register vehicles, the tax imposed by this chapter is due and payable at the time the recreational vehicle is acquired, is brought into Indiana, or otherwise becomes subject to registration.

(c) For taxes due and payable before January 1, 2017, the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the state motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the recreational vehicle.

(d) For taxes due and payable after December 31, 2016, the tax shall be paid at the time of the registration of the recreational vehicle and is determined as follows:

(1) For a recreational vehicle with an initial registration period under IC 9-18.1-11-3, the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the number of months remaining until the recreational vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded up to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the recreational vehicle by the STEP TWO product.

(2) For a recreational vehicle with a renewal registration period described in IC 9-18.1-11-3(b), the annual excise tax for the current registration.

(e) If a recreational vehicle is acquired, is brought into Indiana, or for any other reason becomes subject to registration after January 1 of

any year, the owner may pay the applicable registration fee on the recreational vehicle as provided in the state motor vehicle registration laws and may pay any excise tax due on the recreational vehicle for the remainder of the annual registration year and simultaneously register the recreational vehicle and, if the succeeding annual registration year does not extend beyond the end of the next calendar year, pay the excise tax due for the next succeeding annual registration year.

~~(d)~~ (e) Except as provided in subsection ~~(h)~~; (i), a reduction in the applicable annual excise tax may not be allowed to an Indiana resident applicant upon registration of a recreational vehicle that was owned by the applicant on or before the first day of the applicant's annual registration period. A recreational vehicle that is owned by an Indiana resident applicant and that was located in and registered for use in another state during the same calendar year is entitled to the same reduction when registered in Indiana.

~~(e)~~ (f) The owner of a recreational vehicle who sells the recreational vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the recreational vehicle; minus
- (2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the owner's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other recreational vehicle purchased or subsequently registered by the owner in the owner's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer three dollars (\$3) of the fee to the bureau of motor vehicles commission to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the recreational vehicle must present to the bureau proof of sale of the recreational vehicle.

~~(f)~~ (g) Subject to the requirements of subsection ~~(g)~~; (h), if a recreational vehicle is destroyed in a year in which the owner has paid the tax imposed by this chapter and the recreational vehicle is not

replaced by a replacement vehicle for which a credit is issued under this section, the owner is entitled to a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the owner's annual registration year after the date of destruction, but only upon presentation to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the recreational vehicle.
- (4) The registration from the recreational vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed recreational vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created under section 21 of this chapter for settlement of the excise tax collections. For purposes of this subsection, a recreational vehicle is considered destroyed if the cost of repair of damages suffered by the recreational vehicle exceeds the recreational vehicle's fair market value.

~~(g)~~ **(h)** To claim a refund under subsection ~~(f)~~ **(g)** for a recreational vehicle that is destroyed, the owner of the recreational vehicle must present to the bureau a valid registration for the recreational vehicle within ninety (90) days after the date that the recreational vehicle is destroyed. The bureau shall then fix the amount of the refund that the owner is entitled to receive.

~~(h)~~ **(i)** If the name of the owner of a recreational vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner for the recreational vehicle shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner is, at the time the name change is reported, entitled to a refund from the county treasurer in the amount of the product of:
 - (A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; multiplied by
 - (B) the number of full calendar months beginning after the

owner's new regular annual registration month and ending before the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change requires the owner to register later than the owner would have been required to register if there had been no name change, the recreational vehicle is subject to excise tax for the period beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month **in equal to the amount of the product of: determined under STEP FOUR of the following formula:**

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; multiplied by

(B) the number of full calendar months beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month.

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the owner's tax liability computed as of the time the owner would have been required to register if there had been no name change.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

SECTION 41. IC 6-6-5.1-19, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) To claim a credit or refund, or both, under this chapter, a person must provide a sworn statement to the bureau ~~or to an agent branch of the bureau~~ that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine if a credit or refund, or

both, were properly allowed against the excise tax imposed on a recreational vehicle or truck camper owned by the person.

(c) If the bureau determines that a credit or refund, or both, were improperly allowed for a recreational vehicle or truck camper, the person ~~who~~ **that** claimed the credit or refund, or both, shall pay the bureau an amount equal to the credit or refund, or both, improperly allowed to the person plus a penalty of ten percent (10%) of the credit or refund, or both, improperly allowed. The tax collected under this subsection shall be paid to the county treasurer of the county in which the person resides. However, a penalty collected under this subsection shall be retained by the bureau.

SECTION 42. IC 6-6-5.1-21, AS AMENDED BY P.L.149-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The bureau, in the administration and collection of the tax imposed by this chapter, may use the services and facilities of:

- (1) license branches operated under ~~IC 9-16~~ **IC 9-14.1;**
- (2) **full service providers (as defined in IC 9-14.1-1-2); and**
- (3) **partial services providers (as defined in IC 9-14.1-1-3);**

in the bureau's administration of the state motor vehicle registration laws ~~The license branches may be used~~ in the manner and to the extent the bureau considers necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. ~~However, if the bureau uses the license branches in the collection of excise taxes, the following apply:~~

(b) The bureau may impose a service charge of one dollar and seventy cents (\$1.70) for each excise tax collection made under this chapter. The service charge shall be deposited in the bureau of motor vehicles commission fund.

~~(+)~~ (c) The bureau shall report the excise taxes collected on at least a weekly basis to the county auditor of the county to which the collections are due.

~~(2) Each license branch shall report to the bureau all excise taxes collected and refunds made by the license branch under this chapter in the same manner and at the same time as registration fees are reported:~~

~~(3) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license~~

~~branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered on which an excise tax is collected by that branch.~~

~~(4)~~ **(d)** If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau on the first working day following the week of collection. Except as provided in ~~subdivision (5)~~; **subsection (e)**, money collected by the department that represents interest or a penalty shall be retained by the department and used to pay the department's costs of enforcing this chapter.

~~(5)~~ **(e)** This ~~subdivision~~ **subsection** applies only to interest or a penalty collected by the department of state revenue from a person ~~who~~ **that**:

~~(A)~~ **(1)** fails to properly register a recreational vehicle as required by IC 9-18 **(before its expiration) or IC 9-18.1** and pay the tax due under this chapter; and

~~(B)~~ **(2)** during any time after the date by which the recreational vehicle was required to be registered under IC 9-18 **(before its expiration) or IC 9-18.1** displays on the recreational vehicle a license plate issued by another state.

The total amount collected by the department of state revenue that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund to the credit of the county in which the person resides. The amount shall be reported to the bureau on the first working day following the week of collection.

(f) The bureau may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. However, if a bank card or credit card vendor charges a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from a person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank card or credit card vendors during the most recent collection period. The fee may be collected regardless of retail merchant agreements between the bank card and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

~~(b)~~ **(g)** On or before April 1 of each year, the bureau shall provide to the auditor of state the amount of taxes collected under this chapter for each county for the preceding year.

~~(c)~~ **(h)** On or before May 10 and November 10 of each year, the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any interest or penalty described in subsection ~~(a)(5)~~; **(e)**; that have been credited to the county under subsection ~~(a)~~; **(c)**. There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 22 of this chapter.

~~(d)~~ **(i)** The insurance commissioner shall prescribe the form of the bonds or crime insurance policies required by this section.

SECTION 43. IC 6-6-5.1-23, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. The county auditor shall, from the copies of vehicle registration forms and truck camper receipts furnished by the bureau, verify and determine the total amount of excise taxes collected under this chapter for each taxing unit in the county. The bureau shall verify the collections ~~reported by the branches~~ and provide the county auditor adequate and accurate audit information, registration form information, truck camper receipts, records, and materials to support the proper assessment, collection, and refund of excise taxes under this chapter.

SECTION 44. IC 6-6-5.1-25, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) An owner of a recreational vehicle ~~who~~ **that** knowingly registers the recreational vehicle without paying the tax required by this chapter commits a Class B misdemeanor.

(b) ~~An employee of the bureau or a branch manager or employee of a license branch office who~~ **A person that** recklessly issues a registration on any recreational vehicle without collecting the tax required to be collected under this chapter with the registration commits a Class B misdemeanor.

SECTION 45. IC 6-6-5.5-1, AS AMENDED BY P.L.182-2009(ss),

SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Unless defined in this section, terms used in this chapter have the meaning set forth in the International Registration Plan or in IC 6-6-5 (motor vehicle excise tax). Definitions set forth in the International Registration Plan, as applicable, prevail unless given a different meaning in this section or in rules adopted under authority of this chapter. The definitions in this section apply throughout this chapter.

(b) As used in this chapter, "base revenue" means the minimum amount of commercial vehicle excise tax revenue that a taxing unit will receive in a year.

(c) As used in this chapter, "commercial vehicle" means any of the following:

(1) An Indiana based vehicle subject to apportioned registration under the International Registration Plan.

(2) A vehicle subject to apportioned registration under the International Registration Plan and based and titled in a state other than Indiana subject to the conditions of the International Registration Plan.

(3) A truck, road tractor, tractor, trailer, semitrailer, or truck-tractor subject to registration under IC 9-18 **(before its expiration) or IC 9-18.1.**

(d) As used in this chapter, "declared gross weight" means the weight at which a vehicle is registered with:

(1) the bureau; or

(2) the ~~International Registration Plan~~ **department.**

(e) As used in this chapter, "department" means the department of state revenue.

(f) As used in this chapter, "fleet" means one (1) or more apportionable vehicles.

(g) As used in this chapter, "gross weight" means the total weight of a vehicle or combination of vehicles without load, plus the weight of any load on the vehicle or combination of vehicles.

(h) As used in this chapter, "Indiana based" means a vehicle or fleet of vehicles that is base registered in Indiana under the terms of the International Registration Plan.

(i) As used in this chapter, "in state miles" means the total number of miles operated by a commercial vehicle or fleet of commercial

vehicles in Indiana during the preceding year.

(j) As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(k) As used in this chapter, "owner" means the person in whose name the commercial vehicle is registered under IC 9-18 **(before its expiration), IC 9-18.1**, or the International Registration Plan.

(l) As used in this chapter, "preceding year" means a period of twelve (12) consecutive months fixed by the department which shall be within the eighteen (18) months immediately preceding the commencement of the registration year for which proportional registration is sought.

(m) As used in this chapter, "road tractor" has the meaning set forth in IC 9-13-2-156.

(n) As used in this chapter, "semitrailer" has the meaning set forth in IC 9-13-2-164(a).

(o) As used in this chapter, "tractor" has the meaning set forth in IC 9-13-2-180.

(p) As used in this chapter, "trailer" has the meaning set forth in IC 9-13-2-184(a).

(q) As used in this chapter, "truck" has the meaning set forth in IC 9-13-2-188(a).

(r) As used in this chapter, "truck-tractor" has the meaning set forth in IC 9-13-2-189(a).

(s) As used in this chapter, "vehicle" means:

(1) a motor vehicle, trailer, or semitrailer subject to registration under IC 9-18 (before its expiration); or

(2) a vehicle subject to registration under IC 9-18.1;

as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state.

SECTION 46. IC 6-6-5.5-2, AS AMENDED BY P.L.2-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to all commercial vehicles.

(b) This chapter does not apply to the following:

(1) Vehicles owned or leased and operated by the United States, the state, or political subdivisions of the state.

(2) ~~Mobile homes and motor homes.~~ **Vehicles subject to taxation under IC 6-6-5.1.**

- (3) Vehicles assessed under IC 6-1.1-8.
- (4) Buses subject to apportioned registration under the International Registration Plan.
- (5) Vehicles subject to taxation under IC 6-6-5.
- (6) Vehicles owned or leased and operated by a postsecondary educational institution described in IC 6-3-3-5(d).
- (7) Vehicles owned or leased and operated by a volunteer fire department (as defined in IC 36-8-12-2).
- (8) Vehicles owned or leased and operated by a volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).
- (9) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1 **(before its expiration) or IC 9-18.1-9.**
- (10) Farm wagons.
- (11) A vehicle in the inventory of vehicles held for sale by a manufacturer, distributor, or dealer in the course of business.
- (12) Special machinery (as defined in IC 9-13-2-170.3).**

SECTION 47. IC 6-6-5.5-7, AS AMENDED BY P.L.216-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The annual excise tax for a commercial vehicle will be determined by the ~~motor carrier services division~~ **department** on or before October 1 of each year in accordance with the following formula:

STEP ONE: Determine the total amount of base revenue for all taxing units using the base revenue determined for each taxing unit under section 19 of this chapter.

STEP TWO: Determine the sum of registration fees paid and collected under IC 9-29-5 **(before its expiration) or IC 9-18.1-5** to register the following commercial vehicles in Indiana under the following statutes during the fiscal year that ends June 30 immediately preceding the calendar year for which the tax is first due and payable:

- (A) Commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other

similar vehicles used for hauling purposes.

(B) Tractors used with semitrailers.

(C) Semitrailers used with tractors.

(D) Trailers having a declared gross weight in excess of three thousand (3,000) pounds.

(E) Trucks, tractors and semitrailers used in connection with agricultural pursuits usual and normal to the user's farming operation, multiplied by two hundred percent (200%).

STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO result.

(b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be determined by multiplying the registration fee under IC 9-29-5-3.2 **(before its expiration) or IC 9-18.1-5-11(b)** by the tax factor determined in subsection (a).

(c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 **(before its expiration) or IC 9-18.1-5-9** by the tax factor determined in subsection (a).

(d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the registration fee under IC 9-29-5-4 **(before its expiration) or IC 9-18.1-5-8** by the tax factor determined in subsection (a).

(e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual registration fee under ~~IC 9-29-5-6~~ **subsection (f)** by the tax factor determined in subsection (a).

(f) The average annual registration fee for a semitrailer ~~under IC 9-29-5-6~~ is sixteen dollars and seventy-five cents (\$16.75).

~~(f)~~ **(g)** The annual excise tax determined under this section shall be rounded upward to the next full dollar amount.

SECTION 48. IC 6-6-5.5-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. Notwithstanding any other provision, the annual excise tax for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm

trailer, or farm semitrailer and tractor as described in IC 9-29-5-13 **(before its expiration) or IC 9-18.1-7** is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

SECTION 49. IC 6-6-5.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) ~~For calendar years that begin after December 31, 2000;~~ A vehicle subject to the International Registration Plan that is registered after the date designated for registration of the vehicle under IC 9-18-2-7 **(before its expiration), under IC 9-18.1-13**, or under rules adopted by the department shall be taxed at a rate determined by the following formula:

STEP ONE: Determine the number of months ~~before the vehicle must be registered.~~ **remaining until the vehicle's next registration date.** A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the vehicle by the STEP TWO product.

(b) A vehicle that is registered with **the department under IC 9-18-2-4.6 or IC 9-18.1-13-3** or the bureau after the date designated for registration of the vehicle under IC 9-18-2-7 **(before its expiration) or IC 9-18.1** shall be taxed at a rate determined by the formula set forth in subsection (a).

(c) This subsection applies after December 31, 2016. A vehicle described in subsection (a) or (b) that has a renewal registration period described in IC 9-18.1-11-3(b) shall be taxed at the annual excise tax rate for the vehicle's current registration period.

SECTION 50. IC 6-6-5.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) The department shall promptly deposit all amounts collected under section 3(b) of this chapter into the commercial vehicle excise tax fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount to be distributed to the taxing units of Indiana each year is determined under section 19 of this chapter.

(b) The bureau of motor vehicles shall promptly deposit all amounts collected under this chapter into the commercial vehicle excise tax

fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount to be distributed to the taxing units of Indiana each year is determined under section 19 of this chapter.

(c) A contractor providing:

- (1) a full service license branch under ~~IC 9-16-1-4;~~
IC 9-14.1-3-1; or
- (2) a partial service license branch services under ~~IC 9-16-1-4.5;~~
IC 9-14.1-3-2;

shall remit the amount of commercial vehicle excise tax collected each week to the bureau of motor vehicles for deposit into the commercial vehicle excise tax fund.

(d) The bureau may impose a service charge of one dollar and seventy cents (\$1.70) for each excise tax collection made under this chapter. The service charge shall be deposited in the bureau of motor vehicles commission fund.

SECTION 51. IC 6-6-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) In addition to paying the boat excise tax, a boat owner shall complete a form and pay a department of natural resources fee for each boat required to have boat excise decals. The fee is five dollars (\$5) for each boating year. However, the fee is waived for the boating year in which the registration fee prescribed by ~~IC 9-29-1-5~~ **IC 9-31-3-9(c)** is paid for that boat. The revenue from the fees collected under this chapter shall be transferred to the department of natural resources, as provided in section 29 of this chapter.

(b) In addition to the boat excise tax and the department of natural resources fee, a boat owner shall pay to the department of natural resources a lake and river enhancement fee for each boat required to have boat excise decals in the amount set forth in the following table:

Value of the Boat	Amount of the Fee
Less than \$1,000	\$ 5
At least \$1,000, but less than \$3,000	\$10
At least \$3,000, but less than \$5,000	\$15
At least \$5,000, but less than \$10,000	\$20
At least \$10,000	\$25

(c) The revenue from the lake and river enhancement fee imposed under subsection (b) shall be deposited in the following manner:

- (1) Two-thirds (2/3) of the money shall be deposited in the lake

and river enhancement fund established by section 12.5 of this chapter.

(2) One-third (1/3) of the money shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

SECTION 52. IC 6-6-11-13, AS AMENDED BY P.L.46-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. A boat owner shall pay:

- (1) the boat excise tax;
- (2) the department of natural resources fee imposed by section 12(a) of this chapter;
- (3) the lake and river enhancement fee imposed by section 12(b) of this chapter; and
- (4) if:
 - (A) the motorboat is legally registered in another state; and
 - (B) the boat owner pays:
 - (i) the excise tax and fees under subdivisions (1), (2), and (3); **and**
 - (ii) the **two dollar (\$2)** fee imposed by ~~IC 9-29-15-9;~~ **IC 9-31-3-2;**

for a boating year to the bureau of motor vehicles. The tax and fees must be paid at the same time that the boat owner pays or would pay the registration fee and motor vehicle excise taxes on motor vehicles under IC 9-18 (**before its expiration**), **IC 9-18.1**, and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the excise tax decals.

SECTION 53. IC 6-6-11-17, AS AMENDED BY P.L.109-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) Every owner of a boat who sells the boat in a year in which the boat owner has paid the excise tax is entitled to receive a credit equal to the remainder of:

- (1) the tax paid for the boat; ~~reduced by eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the tax payment year before the date of the sale; minus~~
- (2) **the amount determined under STEP FOUR of the following formula:**

STEP ONE: Determine the number of full or partial

months that have elapsed in the tax payment year before the date of the sale.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the tax paid by the owner for the boat for the registration period.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

The credit shall be applied to the owner's tax due on any other boat of the owner in the same year or may be carried over and used in the following year if the credit was not fully used in the preceding year. The credit expires at the end of the year that follows the year in which the credit originally accrued.

(b) A cash refund may not be made on a credit issued under subsection (a) on the sale of a boat. A tax credit is transferable from one (1) member of the same immediate family to another member of the same family with no consideration involved or received as an outright gift or inheritance.

SECTION 54. IC 6-6-11-20, AS AMENDED BY P.L.149-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) The bureau of motor vehicles, in the administration and collection of the boat excise tax imposed by this chapter, may utilize the services and facilities of:

- (1) license branches operated under ~~IC 9-16~~; **IC 9-14.1;**
- (2) **full service providers (as defined in IC 9-14.1-1-2); and**
- (3) **partial services providers (as defined in IC 9-14.1-1-3);**

~~The license branches may be utilized~~ in accordance with the procedures, in the manner, and to the extent that the bureau determines to be necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. ~~However, if the bureau utilizes the license branches in the collection of the boat excise tax, the following apply:~~

~~(1)~~ (b) The bureau of motor vehicles shall report on at least a weekly basis the excise taxes collected to the county auditor of the county to which the collections are due.

~~(2) The bureau shall forward a copy of the excise tax report to the county auditor of the county.~~

~~(3) Each license branch shall report to the bureau all boat excise~~

taxes and fees collected under this chapter in the same manner and at the same time as registration fees are reported for motor vehicle registrations:

(4) An additional charge may not be imposed for the services of the license branches:

SECTION 55. IC 6-6-11-23 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 23: The bureau of motor vehicles shall establish a procedure for replacing lost, stolen, and damaged decals. A fee of three dollars (\$3) shall be charged by the bureau to defray the cost of issuing replacement decals:

SECTION 56. IC 6-6-11-29, AS AMENDED BY P.L.216-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) The bureau of motor vehicles shall transfer the department of natural resources fee, the lake and river enhancement fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the bureau of motor vehicles commission fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by **or on behalf of** the bureau of motor vehicles ~~and the license branches~~ for returns, decals, collecting the fees and excise taxes and for amounts deposited in the commission fund. ~~An additional charge may not be imposed for the services of the license branches under this chapter:~~

(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the fees and the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.

(3) On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections, including delinquent tax collections, for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

(4) The bureau of motor vehicles shall deposit the revenue from

the lake and river enhancement fee imposed by section 12(b) of this chapter in the lake and river enhancement fund established by section 12.5 of this chapter.

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 57. IC 6-8.1-1-1, AS AMENDED BY SEA 21-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and ~~IC 9-30~~; **IC 9-20-18**); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and ~~IC 9-30~~; **IC 9-20-18**); and any other tax or fee that the department is required to collect or administer.

SECTION 58. IC 6-8.1-5-2, AS AMENDED BY THE TECHNICAL

CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS
AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Sec. 2. (a) Except as otherwise provided in this section, the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed, or either of the following:

(1) The due date of the return.

(2) In the case of a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(b) If a person files a utility receipts tax return (IC 6-2.3), an adjusted gross income tax (IC 6-3), supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1), county option income tax (IC 6-3.5-6), or financial institutions tax (IC 6-5.5) return that understates the person's income, as that term is defined in the particular income tax law, by at least twenty-five percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years provided in subsection (a).

(c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a vehicle as required by IC 9-18 **(before its expiration) or IC 9-18.1** and pay the tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

(d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a commercial vehicle as required by IC 9-18 **(before its expiration) or IC 9-18.1** and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes of this article.

(e) In the case of the excise tax imposed on recreational vehicles and truck campers under IC 6-6-5.1, the tax shall be assessed as provided in IC 6-6-5.1 and must include the penalties and interest due on all listed taxes not paid by the due date. A person ~~who~~ **that** fails to

properly register a recreational vehicle as required by IC 9-18 **(before its expiration) or IC 9-18.1** and pay the tax due under IC 6-6-5.1 is considered to have failed to file a return for purposes of this article. A person ~~who~~ **that** fails to pay the tax due under IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

(f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.

(g) If any part of a listed tax has been erroneously refunded by the department, the erroneous refund may be recovered through the assessment procedures established in this chapter. An assessment issued for an erroneous refund must be issued:

- (1) within two (2) years after making the refund; or
- (2) within five (5) years after making the refund if the refund was induced by fraud or misrepresentation.

(h) If, before the end of the time within which the department may make an assessment, the department and the person agree to extend that assessment time period, the period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must contain:

- (1) the date to which the extension is made; and
- (2) a statement that the person agrees to preserve the person's records until the extension terminates.

The department and a person may agree to more than one (1) extension under this subsection.

(i) If a taxpayer's federal taxable income, federal adjusted gross income, or federal income tax liability for a taxable year is modified due to a modification as provided under IC 6-3-4-6(c) and IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or alteration as provided under IC 6-5.5-6-6(c) and ~~IC 6-5.5-6-6(d)~~ **IC 6-5.5-6-6(e)** (for the financial institutions tax), then the date by which the department must issue a proposed assessment under section 1 of this chapter for tax imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification is filed with the department by the taxpayer.

SECTION 59. IC 8-1-8.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this

chapter, "commercial driver's license" has the meaning set forth in ~~IC 9-13-2-29~~: **49 CFR 383.5 as in effect July 1, 2010.**

SECTION 60. IC 8-2.1-19.1-5, AS ADDED BY P.L.175-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Before a TNC allows an individual to act as a TNC driver on the TNC's digital network, the TNC shall:

(1) require the individual to submit to the TNC an application that includes:

- (A) the individual's name, address, and age;
- (B) a copy of the individual's driver's license;
- (C) a copy of the certificate of registration for the personal vehicle that the individual will use to provide prearranged rides;
- (D) proof of financial responsibility for the personal vehicle described in clause (C) of a type and in the amounts required by the TNC; and
- (E) any other information required by the TNC;

(2) with respect to the individual, conduct, or contract with a third party to conduct:

- (A) a local and national criminal background check; and
- (B) a search of the national sex offender registry; and

(3) obtain a copy of the individual's driving record maintained under ~~IC 9-14-3-7~~: **IC 9-14-12-3.**

(b) A TNC may not knowingly allow to act as a TNC driver on the TNC's digital network an individual:

(1) who has received judgments for:

- (A) more than three (3) moving traffic violations; or
- (B) at least one (1) violation involving reckless driving or driving on a suspended or revoked license;

in the preceding three (3) years;

(2) who has been convicted of a:

- (A) felony; or
- (B) misdemeanor involving:
 - (i) resisting law enforcement;
 - (ii) dishonesty;
 - (iii) injury to a person;
 - (iv) operating while intoxicated;
 - (v) operating a vehicle in a manner that endangers a person;

- (vi) operating a vehicle with a suspended or revoked license;
 - or
 - (vii) damage to the property of another person;
- in the preceding seven (7) years;
- (3) who is a match in the national sex offender registry;
 - (4) who is unable to provide information required under subsection (a); or
 - (5) who is less than nineteen (19) years of age.

SECTION 61. IC 8-2.1-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The treasurer of state shall deposit fees collected under this article, **IC 6-6-4.1-13, IC 9-20-5-7(b), IC 9-20-5-7(c), and IC 9-20-18-14.5** and ~~IC 9-29-6-1.5~~ in the motor carrier regulation fund.

SECTION 62. IC 8-2.1-24-18, AS AMENDED BY P.L.215-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) 49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398 are incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), (g), **and (j)**, ~~(k), and (t)~~; must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but are not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18 **(before its expiration) or IC 9-18.1-7** or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i) and (j):

- (1) intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN"; and

(2) all other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

(b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177 through 178, and 180, are incorporated into Indiana law by reference, and every:

- (1) private carrier;
- (2) common carrier;
- (3) contract carrier;
- (4) motor carrier of property, intrastate;
- (5) hazardous material shipper; and
- (6) carrier otherwise exempt under section 3 of this chapter;

must comply with the federal regulations incorporated under this subsection, whether engaged in interstate or intrastate commerce.

(c) Notwithstanding subsection (b), nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles, may be used only if all the following conditions exist:

- (1) The maximum capacity of the vehicle is less than three thousand five hundred (3,500) gallons.
- (2) The shipment of goods is limited to intrastate commerce.
- (3) The vehicle is used only for the purpose of transporting fuel oil, kerosene, diesel fuel, gasoline, gasohol, or any combination of these substances.

Maintenance, inspection, and marking requirements of 49 CFR 173.8 and Part 180 are applicable. In accordance with federal hazardous materials regulations, new or additional nonspecification cargo tank motor vehicles may not be placed in service under this subsection.

(d) For the purpose of enforcing this section, only:

- (1) a state police officer or state police motor carrier inspector who:
 - (A) has successfully completed a course of instruction approved by the United States Department of Transportation; and
 - (B) maintains an acceptable competency level as established by the state police department; or
- (2) an employee of a law enforcement agency who:
 - (A) before January 1, 1991, has successfully completed a course of instruction approved by the United States Department of Transportation; and

(B) maintains an acceptable competency level as established by the state police department;
on the enforcement of 49 CFR, may, upon demand, inspect the books, accounts, papers, records, memoranda, equipment, and premises of any carrier, including a carrier exempt under section 3 of this chapter.

(e) A person hired before September 1, 1985, who operates a motor vehicle intrastate incidentally to the person's normal employment duties and who is not employed as a chauffeur (as defined in ~~IC 9-13-2-21(a)~~) **to operate a motor vehicle for hire** is exempt from 49 CFR 391 as incorporated by this section.

(f) Notwithstanding any provision of 49 CFR 391 to the contrary, a person at least eighteen (18) years of age and less than twenty-one (21) years of age may be employed as a driver to operate a commercial motor vehicle intrastate. However, a person employed under this subsection is not exempt from any other provision of 49 CFR 391.

(g) Notwithstanding subsection (a) or (b), the following provisions of 49 CFR do not apply to private carriers of property operated only in intrastate commerce or any carriers of property operated only in intrastate commerce while employed in construction or construction related service:

(1) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has been diagnosed as an insulin dependent diabetic, if the driver has applied for and been granted an intrastate medical waiver by the bureau of motor vehicles pursuant to this subsection. The same standards and the following procedures shall apply for this waiver whether or not the driver is required to hold a commercial driver's license. An application for the waiver shall be submitted by the driver and completed and signed by a certified endocrinologist or the driver's treating physician attesting that the driver:

(A) is not otherwise physically disqualified under Subpart 391.41 to operate a motor vehicle, whether or not any additional disqualifying condition results from the diabetic condition, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

(B) is free of severe hypoglycemia or hypoglycemia unawareness and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;

(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's or treating physician's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist or treating physician at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist or treating physician with the bureau of motor vehicles for review by the driver licensing medical advisory board established under ~~IC 9-14-4~~. **IC 9-14-11.** A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. Notwithstanding the requirements of this subdivision, the endocrinologist, the treating physician, the advisory board of the bureau of motor vehicles, or the bureau of motor vehicles may, where medical indications warrant, establish a short period for the medical examinations required under this subdivision.

(2) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(k)(2), "planting and harvesting season" refers to the period between January 1 and December 31 of

each year. The intrastate commerce exception set forth in 49 CFR 395.1(k), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The requirements of 49 CFR 390.21 do not apply to an intrastate motor carrier or a guest operator not engaged in interstate commerce and operating a motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes unless the vehicle is operated either part time or incidentally in the conduct of a commercial enterprise.

(j) This section does not apply to private carriers that operate using only the type of motor vehicles specified in IC 8-2.1-24-3(6).

~~(k) This subsection expires October 1, 2015. The exemption provided by Section 32101(d) (amending Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (49 U.S.C. 31136 (note)) of the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141, 126 Stat. 405) (77 Fed. Reg. 59840-59842 (2012)) concerning federal hours of service rules applies to commercial motor vehicle operators engaged in the transportation of agricultural commodities and farm supplies.~~

~~(l) This subsection expires October 1, 2015. The exemptions provided by Section 32934 of the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141, 126 Stat. 405) (77 Fed. Reg. 59840-59842 (2012)) concerning federal motor carrier safety regulations apply to the operation of covered farm vehicles by farm and ranch operators, employees of farms and ranches, and other individuals.~~

~~(m) (k) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.~~

SECTION 63. IC 8-6-7.6-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. See: 1. (a) Except as provided in subsection (b) or in a rule adopted by the Indiana department of transportation, each railroad in the State of Indiana shall maintain each public crossing under its control in such a manner that the operator of any licensed motor vehicle has an unobstructed view for fifteen hundred (1,500) feet in both directions along the railroad right-of-way subject only to terrain

elevations or depressions; track curvature; or permanent improvements. However, the Indiana department of transportation may adopt rules under IC 4-22-2 to adjust the distance of the unobstructed view requirement under this subsection based on variances in train speeds; number of tracks; angles of highway and rail crossing intersections; elevations; and other factors consistent with accepted engineering practices.

(b) A public crossing equipped with a train activated crossing gate is exempt from the requirements of subsection (a), if the railroad maintains an unobstructed view for at least two hundred fifty (250) feet in both directions along the railroad right-of-way.

(c) This section expires on the date on which rules described in section 1.1 of this chapter are finally adopted.

SECTION 64. IC 8-6-7.6-1.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1.1. (a) The Indiana department of transportation shall adopt rules under IC 4-22-2 to do the following:

(1) Establish distances at which a railroad must maintain, for the benefit of operators of licensed motor vehicles, an unobstructed view within the railroad right-of-way at a public railroad crossing that is under the control of the railroad. In establishing distances under this subdivision, the Indiana department of transportation shall take into account safety measures in place at a public crossing, including train activated warning devices and federal railroad track classifications.

(2) Provide exceptions to distances required under subdivision (1) based on variances in terrain, elevations, track curvature, and permanent improvements at or near a public crossing.

(3) Develop a method to determine and verify distances required under subdivision (1). The method must:

- (A) be consistent with accepted engineering practices; and
- (B) produce results capable of replication.

(b) A rule adopted under subsection (a) replaces any common law duties imposed on a railroad with respect to distances established or methods of verification developed under the rule.

SECTION 65. IC 8-6-7.6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. The following definitions apply throughout this chapter:**

- (1) "Field side" means the side of a rail pointing away from a track.
- (2) "Maximum authorized speed limit" means the maximum speed limit authorized under Federal Railroad Administration track classifications and safety standards.
- (3) "Passive warning device" means a crossbuck assembly with a yield or stop sign installed in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- (4) "Public rail-highway grade crossing" means any location where a public highway, street, or road crosses one (1) or more railroad tracks at grade.
- (5) "Right-of-way" means the right-of-way at a public rail-highway grade crossing that is controlled by a railroad.
- (6) "Train-activated warning device" means a train-activated warning device or other active traffic control device installed in accordance with the Indiana Manual on Uniform Traffic Control Devices.

SECTION 66. IC 8-6-7.6-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: A railroad that violates section † of this chapter shall be held liable therefor to the State of Indiana in a penalty of one hundred dollars (\$100) a day for each day the violation continues subject to a maximum fine of five thousand dollars (\$5,000); to be recovered in a civil action at the suit of said state, in the circuit or superior court of any county wherein such crossing may be located. This section expires on the date on which rules described in section †.† of this chapter are finally adopted.

SECTION 67. IC 8-6-7.6-2.1, AS ADDED BY P.L.2-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. A railroad that violates a rule adopted under section †.† section 3 or 4 of this chapter is subject to a civil penalty of one hundred dollars (\$100) for each day the violation continues. The maximum penalty under this section is five thousand dollars (\$5,000). The Indiana department of transportation may bring an action to recover a civil penalty under this section in the circuit or superior court of the county in which the crossing that is the subject of the violation is located.

SECTION 68. IC 8-6-7.6-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: **Sec. 3. (a) A railroad shall provide and maintain within the railroad's right-of-way an unobstructed view in each quadrant of a public rail-highway grade crossing that is under the control of the railroad to the following specifications:**

(1) From the centerline of the highway, street, or road:

(A) forty-two (42) inches above the highway, street, or road; and

(B) twenty (20) feet from the field side of the nearest rail or, if the railroad's right-of-way is less than twenty (20) feet from the field side of the nearest rail, to the limit of the railroad's right-of-way.

(2) From the centerline of the track:

(A) forty-two (42) inches above the track; and

(B) to the appropriate distance determined under section 4 of this chapter.

If the public rail-highway grade crossing includes multiple tracks, the measurements are taken at a ninety (90) degree angle from the top of the field side of the rail nearest the highway, street, or road.

(b) This chapter does not require a railroad to enter onto property not owned by the railroad to meet the requirements under this chapter.

(c) This section replaces any common law duties imposed on a railroad with respect to sight distances, including methods to verify sight distances.

SECTION 69. IC 8-6-7.6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. (a) A railroad shall provide and maintain within the railroad's right-of-way an unobstructed view in each quadrant of a public rail-highway crossing that is under the control of the railroad as follows:**

(1) If the crossing is equipped with a passive warning device, as follows:

(A) For tracks with a maximum authorized speed limit of not more than thirty (30) miles per hour, an unobstructed view of three hundred fifty (350) feet.

(B) For tracks with a maximum authorized speed limit of more than thirty (30) miles per hour and not more than sixty (60) miles per hour, an unobstructed view of six hundred fifty (650) feet.

(C) For tracks with a maximum authorized speed limit of more than sixty (60) miles per hour, an unobstructed view of nine hundred (900) feet.

If the crossing includes multiple tracks with different maximum authorized speed limits, the track with the highest authorized maximum speed limit shall be used to determine the unobstructed view under this subdivision.

(2) If the crossing is equipped with a train-activated warning device, two hundred fifty (250) feet.

(b) If a railroad is unable to provide or maintain an unobstructed view under subsection (a) due to a variance in terrain, elevation, track curvature, rolling stock, or permanent improvements at or near the public rail-highway grade crossing, the railroad shall provide and maintain an unobstructed view in each quadrant of the public rail-highway grade crossing to the furthest achievable unobstructed view.

SECTION 70. IC 8-6-7.7-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. As used in this chapter, "person" means an individual, a firm, a limited liability company, a corporation, an association, a fiduciary, or a governmental entity.**

SECTION 71. IC 8-6-7.7-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.2. (a) A person may petition a unit (as defined in IC 36-1-2-23) under whose jurisdiction a public railroad crossing lies for the closure of a public railroad crossing. The unit shall conduct a public hearing on the petition not more than sixty (60) days after the date on which the unit receives the petition.**

(b) Except as provided in subsection (c), if the unit determines that the crossing meets the criteria adopted by the Indiana department of transportation under section 3.1 of this chapter for closing a crossing, the unit shall approve the petition described in subsection (a) and issue an order to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.

(c) If the unit determines that:

(1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and

(2) a compelling reason has been shown to exist for the crossing to remain open;
the unit ~~shall~~ **may** deny a petition to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.

(d) If the unit determines that the crossing does not meet the criteria for closure adopted by the Indiana department of transportation and section 3.1 of this chapter, the unit may deny a petition to close the crossing.

(e) Notwithstanding subsections (a) through (d), a unit and a railroad may agree to close a crossing within the jurisdiction of the unit.

SECTION 72. IC 8-6-7.7-3.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.3. (a) If a unit denies a petition to close a crossing under section ~~3.2(e)~~ **3.2** of this chapter, the Indiana department of transportation may schedule an appeal on the denial of the petition as set forth in this section. **If the Indiana department of transportation does not schedule an appeal on the denial of a petition within sixty (60) days after the petition is denied, the Indiana department of transportation is considered to have decided not to schedule an appeal on the denial of the petition.** The decision to schedule or not schedule an appeal is ~~(1) in the sole discretion of the department;~~ ~~(2) final and conclusive;~~ and ~~(3) not~~ subject to review under IC 4-21.5.

(b) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines **that:**

- (1) the crossing meets the criteria for closure, opening, or denial of a closure, adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) ~~that~~ a compelling reason has been shown for the crossing to remain open;

the Indiana department of transportation shall issue written findings that the crossing may remain open.

(c) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines **that:**

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and

(2) ~~that~~ a compelling reason has not been shown for the crossing to remain open;
the Indiana department of transportation shall issue an order abolishing the crossing under section 3 of this chapter.

SECTION 73. IC 9-13-2-0.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 0.1. Notwithstanding the amendments made to section 161 of this chapter by P.L.219-2003, the inclusion of "commercial motor vehicle" within the definition of "school bus" and the specification that a school bus may be used to transport preschool, elementary, or secondary school children, as provided by section 161 of this chapter, as amended by P.L.219-2003, does not apply before July 1, 2005.~~

SECTION 74. IC 9-13-2-1.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1.1. "Act", for purposes of IC 9-24-6.5, has the meaning set forth in IC 9-24-6.5-1.~~

SECTION 75. IC 9-13-2-1.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1.2. "Accident response service fee", for purposes of IC 9-29-11.5, has the meaning set forth in IC 9-29-11.5-1.~~

SECTION 76. IC 9-13-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1.5. "Administration", for purposes of IC 9-24-6.5, has the meaning set forth in IC 9-24-6.5-2.~~

SECTION 77. IC 9-13-2-2.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2.2. "Alcohol", for purposes of IC 9-24-6, has the meaning set forth in IC 9-24-6-0.3.~~

SECTION 78. IC 9-13-2-3, AS AMENDED BY P.L.125-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (b), "Antique motor vehicle" means a motor vehicle that is at least twenty-five (25) years old.

(b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6), means a passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

SECTION 79. IC 9-13-2-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2016]: **Sec. 5.3. "Armed forces of the United States" means the following:**

- (1) The United States Army.**
- (2) The United States Navy.**
- (3) The United States Air Force.**
- (4) The United States Marine Corps.**
- (5) The United States Coast Guard.**

SECTION 80. IC 9-13-2-5.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5.5: "Assembled vehicle", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.3.~~

SECTION 81. IC 9-13-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. "Automobile scrapyards" means a business organized for the purpose of scrap metal processing, ~~automobile vehicle~~ wrecking, or operating a junkyard.

SECTION 82. IC 9-13-2-9, AS AMENDED BY P.L.92-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. "Automotive salvage rebuilder" ~~for purposes of IC 9-32;~~ has the meaning set forth in IC 9-32-2-5.

SECTION 83. IC 9-13-2-10, AS AMENDED BY P.L.151-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Automotive salvage recycler" means a **business person** that:

- (1) acquires damaged, inoperative, discarded, abandoned, or salvage ~~motor~~ vehicles, or their remains, as stock-in-trade;
- (2) dismantles, ~~and shreds, compacts, crushes, or otherwise~~ processes such vehicles or remains for the reclamation and sale of reusable components and parts;
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility; or
- (4) performs any combination of these actions.

For purposes of this title, a recycling facility, a used parts dealer, and an automotive salvage rebuilder are all considered as an automotive salvage recycler.

SECTION 84. IC 9-13-2-10.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 10.2: "Auxiliary power unit", for purposes of IC 9-20-4-1(b), means an integrated system that:~~

- ~~(1) provides heat, air conditioning, engine warming, or electricity to components on a heavy duty vehicle; and~~

(2) is certified by the administrator of the United States Environmental Protection Agency under 40 CFR 89 as meeting applicable emission standards:

SECTION 85. IC 9-13-2-17, AS AMENDED BY P.L.24-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) "Bus" means ~~except as provided in subsection (b); the following:~~ (1) A motor vehicle or a passenger carrying semitrailer used for the purpose of carrying passengers on a regular schedule of time and rates between fixed termini; (2) a motor vehicle or a passenger carrying semitrailer **that is:**

(1) designed for carrying more than ten (10) passengers exclusive of the driver; **and**

(2) used to transport passengers.

The term does not include school buses; or motor vehicles that are funeral equipment and that are used in the operation of funeral services (as defined in IC 25-15-2-17):

(b) "Bus", for purposes of IC 9-21, means the following:

(1) A motor vehicle designed for carrying passengers for hire and used for the transportation of persons.

(2) A motor vehicle other than a taxicab designed or used for the transportation of persons for compensation.

SECTION 86. IC 9-13-2-19.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 19.2. "Certified chief instructor", for purposes of IC 9-27-7, has the meaning set forth in IC 9-27-7-2.

SECTION 87. IC 9-13-2-24, AS AMENDED BY P.L.70-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. "Church bus" has the meaning set forth in IC 9-29-5-9(a): **means a bus that is:**

(1) **owned and operated by a religious or nonprofit youth organization; and**

(2) used:

(A) to transport individuals to religious services; or

(B) for the benefit of the members of the religious or nonprofit youth organization.

SECTION 88. IC 9-13-2-26 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 26. "Class A recovery vehicle" means a truck that:

(1) is specifically designed for towing a disabled vehicle or a combination of vehicles; and

(2) has a gross vehicle weight rating that is greater than sixteen thousand (16,000) pounds.

SECTION 89. IC 9-13-2-27 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 27. "Class B recovery vehicle" means a truck that:

(1) is specifically designed for towing a disabled vehicle or a combination of vehicles; and

(2) has a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds.

SECTION 90. IC 9-13-2-28.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 28.3. "Collector snowmobile"; for purposes of IC 9-18-2.5, has the meaning set forth in IC 9-18-2.5-2.

SECTION 91. IC 9-13-2-28.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28.4. "Collector vehicle" means a vehicle that is:

(1) at least twenty-five (25) years old;

(2) owned, operated, restored, maintained, or used as a collector's item, a leisure pursuit, or an investment; and

(3) not used primarily for transportation.

SECTION 92. IC 9-13-2-29 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 29. "Commercial driver's license" has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 93. IC 9-13-2-29.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 29.5. "Commercial driver's license learner's permit"; for purposes of IC 9-24-6, has the meaning set forth in IC 9-24-6-0.5.

SECTION 94. IC 9-13-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. "Commercial enterprise" does not include the transportation of:

(1) a farm commodity from the place of production to the first point of delivery where the commodity is weighed and title to the commodity is transferred;

(2) seasonal or perishable fruit or vegetables to the first point of processing; or

(3) tomatoes or silage to the first point of processing.

SECTION 95. IC 9-13-2-31, AS AMENDED BY P.L.13-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. (a) "Commercial motor vehicle" means, except as provided in subsection (b), a motor vehicle or combination of motor

vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating or gross combination weight of at least twenty-six thousand one (26,001) pounds; whichever is greater, including a towed unit with a:

(A) gross vehicle weight rating; or

(B) gross vehicle weight;

of more than ten thousand (10,000) pounds;

(2) has a:

(A) gross vehicle weight rating; or

(B) gross vehicle weight;

of at least twenty-six thousand one (26,001) pounds; whichever is greater;

(3) is designed to transport sixteen (16) or more passengers; including the driver; or

(4) is:

(A) of any size;

(B) used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act; and

(C) required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) The bureau of motor vehicles may, by rule, broaden the definition of "commercial motor vehicle" under subsection (a) to include vehicles with a gross declared weight greater than eleven thousand (11,000) pounds but less than twenty-six thousand one (26,001) pounds: **has the meaning set forth in 49 CFR 383.5.**

SECTION 96. IC 9-13-2-32.7, AS ADDED BY P.L.216-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32.7. "Commission fund" refers to the bureau of motor vehicles commission fund established by ~~IC 9-29-14-1~~. **IC 9-14-14-1.**

SECTION 97. IC 9-13-2-33.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 33.5. "Committee" for purposes of IC 9-18-25; has the meaning set forth in IC 9-18-25-0.5.

SECTION 98. IC 9-13-2-35, AS AMENDED BY P.L.9-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. (a) Except as provided in subsection (b);

"Controlled substance" has the meaning set forth in IC 35-48-1.

(b) For purposes of IC 9-24-6, "controlled substance" has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 99. IC 9-13-2-36 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 36. "Conventional school bus" means a motor vehicle designed with the engine compartment projecting forward from the passenger compartment.

SECTION 100. IC 9-13-2-38, AS AMENDED BY P.L.9-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 38. (a) Except as provided in subsection (b); "Conviction" includes the following:

- (1) A conviction or judgment upon a plea of guilty or nolo contendere.
- (2) A determination of guilt by a jury or a court, even if:
 - (A) no sentence is imposed; or
 - (B) a sentence is suspended.
- (3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.
- (4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(b) "Conviction", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 101. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39.7. "Credential" means the following forms of documentation issued by the bureau under IC 9-24:

- (1) A driver's license.
- (2) A learner's permit.
- (3) An identification card.
- (4) A photo exempt identification card.

SECTION 102. IC 9-13-2-43.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 43.5. "Disclose"; for purposes of IC 9-14-3.5; has the meaning set forth in IC 9-14-3.5-2.

SECTION 103. IC 9-13-2-45.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 45.7. "Domicile" or "state of domicile"; for purposes of IC 9-24-6, has the meaning set forth in IC 9-24-6-0.7.

SECTION 104. IC 9-13-2-48, AS AMENDED BY P.L.85-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 48. (a) ~~Except as provided in subsection (b);~~ "Driver's license" means any type of license issued by the state authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on ~~public streets, roads, or highways;~~ **a highway. The term includes any endorsements added to the license under IC 9-24-8.5.**

(b) ~~"Driver's license"; for purposes of IC 9-28-2; has the meaning set forth in IC 9-28-2-4.~~

SECTION 105. IC 9-13-2-48.5, AS AMENDED BY P.L.85-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 48.5. "Driving record" means the following:

(1) A record maintained by the bureau as ~~required~~ under ~~IC 9-14-3-7;~~ **IC 9-14-12-3.**

(2) A record established by the bureau under IC 9-24-18-9.

SECTION 106. IC 9-13-2-49.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 49.6. "Endorsement" refers to an endorsement issued by the bureau under IC 9-24-8-4 (before its expiration) or IC 9-24-8.5.**

SECTION 107. IC 9-13-2-66 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 66: "Fleet" means ~~three (3) or more~~ **intercity buses.**

SECTION 108. IC 9-13-2-66.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 66.3: "Fleet operator" has the meaning set forth in ~~IC 9-18-12.5-1.~~

SECTION 109. IC 9-13-2-66.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 66.5: "Fleet vehicle" has the meaning set forth in ~~IC 9-18-12.5-2.~~

SECTION 110. IC 9-13-2-66.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 66.7. "For-hire bus" means a bus that is:**

(1) **used to carry passengers for hire; or**

(2) **operated for compensation.**

The term does not include a bus that is a not-for-hire bus.

SECTION 111. IC 9-13-2-69.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 69.8: "Gold Star family member" for purposes of

~~IC 9-18-54, has the meaning set forth in IC 9-18-54-1.~~

SECTION 112. IC 9-13-2-70.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 70.1: "Gross combination weight", for purposes of section 31 of this chapter, means the:

- (1) gross weight of the power unit and any load thereon; and
- (2) total weight of the towed unit and any load thereon.

SECTION 113. IC 9-13-2-70.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 70.2: "Gross combination weight rating" means:

- (1) the value specified by the manufacturer as the loaded weight of a combination or articulated motor vehicle; or
- (2) in the absence of a value specified by the manufacturer, the total of the:

- (A) gross vehicle weight rating of the power unit; and
- (B) total weight of the towed unit and any load thereupon.

SECTION 114. IC 9-13-2-72.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 72.5: "Heavy duty vehicle", for purposes of IC 9-20-4-1(b), means a vehicle that:

- (1) has a gross vehicle weight rating greater than eight thousand five hundred (8,500) pounds; and
- (2) is powered by a diesel engine.

SECTION 115. IC 9-13-2-72.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 72.7: "Highly restricted personal information", for purposes of IC 9-14-3-5, has the meaning set forth in IC 9-14-3-5-2.5.

SECTION 116. IC 9-13-2-73 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 73. "Highway" or "street" means the entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel **in Indiana**. The term includes an alley in a city or town.

SECTION 117. IC 9-13-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 74. "Hulk crusher" means **an enterprise a person** that engages in the **business** of handling and flattening, compacting, or otherwise demolishing **motor vehicles; motorcycles; semitrailers; or recreational vehicles, or their remains, for economical delivery to a scrap metal processor or other appropriate facility: an automotive salvage recycler.**

SECTION 118. IC 9-13-2-75, AS AMENDED BY P.L.217-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 75. "Identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a ~~motor~~ vehicle, **watercraft, manufactured home, mobile home**, or motor vehicle part by:

- (1) a manufacturer; ~~of motor vehicles or motor vehicle parts~~;
- (2) a governmental entity to:
 - (A) replace an original identification number that is destroyed, removed, altered, or defaced; **or**
 - (B) **serve as a special identification number under IC 9-17-4 or a similar law of another state.**

SECTION 119. IC 9-13-2-77, AS AMENDED BY P.L.262-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 77. "Implement of agriculture" means **the following:**

- (1) Agricultural implements, pull type and self-propelled, **that are** used for the:

- (~~1~~) (A) transport;
- (~~2~~) (B) delivery; ~~or~~
- (~~3~~) (C) application; **or**
- (D) **harvest;**

of crop inputs, including seed, fertilizers, and crop protection products. ~~and vehicles designed to transport these types of agricultural implements.~~

- (2) **Vehicles that:**

- (A) **are designed or adapted and used exclusively for agricultural, horticultural, or livestock raising operations; and**
- (B) **are not primarily operated on or moved along a highway.**

- (3) **Vehicles that are designed to lift, carry, or transport:**

- (A) **an agricultural implement described in subdivision (1); or**
- (B) **a vehicle described in subdivision (2).**

SECTION 120. IC 9-13-2-77.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~77.5~~. "~~Indiana firefighter~~", for purposes of IC ~~9-18-34~~, has the meaning set forth in IC ~~9-18-34-1~~.

SECTION 121. IC 9-13-2-78, AS AMENDED BY P.L.149-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 78. "Indiana resident" refers to a person ~~who that~~ is one (1) of the following:

(1) ~~A person~~ **An individual** who lives in Indiana for at least one hundred eighty-three (183) days during a calendar year and who has a legal residence in another state. However, the term does not include a ~~person an individual~~ who lives in Indiana for any of the following purposes:

- (A) Attending a postsecondary educational institution.
- (B) Serving on active duty in the armed forces of the United States.
- (C) Temporary employment.
- (D) Other purposes, without the intent of making Indiana a permanent home.

(2) ~~A person~~ **An individual** who is living in Indiana if the ~~person individual~~ has no other legal residence.

(3) ~~A person~~ **An individual** who is registered to vote in Indiana or who satisfies the standards for determining residency in Indiana under IC 3-5-5.

(4) ~~A person~~ **An individual** who has a ~~child~~ **dependent** enrolled in an elementary or a secondary school located in Indiana.

(5) **A person that maintains a:**

- (A) **main office;**
- (B) **branch office;**
- (C) **warehouse; or**
- (D) **business facility;**

in Indiana.

(6) **A person that bases and operates vehicles in Indiana.**

(7) **A person that operates vehicles in intrastate haulage in Indiana.**

(5) (8) A person ~~who that~~ has more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) derived from sources in Indiana using the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person ~~who that~~ is considered a resident under this subdivision is not a resident if the person proves by a preponderance of the evidence that the person is not a resident under subdivisions (1) through (4): (7).

SECTION 122. IC 9-13-2-79.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 79.5: "Individual record"; for purposes of IC 9-14-3.5; has the meaning set forth in IC 9-14-3.5-3.

SECTION 123. IC 9-13-2-83 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 83: "Intercity bus" means a bus that is used in the transportation of passengers for hire over a fixed route under a certificate issued by the Interstate Commerce Commission in interstate or combined interstate-intrastate commerce or movements in Indiana.

SECTION 124. IC 9-13-2-87 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 87: "Intracity bus" means a bus operating wholly within the corporate boundaries of a city or town, including contiguous cities or towns, and cities and towns contiguous to or operating in a local transportation system within a city and adjacent suburban territory on a route that extends from within the city into the suburban territory as described in IC 36-9-1-9.

SECTION 125. IC 9-13-2-93.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 93.2. "License branch" does not include facilities of or a physical or virtual location at which services are provided by a full service provider (as defined in IC 9-14.1-1-2) or a partial services provider (as defined in IC 9-14.1-1-3).**

SECTION 126. IC 9-13-2-94.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 94.2: "Local law enforcement agency"; for purposes of IC 9-29-11.5; has the meaning set forth in IC 9-29-11.5-2.

SECTION 127. IC 9-13-2-95 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 95. "Major component parts" means those parts of ~~motor vehicles, motorcycles, semitrailers, or recreational~~ vehicles normally having a manufacturer's vehicle identification number, a derivative of the identification number, or a number supplied by an authorized governmental agency, including doors, fenders, differentials, frames, transmissions, engines, doghouses (front assembly), rear clips, and additional parts as prescribed by the bureau.

SECTION 128. IC 9-13-2-96, AS AMENDED BY P.L.203-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 96. (a) "Manufactured home" means, except as provided in ~~subsection~~ **subsections (b) and (c)**, a structure that:

- (1) is assembled in a factory;
- (2) bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.);
- (3) is designed to be transported from the factory to another site in one (1) or more units;
- (4) is suitable for use as a dwelling in any season; and
- (5) is more than thirty-five (35) feet long.

The term does not include a vehicle described in section 150(2) of this chapter.

(b) "Manufactured home", for purposes of IC 9-17-6, means either of the following:

- (1) A structure having the meaning set forth in the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).
- (2) A mobile home.

This subsection expires June 30, 2016.

(c) "Manufactured home", for purposes of IC 9-22-1.7, has the meaning set forth in IC 9-22-1.7-2.

SECTION 129. IC 9-13-2-101 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 101. "Member of the armed forces of the United States" means a person who served or serves on active military or naval service in the land, air, or naval forces of the United States. The term does not include service in the merchant marines.

SECTION 130. IC 9-13-2-102.3, AS AMENDED BY P.L.216-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 102.3. "Metered space", for purposes of ~~IC 9-18-17, IC 9-18-18, and IC 9-18-19~~; **IC 9-18.5-5, IC 9-18.5-6, and IC 9-18.5-8**, means a public parking space at which parking is regulated by:

- (1) a parking meter; or
- (2) an official traffic control device that imposes a maximum parking time for the public parking space.

The term does not include parking spaces or areas regulated under IC 9-21-18.

SECTION 131. IC 9-13-2-103, AS AMENDED BY P.L.221-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 103. "Military vehicle" means a vehicle that:

- (1) was originally manufactured for military use;
- ~~(2) is motorized or nonmotorized, including a motorcycle, motor driven cycle, and trailer;~~
- ~~(3) (2) is at least twenty-five (25) years old; and~~
- ~~(4) (3) is privately owned.~~

SECTION 132. IC 9-13-2-103.2, AS AMENDED BY P.L.203-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 103.2. (a) "Mobile home" means ~~except as provided in subsection (b)~~; a structure that:

- (1) is assembled in a factory;
- (2) is designed to be transported from the factory to another site in one (1) or more units;
- (3) is suitable for use as a dwelling in any season;
- (4) is more than thirty-five (35) feet long; and
- (5) either:
 - (A) bears a seal certifying that the structure was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); or
 - (B) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

~~(b) "Mobile home", for purposes of IC 9-22-1.5, has the meaning set forth in IC 6-6-5-1.~~

SECTION 133. IC 9-13-2-105, AS AMENDED HEA 1365-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

~~(c) "Motor vehicle", for purposes of IC 9-19-10.5, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include the following:~~

- (1) A farm tractor.
- (2) A motorcycle.
- (3) A motor driven cycle.

(d) (c) "Motor vehicle", for purposes of IC 9-32, includes a semitrailer, trailer, or recreational vehicle.

(e) "Motor vehicle", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) "Motor vehicle", for purposes of IC 9-25, does not include the following:

- (1) A farm tractor.
- (2) A Class B motor driven cycle.

SECTION 134. IC 9-13-2-107 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 107. "Motor vehicle part", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.4.

SECTION 135. IC 9-13-2-107.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 107.5. "Motor vehicle record", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-4.

SECTION 136. IC 9-13-2-113 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 113. (a) "Nonresident" means except as provided in subsection (b); a person who **that** is not a resident of an Indiana resident.

(b) "Nonresident", for purposes of IC 9-18-2, means a person with a legal residence in another jurisdiction who:

- (1) engages in transporting migrant agricultural workers in connection with seasonal agricultural activities;
- (2) operates a motor vehicle in connection with a seasonal activity that requires moving from place to place entertainment devices or carnival facilities for fairs, local commercial promotions, festivals; or similar activities; or
- (3) temporarily resides or sojourns in Indiana for sixty (60) days or less in any one (1) year.

SECTION 137. IC 9-13-2-113.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 113.5. "Not-for-hire bus" refers to the following:

- (1) A school bus.
- (2) A special purpose bus.
- (3) A church bus.

(4) A private bus.

(5) A bus that is used to provide incidental transportation to a passenger at no additional charge to the passenger.

SECTION 138. IC 9-13-2-117.5, AS AMENDED BY P.L.259-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 117.5. (a) "Operate" except as provided in subsections (b) and (c); means to navigate or otherwise be in actual physical control of a vehicle, **motorboat, off-road vehicle, or snowmobile.**

(b) "Operate"; for purposes of IC 9-31, means to navigate or otherwise be in actual physical control of a motorboat:

(c) "Operate" for purposes of IC 9-18-2.5, means to:

(1) ride in or on; and

(2) be in actual physical control of the operation of;
an off-road vehicle or snowmobile.

SECTION 139. IC 9-13-2-118, AS AMENDED BY P.L.12-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 118. (a) Except as provided in subsections (b), (c), and (d); **IC 9-31**, "operator" when used in reference to a vehicle, means a person, other than a chauffeur or a public passenger chauffeur, who:

(1) drives or operates a vehicle upon a highway; or

(2) is exercising control over or steering a motor vehicle being towed by another vehicle.

(b) "Operator"; for purposes of IC 9-25, means a person other than a chauffeur who is in actual physical control of a motor vehicle:

(c) "Operator"; for purposes of IC 9-18-2.5, means an individual who

(1) operates or

(2) is in actual physical control of;

an a vehicle, **motorboat**, off-road vehicle, or snowmobile.

(d) "Operator"; for purposes of IC 9-18-12.5, has the meaning set forth in IC 9-18-12.5-3.

SECTION 140. IC 9-13-2-120 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 120: "Other bus"; for purposes of IC 9-29-5-10, has the meaning set forth in that section:

SECTION 141. IC 9-13-2-120.7, AS ADDED BY P.L.135-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 120.7. (a) "Overweight divisible load" means a

tractor-semitrailer and load that:

- (1) can be traditionally separated or reduced to meet the specified regulatory limits for weight;
- (2) are involved in hauling, delivering, or otherwise carrying metal or agricultural commodities;
- (3) meet other requirements for height, length, and width; **and**
- (4) weigh more than the eighty thousand (80,000) pound gross vehicle weight limit in IC 9-20-5 but weigh not more than:
 - (A) one hundred twenty thousand (120,000) pounds if hauling metal commodities; and
 - (B) ninety-seven thousand (97,000) pounds if hauling agricultural commodities. **and**
- (5) have the following configurations:
 - (A) A maximum wheel weight, unladen or with load, not to exceed eight hundred (800) pounds per inch of tire, measured between the flanges of the rim.
 - (B) A single axle weight not to exceed twenty thousand (20,000) pounds.
 - (C) An axle in an axle combination not to exceed twenty thousand (20,000) pounds per axle, with the exception of one (1) tandem group that may weigh twenty-four thousand (24,000) pounds per axle or a total of forty-eight thousand (48,000) pounds.

(b) Subsection (a)(5) and this subsection expire on the earlier of the following dates:

- (1) The date rules are adopted as required under IC 9-29-6-13.
- (2) December 31, 2013.

SECTION 142. IC 9-13-2-121, AS AMENDED BY P.L.259-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 121. (a) Except as otherwise provided in this section, "owner", when used in reference to a motor vehicle, means:

- (1) a person who holds the legal title of a motor vehicle; or
- (2) if a motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event the mortgagor, with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor.

(b) "Owner", for purposes of IC 9-21 and IC 9-25, means, when used in reference to a motor vehicle, a person who holds the legal title of a motor vehicle; or if a:

(1) motor vehicle is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or

(2) mortgagor of a motor vehicle is entitled to possession; the conditional vendee or lessee or mortgagor is considered to be the owner for the purpose of IC 9-21 and IC 9-25.

(c) "Owner", for purposes of IC 9-22-1, means the last known record titleholder of a vehicle according to the records of the bureau under IC 9-17.

(d) "Owner", for purposes of IC 9-31, means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation. The term excludes a lessee under a lease not intended as security.

(e) "Owner", for purposes of IC 9-18-2.5, means a person, other than a lienholder, who:

(1) has the property in or title to; and

(2) is entitled to the use or possession of;

an off-road vehicle or snowmobile. IC 9-31, "owner" means a person, other than a lienholder, that:

(1) holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

(2) is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.

SECTION 143. IC 9-13-2-123, AS AMENDED BY P.L.221-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 123. "Passenger motor vehicle" means a motor vehicle designed for carrying passengers. The term ~~includes a low speed vehicle but~~ does not include the following:

- (1) A motorcycle.
- (2) A bus.
- ~~(3) A school bus.~~
- ~~(4)~~ **(3)** A snowmobile.
- ~~(5)~~ **(4)** An off-road vehicle.
- ~~(6)~~ **(5)** A motor driven cycle.

SECTION 144. IC 9-13-2-123.5, AS AMENDED BY P.L.125-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 123.5. "Permit" means a permit issued by the state authorizing an individual to operate the type of vehicle for which the permit was issued on public streets, roads, or highways with certain restrictions. **The term includes the following:**

- (1) A learner's permit.**
- (2) A motorcycle permit.**
- (3) A commercial learner's permit.**

SECTION 145. IC 9-13-2-124, AS AMENDED BY P.L.180-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 124. (a) "Person" means ~~except as otherwise provided in this section,~~ an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, ~~or~~ a corporation, **a sole proprietorship, a trust, an estate, or another entity, except as defined in the following sections:**

- (1) IC 9-20-14-0.5.**
- (2) IC 9-20-15-0.5.**
- (3) IC 9-32-2-18.6.**

(b) "Person", for purposes of IC 9-14-3.5, does not include the state or an agency of the state.

(c) "Person", for purposes of IC 9-17 (1) has the meaning set forth in subsection (a); and (2) includes a sole proprietorship.

(d) "Person", for purposes of IC 9-20-14, IC 9-20-15, and IC 9-20-18-13(b), means a mobile home or sectionalized building transport company; mobile home or sectionalized building manufacturer; mobile home or sectionalized building dealer; or mobile home or sectionalized building owner.

(e) "Person", for purposes of IC 9-32, means an individual; a corporation; a limited liability company; an association; a partnership; a trust; or other entity. The term does not include the state, an agency

of the state, or a municipal corporation.

SECTION 146. IC 9-13-2-124.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 124.5: "Personal information", for purposes of IC 9-14-3-5, has the meaning set forth in IC 9-14-3.5-5.

SECTION 147. IC 9-13-2-127, AS AMENDED BY P.L.262-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 127. (a) "Police officer" means, except as provided in ~~subsections~~ **subsection** (b), ~~and (e)~~, the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.
- (6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).
- (7) An excise police officer of the alcohol and tobacco commission.
- (8) A gaming control officer employed by the gaming control division under IC 4-33-20.

The term refers to a police officer having jurisdiction in Indiana, unless the context clearly refers to a police officer from another state or a territory or federal district of the United States.

~~(b)~~ **(b)** "Police officer", for purposes of IC 9-18-2.5, means the following:

- ~~(1)~~ **(1)** A regular member of the state police department.
- ~~(2)~~ **(2)** A regular member of a city or town police department.
- ~~(3)~~ **(3)** A town marshal or town marshal deputy.
- ~~(4)~~ **(4)** A regular member of a county sheriff's department.
- ~~(5)~~ **(5)** A conservation officer of the department of natural resources.

~~(e)~~ **(b)** "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SECTION 148. IC 9-13-2-128.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 128.3: "Pop-up camper trailer" means a recreation camping unit designed for temporary living quarters that is:

- ~~(1)~~ **(1)** mounted on wheels; and
- ~~(2)~~ **(2)** constructed with collapsible sidewalls that fold or sidewalls that telescope;

for towing by a motor vehicle.

SECTION 149. IC 9-13-2-129 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 129. "Preceding year", for purposes of IC 9-18-11, has the meaning set forth in IC 9-18-11-2.

SECTION 150. IC 9-13-2-132 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 132. "Prisoner of war" means a ~~person~~ **an individual** who, while serving ~~on active military service in the land, air, or naval~~ **in any capacity with the armed** forces of the United States **or their reserve components:**

(1) ~~was in the power of a hostile government, was imprisoned by the military or naval forces of a foreign nation during the United States' military involvement in World War I, World War II, the Korean Police Action, or the Vietnam Conflict~~ **taken prisoner and held captive:**

(A) **while engaged in an action against an enemy of the United States;**

(B) **while engaged in military operations involving conflict with an opposing foreign force;**

(C) **while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or**

(D) **under circumstances comparable to those circumstances under which individuals have generally been held captive by enemy armed forces during periods of armed conflict; and who is**

(2) ~~either: presently a member of the armed forces or has received an honorable discharge.~~

(A) **is serving in; or**

(B) **under conditions other than dishonorable, was discharged or separated from service in;**

the armed forces of the United States or their reserve components.

SECTION 151. IC 9-13-2-133, AS AMENDED BY P.L.2-2007, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 133. (a) "Private bus" means a motor vehicle **that is:**

(1) **designed and constructed for the accommodation of passengers and that is used for transportation of to transport**

more than fourteen (14) passengers; and

(2) used by any of the following:

~~(1) (A)~~ **(A)** A religious, fraternal, charitable, or benevolent organization.

~~(2) (B)~~ **(B)** A **nonprofit youth association; organization.**

~~(3) (C)~~ **(C)** A public or private postsecondary educational institution.

(b) The term includes: **either**

(1) the chassis; or

(2) the body; of the vehicle or

(3) both the body and the chassis;

of the vehicle.

(c) The term does not include the following:

~~(1) A vehicle with a seating capacity of not more than fifteen (15) persons:~~

~~(2) (1) A school bus. or~~

~~(2) A for-hire bus. used to carry passengers for hire.~~

SECTION 152. IC 9-13-2-138 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~138~~: "Procurement", for purposes of IC 9-16-2, has the meaning set forth in IC 9-16-2-1.

SECTION 153. IC 9-13-2-143, AS AMENDED BY P.L.85-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 143. **(a)** "Public passenger chauffeur" means a person who operates a motor vehicle designed to transport not more than fifteen (15) individuals, including the driver, while in use as a public passenger carrying vehicle for hire. The term does not include a person who operates a medical services vehicle.

(b) This section expires December 31, 2016.

SECTION 154. IC 9-13-2-144.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~144.5~~: "Pull service charge" refers to the charge that the commission or bureau may require for a motor vehicle registration plate requested for issuance out of its established numerical sequence.

SECTION 155. IC 9-13-2-145 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~145~~: "Qualified person", for purposes of IC 9-16-1, has the meaning set forth in IC 9-16-1-1.

SECTION 156. IC 9-13-2-149, AS AMENDED BY P.L.262-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 149. "Rebuilt vehicle" means a **salvage** vehicle
 (†) that has been restored to an operable condition. ~~and~~
 (2) for which a certificate of title has been issued:
 (A) by the bureau under IC 9-22-3; or
 (B) by another state or jurisdiction under a similar procedure
 for the retitling of restored salvage motor vehicles.

SECTION 157. IC 9-13-2-149.5 IS REPEALED [EFFECTIVE
 JULY 1, 2016]. See: 149.5: (a) "Record", for purposes of IC 9-14-3.5,
 has the meaning set forth in IC 9-14-3.5-6.

(b) "Record", for purposes of IC 9-32, has the meaning set forth in
 IC 9-32-2-19.

SECTION 158. IC 9-13-2-149.8, AS ADDED BY P.L.217-2014,
 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2016]: Sec. 149.8. "Recovery vehicle" means a

- (†) Class A recovery vehicle as defined in section 26 of this
 chapter; or
- (2) Class B recovery vehicle as defined in section 27 of this
 chapter.

**truck that is specifically designed for towing a disabled vehicle or
 a combination of vehicles.**

SECTION 159. IC 9-13-2-150, AS AMENDED BY P.L.216-2014,
 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 150. (a) "Recreational vehicle" means a
 vehicle with or without motive power equipped exclusively for living
 quarters for persons traveling upon the highways. The term:

- (1) does not include:
 - (A) a truck camper; (b) "Recreational vehicle", for purposes of
 IC 9-18-2-8, does not include or
 - (B) a mobile structure (as defined in IC 22-12-1-17); and
- (2) does include a vehicle that:
 - (A) is designed and marketed as temporary living quarters
 for recreational, camping, travel, or seasonal use;
 - (B) is not permanently affixed to real property for use as
 a permanent dwelling;
 - (C) is built on a single chassis and mounted on wheels;
 - (D) does not exceed four hundred (400) square feet of gross
 area; and
 - (E) is certified by the manufacturer as complying with the

American National Standards Institute A119.5 standard.

A vehicle described in this subdivision may commonly be referred to as a "park model RV".

SECTION 160. IC 9-13-2-152.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 152.5: "Reproduction" means the following:

(1) With respect to a license plate issued under IC 9-18, an object that:

(A) is made of metal, plastic, or a similarly rigid and durable material;

(B) is the same or nearly the same size as the license plate; and

(C) has the same colors, details, and arrangement as the license plate; except for the registration numbers and letters at the center of the license plate.

(2) With respect to a driver's license issued under IC 9-24, a copy of a driver's license issued to a particular individual made by a photographic process.

SECTION 161. IC 9-13-2-152.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 152.7. "Reserve components" means the following:**

(1) The United States Army National Guard.

(2) The United States Army Reserve.

(3) The United States Navy Reserve.

(4) The United States Marine Corps Reserve.

(5) The United States Air National Guard.

(6) The United States Air Force Reserve.

(7) The United States Coast Guard Reserve.

(8) The Indiana Army National Guard.

(9) The Indiana Air National Guard.

SECTION 162. IC 9-13-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 160. "Salvage motor vehicle" means any of the following:

(1) A motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in IC 9-22-3-3.

(2) A vehicle, ownership of which is evidenced by a salvage title or by another ownership document of similar qualification and limitation issued by a state or jurisdiction other than the state of

Indiana, and recognized by and acceptable to the bureau of motor vehicles.

SECTION 163. IC 9-13-2-161, AS AMENDED BY P.L.146-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 161. (a) "School bus" means, except as provided in ~~subsections~~ **subsection** (b), and ~~(c)~~; a ~~(1)~~ bus ~~(2)~~ ~~hack~~; ~~(3)~~ conveyance; ~~(4)~~ commercial motor vehicle; or ~~(5)~~ motor vehicle; used to transport preschool, elementary, or secondary school children to and from:

- (1) school; ~~and to and from~~
- (2) school athletic games or contests; or
- (3) other school functions.

The term does not include a privately owned automobile with a capacity of not more than five ~~(5)~~ passengers that is used for the purpose of transporting school children to and from school:

(b) "School bus", for purposes of IC 9-21, means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, including project headstart, or privately owned and operated for compensation for the transportation of children to and from school, including project headstart.

(c) "School bus", for purposes of IC 9-19-11-1(1), means a motor vehicle:

- (1) that meets the federal school bus safety requirements under 49 U.S.C. 30125; or
- (2) that meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:
 - (A) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and
 - (B) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108.

SECTION 164. IC 9-13-2-162, AS AMENDED BY P.L.92-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 162. "Scrap metal processor" means a ~~private~~; commercial; or governmental enterprise **person**:

- (1) that engages in the acquisition of ~~motor vehicles~~; ~~motorcycles~~; ~~semitrailers~~; or ~~recreational~~ vehicles or the remains of ~~these~~ vehicles; and

(2) that has facilities for processing iron, steel, or nonferrous scrap; and

(3) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.

SECTION 165. IC 9-13-2-164 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 164. (a) "Semitrailer", except as provided in subsection (b), means a vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer's load rests upon or is carried by another vehicle. The term does not include the following:

(1) A pole trailer.

(2) A two (2) wheeled homemade trailer.

~~(3) A semitrailer used exclusively for carrying passengers as used in section 17(a) of this chapter.~~

(b) "Semitrailer", for purposes of IC 9-21, means a vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. The term does not include a pole trailer.

SECTION 166. IC 9-13-2-170.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 170.1: "Special identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.

SECTION 167. IC 9-13-2-170.3, AS AMENDED BY P.L.262-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 170.3. (a) "Special machinery" includes but is not limited to any of the following:

(1) A portable saw mill.

(2) Well drilling machinery.

(3) A utility service cable trailer.

(4) Any other vehicle that is designed to perform a specific function.

(b) The term does not include the following:

(1) A vehicle that is designed to carry passengers.

(2) Implements of agriculture designed to be operated primarily in a farm field or on farm premises.

(3) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation; a

county, or a municipality. means a vehicle:

- (1) that is designed and used to perform a specific function that is unrelated to transporting people or property on a highway;
- (2) on which is permanently mounted machinery or equipment used to perform operations unrelated to transportation on a highway; and
- (3) that is incapable of, or would require substantial modification to be capable of, carrying a load.

SECTION 168. IC 9-13-2-173, AS AMENDED BY P.L.9-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 173. (a) "State" means, except as otherwise provided by this section and unless by the context some other state or territory or federal district of the United States is meant or intended, the state of Indiana.

(b) "State", for purposes of IC 9-27-1, means the state of Indiana, the governor of Indiana, an agency of the state of Indiana designated by the governor to receive federal aid, and any officer, board, bureau, commission, division, or department, any public body corporate and politic created by the state of Indiana for public purposes, or any state educational institution.

(c) "State", for purposes of IC 9-25, means any state in the United States, the District of Columbia, or any Province of the Dominion of Canada.

~~(d) "State"; for purposes of section 120.5 of this chapter and IC 9-24-6, means any state in the United States or the District of Columbia.~~

SECTION 169. IC 9-13-2-173.5, AS ADDED BY P.L.216-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 173.5. "State police building account" refers to the state police building account established by ~~IC 9-29-1-4.~~ **IC 9-14-14-4.**

SECTION 170. IC 9-13-2-173.7, AS ADDED BY P.L.216-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 173.7. "State motor vehicle technology fund" refers to the state motor vehicle technology fund established by ~~IC 9-29-16-1.~~ **IC 9-14-14-3.**

SECTION 171. IC 9-13-2-177.3, AS AMENDED BY P.L.59-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 177.3. (a) "Telecommunications device", for purposes of IC 9-21-8, IC 9-25-4-7, and IC 9-24-11-3.3 (**before its repeal**), and **IC 9-24-11-3.7**, means an electronic or digital telecommunications device. The term includes a:

- (1) wireless telephone;
- (2) personal digital assistant;
- (3) pager; or
- (4) text messaging device.

(b) The term does not include:

- (1) amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or
- (2) a communications system installed in a commercial motor vehicle weighing more than ten thousand (10,000) pounds.

SECTION 172. IC 9-13-2-177.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 177.5. "Third party", for purposes of IC 9-17-3, has the meaning set forth in IC 9-17-3-0.5.~~

SECTION 173. IC 9-13-2-186 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 186. "Transit school bus" means a motor vehicle designed with the engine compartment located inside and underneath the passenger compartment.~~

SECTION 174. IC 9-13-2-188.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 188.3. "Truck camper" means a device without motive power that is installed in the bed of a truck to provide living quarters for persons traveling on a highway.**

SECTION 175. IC 9-13-2-188.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 188.5. "Truck driver training school" means a person; a state educational institution; or other legal entity that:~~

- (1) is located in Indiana;
- (2) is subject to rules adopted by the bureau under IC 9-24-6-5.5;
- and
- (3) either:
 - (A) educates or trains a person; or
 - (B) prepares a person for an examination or a validation given by the bureau;
 to operate a truck as a vocation.

SECTION 176. IC 9-13-2-196, AS AMENDED BY P.L.221-2014,

SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. ~~(b) "Vehicle"; for purposes of IC 9-14 through IC 9-18; The term does not include the following:~~

- (1) A device moved by human power.
- (2) A ~~vehicle device~~ that runs only on rails or tracks.
- (3) A wheelchair.**
- ~~(3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.~~
- ~~(4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.~~
- ~~(5) A municipally owned ambulance.~~
- ~~(6) A police patrol wagon.~~
- ~~(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:~~
 - ~~(A) Road construction or maintenance machinery.~~
 - ~~(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.~~
 - ~~(C) Construction dust control machinery.~~
 - ~~(D) Well boring apparatus.~~
 - ~~(E) Ditch digging apparatus.~~
 - ~~(F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.~~
 - ~~(G) An invalid chair.~~
 - ~~(H) A yard tractor.~~
- ~~(8) An electric personal assistive mobility device.~~

(b) For purposes of IC 9-17, the term includes the following:

- (1) Off-road vehicles.**
- (2) Manufactured homes or mobile homes that are:**
 - (A) personal property not held for resale; and**
 - (B) not attached to real estate by a permanent foundation.**
- (3) Watercraft.**

~~(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(d)~~ (c) For purposes of IC 9-22 **and IC 9-32**, the term refers to an automobile; a motorcycle; a truck; a trailer; a semitrailer; a tractor; a bus; a school bus; a recreational vehicle; a trailer or semitrailer used in the transportation of watercraft; or a motor driven cycle: **a vehicle of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-4.**

~~(e)~~ For purposes of IC 9-24-6, the term has the meaning set forth in ~~49 CFR 383.5 as in effect July 1, 2010.~~

~~(f)~~ (d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 177. IC 9-13-2-196.5, AS ADDED BY P.L.58-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 196.5. "Veteran" ~~for purposes of IC 9-18-50; has the meaning set forth in IC 9-18-50-1.~~ **means an individual who:**

(1) is serving in; or

(2) under conditions other than dishonorable, was discharged or separated from service in;

the armed forces of the United States or their reserve components.

SECTION 178. IC 9-13-2-198, AS AMENDED BY P.L.150-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 198. Except as provided in section 60(a)(2) or **60(a)(3)** of this chapter, "wagon" means a vehicle that is:

(1) without motive power;

(2) designed to be pulled by a motor vehicle;

(3) constructed so that no part of the weight of the wagon rests upon the towing vehicle;

(4) equipped with a flexible tongue; and

(5) capable of being steered by the front two (2) wheels.

SECTION 179. IC 9-13-2-201 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~201~~: "Yard tractor" refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under IC ~~6-6-4.1-13(f)~~ if the tractor is ordinarily used to move semitrailers around a terminal or spotting facility.

SECTION 180. IC 9-14-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Creation and Organization of Bureau of Motor Vehicles).

SECTION 181. IC 9-14-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Powers and Duties of Bureau and Commissioner).

SECTION 182. IC 9-14-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Records).

SECTION 183. IC 9-14-3.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Disclosure of Personal Information Contained in Motor Vehicle Records).

SECTION 184. IC 9-14-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Driver Licensing Medical Advisory Board).

SECTION 185. IC 9-14-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Parking Placards for Persons With Physical Disabilities).

SECTION 186. IC 9-14-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 6. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Disclose" means to engage in a practice or conduct to make available and make known personal information contained in a record about a person to another person by any means of communication.

Sec. 3. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

Sec. 4. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

Sec. 5. "Highly restricted personal information" means the following information that identifies an individual:

- (1) Digital photograph or image.**
- (2) Social Security number.**
- (3) Medical or disability information.**

Sec. 6. "Personal information" means information that identifies an individual, including an individual's:

- (1) digital photograph or image;**
- (2) Social Security number;**

- (3) driver's license or identification document number;**
- (4) name;**
- (5) address (but not the ZIP code);**
- (6) telephone number; or**
- (7) medical or disability information.**

The term does not include information about vehicular accidents, driving or equipment related violations, and driver's license or registration status.

Sec. 7. "Record" means any information, books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials, regardless of medium, that are created or maintained by the bureau.

SECTION 187. IC 9-14-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 7. Creation and Organization of Bureau of Motor Vehicles

Sec. 1. The bureau of motor vehicles is created.

Sec. 2. The governor shall appoint a commissioner to administer the bureau. The commissioner serves at the pleasure of the governor. Subject to IC 4-12-1-13, the governor shall fix the salary of the commissioner at the time of appointment.

SECTION 188. IC 9-14-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 8. Powers and Duties of the Bureau and the Commissioner

Sec. 1. The commissioner shall do the following:

- (1) Administer and enforce:**
 - (A) this title and other statutes concerning the bureau; and**
 - (B) the policies and procedures of the bureau.**
- (2) Organize the bureau in the manner necessary to carry out the duties of the bureau, including by appointing and fixing the salaries of the deputies, subordinate officers, clerks, and other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.1, IC 6-6-5.5, and IC 6-6-11.**
- (3) Submit budget proposals for the bureau to the budget director before September 1 of each year.**
- (4) Not later than August 1 of each year, prepare for the**

interim study committee on roads and transportation a report that includes updates on the following:

- (A) Significant policy changes, including changes in implementation.**
- (B) Contracts with third parties for performance of department responsibilities and functions.**
- (C) Projects or other undertakings required by law.**
- (D) Any other information requested by the study committee.**

The report must be submitted in an electronic format under IC 5-14-6.

- (5) Design and procure a seal of office for the bureau.**
- (6) Appoint members to the driver licensing medical advisory board under IC 9-14-11-3.**
- (7) Operate or be responsible for the administration of all license branches in Indiana under IC 9-14.1.**
- (8) Assign to license branches those functions that:**
 - (A) the commission or the bureau is legally required or authorized to perform; and**
 - (B) cannot be adequately performed by the commission or the bureau without assistance from the license branches.**
- (9) Perform other duties as required by the bureau.**

Sec. 2. The bureau shall do the following:

- (1) Prescribe and provide all forms necessary to carry out any laws or rules administered and enforced by the bureau.**
- (2) Maintain records under IC 9-14-12.**
- (3) At the close of the calendar year, make a final settlement for all the money in accounts administered by the bureau and make any necessary adjustments to meet the intent of IC 8-14-2.**

Sec. 3. The bureau may do the following:

- (1) Adopt and enforce rules under IC 4-22-2 that are necessary to carry out this title.**
- (2) Subject to the approval of the commission, request the necessary office space, storage space, and parking facilities for each license branch operated by the commission from the Indiana department of administration as provided in IC 4-20.5-5-5.**
- (3) Upon any reasonable ground appearing on the records of**

the bureau and subject to rules and guidelines of the bureau, suspend or revoke the following:

- (A) The current driving privileges or driver's license of any individual.
 - (B) The certificate of registration and proof of registration for any vehicle.
 - (C) The certificate of registration and proof of registration for any watercraft, off-road vehicle, or snowmobile.
 - (4) With the approval of the commission, adopt rules under IC 4-22-2 to do the following:
 - (A) Increase or decrease any fee or charge imposed under this title.
 - (B) Impose a fee on any other service for which a fee is not imposed under this article.
 - (C) Increase or decrease a fee imposed under clause (B).
 - (D) Designate the fund or account in which a:
 - (i) fee increase under clause (A) or (C); or
 - (ii) new fee under clause (B);
- shall be deposited.

Sec. 4. The bureau is subject to internal audit and review under IC 5-11-1-28.

SECTION 189. IC 9-14-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9. Creation and Organization of the Bureau of Motor Vehicles Commission

Sec. 1. The bureau of motor vehicles commission is established. The commission is a body corporate and politic, and though separate from the state, the exercise by the commission of the commission's powers constitutes an essential governmental function. The commission may sue and be sued and plead and be impleaded.

Sec. 2. The commission board acts on behalf of the commission and consists of the following five (5) members:

- (1) Four (4) individuals, not more than two (2) of whom may be members of the same political party, who are appointed by the governor. An individual appointed under this subdivision:
 - (A) serves for a term of four (4) years;
 - (B) may not hold any other public office or serve as a state

or local employee while serving as a commission board member; and

(C) shall devote as much time as is needed to carry out the commission board's obligations, but is not required to devote full time to the commission board.

(2) The commissioner, who:

(A) shall serve as chair of the commission board; and

(B) is responsible for calling commission board meetings.

Sec. 3. The commission consists of the following:

(1) All officers and employees of the license branches.

(2) Other officers and employees designated by the commission board as commission employees.

Sec. 4. Three (3) commission board members constitute a quorum. The consent of three (3) commission board members is required before any action may be taken.

Sec. 5. (a) Each member of the commission board appointed under section 2(1) of this chapter is entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); and

(2) reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) The commissioner, in the capacity as chair of the commission board, is entitled to reimbursement as a state employee for traveling expenses and other expenses actually incurred in connection with the chair's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 6. The commission shall:

(1) develop a statewide license branch budget; and

(2) on a date specified by the budget agency of each even-numbered year, submit to the budget agency a proposed budget.

Sec. 7. IC 34-13-3 applies to a claim or suit in tort against any of the following:

(1) A member of the commission board.

(2) An employee of the commission.

Sec. 8. Property of the commission is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

Sec. 9. The state board of accounts shall audit all accounts of the commission.

SECTION 190. IC 9-14-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Powers and Duties of the Commission Board

Sec. 1. The commission board shall do the following:

- (1) Recommend legislation needed to operate the license branches.**
- (2) Recommend rules needed to operate the license branches.**
- (3) Review budget proposals for the commission and the license branches operated under IC 9-14.1, including the budget required by IC 9-14.1-5-4 and IC 9-14.1-5-5.**
- (4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-14.1.**
- (5) Establish and adopt minimum standards for the operation and maintenance of each physical or virtual location at which services are provided by a full service provider or partial services provider operated under IC 9-14.1.**
- (6) Administer the commission fund established under IC 9-14-14-1.**

Sec. 2. The commission board may do the following:

- (1) Procure insurance against any loss in connection with the commission's operations in the amount the commission board considers necessary or desirable.**
- (2) Contract with a qualified person:**
 - (A) to serve as a full service provider under IC 9-14.1-3-1;**
 - (B) to serve as a partial services provider under IC 9-14.1-3-2; or**
 - (C) for other services to process specific transactions as outlined by the commission.**
- (3) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, develop a system of procurement that applies only to procurement of equipment, materials, services, and goods required for the**

operation of license branches under IC 9-14.1.

(4) Either:

(A) develop a retirement program for managers and employees of license branches; or

(B) cause managers and employees of license branches to be members of the public employees' retirement fund (IC 5-10.3-7).

(5) Enter into lease agreements as necessary for office space, storage space, and parking facilities for license branches under IC 9-14.1.

(6) Take any other action necessary to achieve the commission's purpose.

Sec. 3. The commission board may develop a separate personnel system for employees of the commission who are assigned to be managers and employees of license branches. The system may establish the rights, privileges, powers, and duties of these employees, including a license branch pay scale and benefit package. If the commission board does not develop and adopt a license branch personnel system, those employees are subject to the state personnel system under IC 4-15-2.2, except as provided in IC 9-14.1-2-5(d).

SECTION 191. IC 9-14-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 11. Driver Licensing Medical Advisory Board

Sec. 1. As used in this chapter, "board" refers to the driver licensing medical advisory board established under section 2 of this chapter.

Sec. 2. The driver licensing medical advisory board is established.

Sec. 3. The board consists of five (5) members, of whom:

(1) two (2) members must have unlimited licenses to practice medicine in Indiana, including one (1) neurologist with expertise in epilepsy; and

(2) one (1) member must be licensed as an optometrist.

The board members serve at the pleasure of the commissioner.

Sec. 4. A board member is entitled to be reimbursed for travel expenses necessarily incurred in the performance of the member's duties and is also entitled to receive a salary per diem as prescribed

by the budget agency.

Sec. 5. The board shall provide the commissioner and the office of traffic safety created by IC 9-27-2-2 with assistance in the administration of Indiana driver licensing laws, including:

- (1) providing guidance to the commissioner in the area of licensing drivers with health or other problems that may adversely affect a driver's ability to operate a vehicle safely;
- (2) recommending factors to be used in determining qualifications and ability for issuance and retention of a driver's license; and
- (3) recommending and participating in the review of license suspension, restriction, or revocation appeal procedures, including reasonable investigation into the facts of the matter.

Sec. 6. The commissioner may request assistance from any of the board members at any time.

Sec. 7. A member of the board is exempt from a civil action arising or thought to arise from an action taken in good faith as a member of the board.

Sec. 8. The evaluation of medical reports for the commissioner by a member of the board does not constitute the practice of medicine. This chapter does not authorize a person to engage in the practice of the healing arts or the practice of medicine as defined by law.

SECTION 192. IC 9-14-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 12. Records of the Bureau

Sec. 1. All records of the bureau, except:

- (1) those declared by law to be confidential; or
- (2) those containing personal information;

must be open to public inspection during office hours in accordance with IC 5-14.

Sec. 2. The bureau shall maintain the following records:

- (1) All records related to or concerning certificates of title issued by the bureau under IC 9-17 and IC 9-31, including the following:

- (A) An original certificate of title and all assignments and reissues of the certificate of title.
- (B) All documents submitted in support of an application

for a certificate of title.

(C) Any notations affixed to a certificate of title.

(D) A listing of all reported buyback vehicles in accordance with IC 9-17-3-3.5.

(E) Any inspection that is conducted:

(i) by an employee of the bureau or commission; and

(ii) with respect to a certificate of title issued by the bureau.

(2) All records related to or concerning registrations issued under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-31, including the following:

(A) The distinctive registration number assigned to each vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1 or each watercraft registered under IC 9-31.

(B) All documents submitted in support of applications for registration.

(3) All records related to or concerning credentials issued by the bureau under IC 9-24, including applications and information submitted by applicants.

(4) All driving records maintained by the bureau under section 3 of this chapter.

(5) A record of each individual that acknowledges making an anatomical gift as set forth in IC 9-24-17.

Sec. 3. (a) For each individual licensed by the bureau to operate a motor vehicle, the bureau shall create and maintain a driving record that contains the following:

(1) The individual's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) Any suspensions, revocations, or reinstatements of the individual's driving privileges, license, or permit.

(4) If the driving privileges of the individual have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed to the individual by the bureau and the date of the mailing of the notice.

(5) Any requirement that the individual may operate only a

motor vehicle equipped with a certified ignition interlock device.

A driving record may not contain voter registration information.

(b) For an Indiana resident who does not hold any type of valid driving license, the bureau shall maintain a driving record as provided in IC 9-24-18-9.

Sec. 4. All requests for records maintained under this chapter must be:

- (1) submitted in writing; or
- (2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted by law, must be accompanied by the payment of the applicable fee prescribed in section 7 of this chapter.

Sec. 5. (a) Upon receiving a request that complies with section 4 of this chapter, the bureau shall prepare and deliver a certified copy of any record of the bureau that is not otherwise declared by law to be confidential.

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original. However, a driving record maintained under section 3 of this chapter is not admissible as evidence in any action for damages arising out of a motor vehicle accident.

(c) An electronic record of the bureau obtained from the bureau that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

Sec. 6. (a) The bureau shall give precedence to requests under this chapter from law enforcement agencies and agencies of government for certified copies of records.

(b) The bureau may not impose a fee on a law enforcement agency, an agency of government, or an operator (as defined in IC 9-21-3.5-4) for a request made under this chapter.

Sec. 7. (a) The fee for a certified copy of a record maintained by the bureau under this chapter is as follows:

- (1) For a record that is generated by the bureau's computer systems, including a driving record, four dollars (\$4) for each certified copy requested.
- (2) For a record that is not generated by the bureau's

computer systems, eight dollars (\$8) for each certified copy requested.

(b) A fee imposed under this section:

(1) is instead of the uniform copying fee established under IC 5-14-3-8; and

(2) shall be deposited in the motor vehicle highway account.

Sec. 8. (a) Upon the submission to the bureau of a specific written request for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the requesting person to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties for information compiled under subsection (a).

(c) A person that makes a request under this section must certify that the information compiled in response to the request will be used for one (1) of the following purposes:

(1) For notifying vehicle owners of vehicle defects and recalls.

(2) For research or statistical reporting purposes. Individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) For documenting the sale of motor vehicles in Indiana.

(4) For purposes of the federal Selective Service System.

(5) Solely for law enforcement purposes by police officers.

(6) For locating a parent described in IC 31-25-3-2(c) as provided under IC 31-25-3-2.

(d) A person that requests information under this section for a purpose not specified in subsection (c) commits a Class C infraction.

Sec. 9. The bureau may destroy or otherwise dispose of any records of the bureau:

(1) in accordance with the bureau's record retention schedule; or

(2) with permission from the Indiana archives and record administration under IC 5-15-5.1-14.

SECTION 193. IC 9-14-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 13. Privacy and Disclosure of Bureau Records

Sec. 1. (a) The bureau may not compile information concerning voter registration under this article.

(b) Voter registration information received or maintained by the bureau is confidential.

Sec. 2. (a) The bureau shall not disclose:

- (1) the Social Security number;**
- (2) the federal identification number;**
- (3) the driver's license number;**
- (4) the digital image of the driver's license, identification card, or photo exempt identification card applicant;**
- (5) a reproduction of the signature secured under IC 9-24-9-1, IC 9-24-16-2, or IC 9-24-16.5-2; or**
- (6) medical or disability information;**

of any individual except as provided in subsection (b).

(b) The bureau may disclose any information listed in subsection

(a):

- (1) to a law enforcement officer;**
- (2) to an agent or a designee of the department of state revenue;**
- (3) for uses permitted under IC 9-14-13-7(1), IC 9-14-13-7(4), IC 9-14-13-7(6), and IC 9-14-13-7(9); or**
- (4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.**

Sec. 3. (a) If the governor, the superintendent of the state police department, or the highest officer located in Indiana of the Federal Bureau of Investigation, the United States Secret Service, or the United States Treasury Department certifies to the bureau that:

- (1) an individual named in the certification is an officer or employee of a state, county, or city department or bureau with police power;**
- (2) the nature of the individual's work or duties is of a secret or confidential nature; and**
- (3) in the course of the individual's work the individual uses the motor vehicle described in the certification;**

the bureau shall regard all of the bureau's records concerning the certificate of title or certificate of registration of the motor vehicle and the driver's license of the individual described in the certification as confidential.

(b) The bureau may disclose the records described in subsection

(a) only upon one (1) of the following:

- (1) An order of a court with jurisdiction made in a cause or matter pending before the court.**
- (2) The written request of the officer, employee, or a successor of the officer or employee making the certification.**
- (3) A request of the governor.**

Sec. 4. (a) The department of state revenue shall adopt rules under IC 4-22-2 providing for the release of a list of registrants under the International Registration Plan.

(b) The list must be limited to the following:

- (1) The name of the registrant.**
- (2) The complete address of the registrant.**
- (3) The number of Indiana miles, total miles, and number of each type of vehicle registered by the registrant.**

(c) The list described in this section is not confidential.

(d) Notwithstanding IC 5-14-3-8, the department of state revenue may charge for a list of registrants under this section an amount that is agreeable to the parties.

Sec. 5. Except as otherwise provided in this chapter:

- (1) an officer or employee of the bureau;**
- (2) an officer or employee of the bureau of motor vehicles commission; or**
- (3) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);**

may not knowingly disclose or otherwise make available personal information, including highly restricted personal information.

Sec. 6. Personal information related to:

- (1) motor vehicle or driver safety and theft;**
- (2) motor vehicle emissions;**
- (3) motor vehicle product alterations, recalls, or advisories;**
- (4) performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and**
- (5) the removal of nonowner records from the original owner records of motor vehicle manufacturers;**

must be disclosed under this chapter to carry out the purposes of the federal Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Anti-Car Theft Act of 1992 (49 U.S.C. 33101 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and all federal regulations enacted or adopted under those acts.

Sec. 7. The bureau may disclose certain personal information that is not highly restricted personal information if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.**
- (2) For use in connection with matters concerning:**
 - (A) motor vehicle or driver safety and theft;**
 - (B) motor vehicle emissions;**
 - (C) motor vehicle product alterations, recalls, or advisories;**
 - (D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;**
 - (E) motor vehicle market research activities, including survey research;**
 - (F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and**
 - (G) motor fuel theft under IC 24-4.6-5.**
- (3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:**
 - (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and**
 - (B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.**
- (4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.**
- (5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not**

published, redisclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31131 et seq.).

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does this section affect the administration of anatomical gift initiatives in Indiana.

Sec. 8. Highly restricted personal information may be disclosed only as follows:

(1) With the express written consent of the person to whom the highly restricted personal information pertains.

(2) In the absence of the express written consent of the person to whom the highly restricted personal information pertains, if the person requesting the information:

(A) provides proof of identity; and

(B) represents that the use of the highly restricted personal information will be strictly limited to at least one (1) of the uses set forth in section 7(1), 7(4), 7(6), and 7(9) of this chapter.

Sec. 9. The bureau may, before disclosing personal information, require the requesting person to satisfy certain conditions for the purpose of ascertaining:

(1) the correct identity of the requesting person;

(2) that the use of the disclosed information will be only as authorized; or

(3) that the consent of the person who is the subject of the information has been obtained.

The conditions may include the making and filing of a written application on a form prescribed by the bureau and containing all information and certification requirements required by the bureau.

Sec. 10. (a) An authorized recipient of personal information, except a recipient under section 7(11) or 7(12) of this chapter, may resell or redisclose the information for any use allowed under section 7 of this chapter, except for a use under section 7(11) or 7(12) of this chapter.

(b) An authorized recipient of a record under section 7(11) of this chapter may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information under IC 9-14-12-8 and section 7(12) of this chapter may resell or redisclose the personal information for use only in accordance with section 7(12) of this chapter.

(d) Except for a recipient under section 7(11) of this chapter, a recipient who resells or rediscloses personal information is required to maintain and make available for inspection to the bureau, upon request, for at least five (5) years, records concerning:

(1) each person that receives the information; and

(2) the permitted use for which the information was obtained.

Sec. 11. A person requesting the disclosure of personal

information or highly restricted personal information from bureau records who knowingly or intentionally misrepresents the person's identity or makes a false statement to the bureau on an application required to be submitted under this chapter commits a Class C misdemeanor.

SECTION 194. IC 9-14-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 14. Funds

Sec. 1. (a) The bureau of motor vehicles commission fund is established for the purpose of paying the expenses incurred in administering IC 9-14.1. The commission shall administer the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the commission the money in the fund for its use in carrying out the purposes of IC 9-14.1, subject to the approval of the budget agency.

(e) The fund consists of the following:

(1) Money deposited in or distributed to the fund under this title.

(2) Money deposited in the fund under IC 9-29-14-5 (before its repeal).

(3) Money received from any other source, including appropriations.

Sec. 2. (a) The motor vehicle odometer fund is established. The fund consists of the following:

(1) Amounts deposited in the fund under this title.

(2) Money deposited in the fund under IC 9-29-1-5 (before its repeal).

(3) Money deposited in the fund from any other source.

(b) All money in the motor vehicle odometer fund shall be allocated each July as follows:

(1) Forty percent (40%) is to be deposited in the motor vehicle highway account (IC 8-14-1).

(2) Thirty percent (30%) is to be appropriated to the bureau for use in enforcing odometer laws.

(3) Twenty percent (20%) is to be appropriated to the state police for use in enforcing odometer laws.

(4) Ten percent (10%) is to be appropriated to the attorney general for use in enforcing odometer laws.

Sec. 3. (a) The state motor vehicle technology fund is established for the purpose of paying for new technology as it becomes available to carry out the functions of the bureau. The bureau shall administer the fund. This fund is in addition to normal budgetary appropriations.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the bureau the money in the fund to procure as the need arises:

- (1) computer equipment and software;**
- (2) telephone equipment and software;**
- (3) electronic queue systems;**
- (4) other related devices; or**
- (5) technology services;**

subject to the approval of the budget agency.

(e) The fund consists of the following:

- (1) Money deposited in or distributed to the fund under this title.**
- (2) Money deposited in the fund under IC 9-29-16-5 (before its repeal).**
- (3) Money received from any other source, including appropriations.**

Sec. 4. (a) The state police building account is established. The account consists of amounts deposited in the account under this title, including amounts deposited under IC 9-29-14 (before its repeal). The state police department shall administer the account.

(b) Money in the account:

- (1) does not revert to the state general fund or the motor vehicle highway account under IC 8-14-1, except as provided under subsection (c); and**
- (2) shall be expended for the following:**

(A) The construction, maintenance, leasing, and equipping

of state police facilities.

(B) Other projects provided for by law.

(c) At the end of each state fiscal year, the auditor of state shall transfer to the state general fund the balance in the state police building account that is in excess of appropriations made for the construction, maintenance, leasing, or equipping of state police facilities and other projects provided for by law.

(d) Transfers under subsection (c) shall be made until one million five hundred thousand dollars (\$1,500,000) has been transferred to the state general fund.

Sec. 5. Money distributed to or deposited in the highway, road and street fund under this title shall be allocated as follows:

(1) Fifty-five percent (55%) to the state highway fund as provided in IC 8-14-2-3.

(2) Forty-five percent (45%) to the local road and street account as provided in IC 8-14-2-4.

SECTION 195. IC 9-14.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 14.1. LICENSE BRANCHES

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Full service provider" refers to a qualified person with whom the commission enters into a contract under IC 9-14.1-3-1.

Sec. 3. "Partial services provider" refers to a qualified person with whom the commission enters into a contract under IC 9-14.1-3-2.

Sec. 4. (a) "Procurement" includes buying, purchasing, renting, leasing, or otherwise acquiring.

(b) The term includes the following activities:

(1) Description of requirements.

(2) Solicitation or selection of sources.

(3) Preparation and award of contract.

(4) All phases of contract administration.

(5) All functions that pertain to purchasing or procuring.

Sec. 5. "Qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

(3) A new motor vehicle dealer licensed under IC 9-32-11.

(4) Other persons, including persons licensed under IC 9-32-11 that are not covered by subdivision (3), that the commission determines can meet the requirements for contractors under IC 9-14.1-3-2.

Chapter 2. Powers and Duties

Sec. 1. (a) There must be at least one (1) license branch in each county.

(b) The number of license branches may not be reduced in a county below the number in existence on January 1, 2001, unless the commission:

(1) holds a public hearing in the county; and

(2) receives unlimited public testimony before the commissioner on the merits of closing the branch that the commission proposes to close in the county.

Sec. 2. License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

Sec. 3. Each license branch shall:

(1) collect:

(A) the service charges and fees as set forth in this title and in policies and other documents of the bureau; and

(B) applicable excise taxes under IC 6-6; and

(2) remit the amounts collected to the bureau for deposit as set forth in this title and IC 6-6.

Sec. 4. A transaction under this title that may be performed in a license branch may be performed in any license branch in any county.

Sec. 5. (a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.

(b) On each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(c) On the day before each general, municipal, primary, and

special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(d) The commission shall:

- (1) designate another day as time off; or
- (2) authorize overtime pay;

for license branch personnel required to work on an election day.

Chapter 3. Services Provided by Qualified Persons

Sec. 1. The commission board may enter into a contract with a qualified person to provide full services at the qualified person's location, including a location within a facility used for other purposes. The contract must include the following provisions:

- (1) The qualified person shall provide the following services:
 - (A) Vehicle title services.
 - (B) Vehicle registration and renewal services.
 - (C) Driver's licenses and related services.
 - (D) Voter registration services as imposed on the commission under IC 3-7.
- (2) The qualified person shall provide personnel trained to properly process branch transactions.
- (3) The qualified person shall do the following:
 - (A) With respect to transactions processed at the qualified person's location, impose and collect all fees and taxes applicable to the transaction.
 - (B) Deposit the fees and taxes with the bureau for deposit in the appropriate fund or account.
- (4) The qualified person shall generate a transaction volume sufficient to justify the installation of bureau support systems.
- (5) The qualified person shall provide fidelity bond coverage in an amount prescribed by the commission.
- (6) The qualified person may provide full services within a facility used for other purposes.
- (7) The qualified person shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.
- (8) The commission shall provide support systems to the qualified person on the same basis as to license branches.

(9) The commission must approve each location and physical facility based upon criteria developed by the commission board.

(10) The term of the contract must be for a fixed period.

(11) The qualified person shall agree to provide voter registration services and to perform the same duties imposed on the commission under IC 3-7.

Sec. 2. The commission may enter into a contract with a qualified person to provide partial services at the qualified person's location, including a location within a facility used for other purposes. The contract must include the following provisions:

(1) The qualified person must provide one (1) or more of the following services:

(A) Vehicle title services.

(B) Vehicle registration and renewal services.

(2) The qualified person must provide trained personnel to properly process branch transactions.

(3) The qualified person shall do the following:

(A) With respect to each transaction processed at the qualified person's location, impose and collect all fees and taxes applicable to the transaction.

(B) Deposit the fees and taxes with the bureau for deposit in the appropriate fund or account.

(4) The qualified person shall provide fidelity bond coverage in an amount prescribed by the commission.

(5) The qualified person shall provide:

(A) liability insurance coverage in an amount not to exceed two million dollars (\$2,000,000) per occurrence, as prescribed by the commission; and

(B) indemnification of the commission for any liability in excess of the amount of coverage provided under clause

(A), not to exceed five million dollars (\$5,000,000) per occurrence.

(6) The qualified person shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(7) The commission must approve each location and physical facility used by a qualified person.

(8) The term of the contract must be for a fixed period.

Sec. 3. (a) A transaction processed by a full service provider or partial services provider is subject to the same fees and taxes as if the transaction were processed at a license branch.

(b) In addition to a fee or tax described in subsection (a), a full service provider or partial services provider may impose, collect, and retain a convenience fee for each transaction that is:

(1) related to:

(A) a title issued under IC 9-17; or

(B) a registration issued under IC 9-18 (before its expiration) or IC 9-18.1; and

(2) processed by the provider.

(c) The amount of a convenience fee described in subsection (b):

(1) is subject to the written approval of the commission; and

(2) may not exceed the following:

(A) For a transaction described in subsection (b)(1)(A), one hundred fifty percent (150%) of the fee imposed on the same transaction processed at a license branch.

(B) For a transaction described in subsection (b)(1)(B), one hundred fifty percent (150%) of the fee imposed under IC 9-29-5-1 (before its repeal) or IC 9-18.1-5-2 for a transaction processed at a license branch.

(d) This subsection applies if a full service provider or partial services provider imposes a convenience fee under subsection (b). Before the full service provider or partial services provider may impose and collect the convenience fee, all of the following conditions must occur:

(1) Notice of the convenience fee must be provided, in writing or by electronic means, to the customer by:

(A) the full service provider;

(B) the partial services provider; or

(C) a dealer that interacts directly with the customer at the initial transaction level.

(2) The notice must disclose only the following:

(A) The amount of the convenience fee.

(B) That the convenience fee is not imposed on a transaction processed at a license branch.

(C) The address and hours of operation of the license branch located nearest to the full service location or

partial services location.

(D) The distance between the license branch described in clause (C) and the full service location or partial services location.

(3) The customer must agree, in writing or by electronic means, to pay the convenience fee.

(e) A notice provided under subsection (d)(1) must be provided:

(1) in a single, discrete document or publication that contains no additional terms or conditions; or

(2) in combination only with an agreement described in subsection (d)(3).

(f) With respect to each transaction processed by a full service provider or partial services provider, the full service provider or partial services provider shall:

(1) collect all fees and taxes related to the transaction; and

(2) remit the amounts collected to the bureau for deposit as set forth in this title.

Sec. 4. A person that violates section 3 of this chapter commits a Class C infraction.

Chapter 4. Voter Registration and Election Day Services

Sec. 1. This chapter applies to a license branch.

Sec. 2. License branches shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 52 U.S.C. 20504.

Sec. 3. Each license branch shall provide copies of voter registration forms. The registration forms must be:

(1) prescribed by the Indiana election commission to permit the NVRA official to fulfill the NVRA official's reporting duties under 52 U.S.C. 20508(a)(3) and IC 3-7-11-2; and

(2) placed in an easily accessible location within the branch, so that members of the public may obtain the forms without further assistance from the commission.

Sec. 4. Each license branch shall post a notice in a prominent location easily visible to members of the public. The notice must state substantially the following:

**"VOTER REGISTRATION FORMS
AVAILABLE HERE**

This office has forms that you can fill out so that you can register to vote in Indiana.

If you live in Indiana and are not registered to vote where you live now, and you want to register (or change your registration record), please take one of the forms.

If you cannot find a blank voter registration form in this office, ask us to give you a form.

You must take the form with you and mail or deliver the form to the voter registration office.

Applying to register or declining to register to vote will not affect the assistance or service that you will be provided by this office."

Sec. 5. Voter registration information received or maintained under this chapter is confidential.

Chapter 5. Audits, Budgets, and Procurement

Sec. 1. (a) The state board of accounts shall audit each account of each license branch operated under this article.

(b) Each audit must be:

(1) completed not more than ninety (90) days after commencement of the audit; and

(2) filed with the legislative services agency in an electronic format under IC 5-14-6 not more than thirty (30) days after completion of the audit.

(c) An audit prepared under this section is a public record.

Sec. 2. (a) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, the commission may develop a system of procurement that applies only to procurement of equipment, materials, services, and goods required for the operation of license branches.

(b) A system of procurement adopted under this section must provide that whenever:

(1) a contract is awarded by acceptance of bids, proposals, or quotations; and

(2) a trust (as defined in IC 30-4-1-1(a)) submits a bid, proposal, or quotation;

the bid, proposal, or quotation must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

(c) This section does not apply to the purchasing, leasing, or disposal of real property.

Sec. 3. The value of all:

- (1) purchases of supplies, fixtures, and equipment;
- (2) purchases of real property; and
- (3) lease agreements and contracts;

shall be appraised by the Indiana department of administration or by an independent appraiser, at the discretion of the Indiana department of administration. The cost of a purchase, lease agreement, or contract may not exceed the appraised value.

Sec. 4. The commission shall develop a statewide license branch budget. If the commission board determines that the total of:

- (1) revenues from license branch operations; and
- (2) appropriations received by the commission;

are insufficient to support license branch operations, the commission may increase fees by rule under IC 9-14-8-3(4).

Sec. 5. (a) On a date specified by the budget agency of each even-numbered year, the commission shall submit to the budget agency a proposed statewide license branch budget. The commission shall include, at a minimum, the following information on a county by county basis:

- (1) Total estimated revenue.
- (2) Total estimated expenditures for salaries and fringe benefits.
- (3) Total estimated expenditures for other personal services.
- (4) Total estimated expenditures for nonpersonal services.
- (5) Total estimated expenditures for contractual services.
- (6) Total estimated expenditures for supplies and materials.
- (7) All other estimated expenditures.
- (8) The number of full-time and part-time employees.
- (9) Other information the budget agency requires.

(b) The budget agency shall provide the information received under subsection (a) to the budget committee for the committee's review.

Chapter 6. Political Activities and Contributions

Sec. 1. An employee who is employed under this article may not be forced to contribute to a political party or participate in a political activity.

Sec. 2. Section 1 of this chapter may not be interpreted to prohibit the following:

- (1) The voluntary contribution of an employee to a political party.

(2) The voluntary participation of an employee in a political activity, unless the participation interferes with the employee's performance or responsibility of the employee's job.

Sec. 3. (a) Equipment or facilities of a license branch operated under this article may not be used for political purposes.

(b) A person who violates this section commits a Class C infraction.

Sec. 4. A person that:

- (1) collects;**
- (2) displays;**
- (3) distributes; or**
- (4) stores;**

paraphernalia, brochures, or displays for a political party or organization in a license branch commits a Class C infraction.

Sec. 5. This chapter does not prohibit an employee from using the equipment or facilities of a license branch or full service location operated under this article or engaging in activity permitted or required under:

- (1) IC 3-7;**
- (2) IC 9-14.1-4;**
- (3) IC 9-24-2.5; or**
- (4) the National Voter Registration Act of 1993 (52 U.S.C. 20501).**

SECTION 196. IC 9-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Bureau of Motor Vehicles Commission).

SECTION 197. IC 9-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. (License Branches).

SECTION 198. IC 9-17-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. The following are required to be titled under this article:**

- (1) Off-road vehicles.**
- (2) Watercraft.**
- (3) Manufactured or mobile homes that are:**
 - (A) personal property not held for resale; or**
 - (B) not attached to real estate by a permanent foundation.**

SECTION 199. IC 9-17-1-1, AS AMENDED BY P.L.180-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 1. (a) This article does not apply to the following:

(1) A vehicle that is not required to be registered under IC 9-18-2 (before its expiration) or IC 9-18.1.

~~(1) (2) Special machinery.~~

~~(2) Farm wagons.~~

~~(3) A golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).~~

~~(4) (3) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.~~

~~(5) Snowmobiles.~~

~~(6) (4) Motor driven cycles.~~

~~(7) Except as otherwise provided, any other vehicle that is not registered in accordance with IC 9-18-2.~~

(5) An off-road vehicle that was purchased or otherwise acquired before January 1, 2010.

(6) Snowmobiles.

(7) A watercraft that is not required to be registered under IC 9-31-3.

(b) Notwithstanding subsection (a), a person may apply for:

(1) a certificate of title under IC 9-17-2-2; or

(2) a special identification number **under** IC 9-17-4;

for a vehicle listed in subsection (a). ~~An application under this subsection must be accompanied by the applicable fee under IC 9-29-~~

~~(c) IC 9-17-2, IC 9-17-3, IC 9-17-4, and IC 9-17-5 apply to a mini-truck. If the bureau issues a certificate of title under subsection (b)(1), the vehicle remains subject to this article until the titleholder surrenders the title to the bureau.~~

SECTION 200. IC 9-17-1-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: For purposes of this article, "person" has the meaning set forth in IC 9-13-2-124(c).

SECTION 201. IC 9-17-2-1, AS AMENDED BY P.L.188-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) A person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; or
(2) are off-road vehicles;
and that will be operated in Indiana.

(c) A person must obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(d) A person must obtain a certificate of title for all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(a) Except as provided in IC 9-17-1-1 and subsection (b), a person must obtain a certificate of title under this article for all vehicles that are:

(1) owned by the person; and

(2) either:

(A) titled under this article by application of IC 9-17-1-0.5 or IC 9-17-1-1(c); or

(B) registered under IC 9-18 (before its expiration) or IC 9-18.1.

(b) A nonresident that owns a vehicle may declare Indiana as the nonresident's base without obtaining a certificate of title for the vehicle if:

(1) the nonresident's state of residence is not a member of the International Registration Plan; and

(2) the nonresident presents to the bureau satisfactory proof of ownership of the vehicle from the originating state.

(c) A person that obtains a certificate of title for a type of vehicle that must be registered under IC 9-18 (before its expiration) or IC 9-18.1 shall register the vehicle in Indiana under IC 9-18 (before its expiration) or IC 9-18.1.

(e) (d) A person must obtain a certificate of title for all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident. Upon request by the bureau, a person must produce evidence concerning the date on which the person became an Indiana

resident.

~~(f) A person who fails to obtain a certificate of title as required under subsection (b), (c), (d), or (e) commits a Class C infraction.~~

(e) Except as provided in subsection (b), an individual who operates a vehicle without a certificate of title commits a Class C infraction.

SECTION 202. IC 9-17-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1.5: (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.~~

~~(b) A person who purchases an off-road vehicle after December 31, 2005, must obtain a certificate of title for the off-road vehicle from the bureau.~~

~~(c) A person who fails to obtain a certificate of title as required under subsection (b) commits a Class C infraction.~~

SECTION 203. IC 9-17-2-2, AS AMENDED BY P.L.81-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person applying for a certificate of title for a vehicle must submit an application ~~on a form furnished in the~~ **form and manner prescribed** by the bureau and provide the following information:

- (1) A full description of the vehicle, including the make, model, and year of manufacture of the vehicle.
- (2) A statement of any ~~lien~~ **liens, mortgages, or other encumbrance encumbrances** on the vehicle.
- (3) The vehicle identification number or special identification number of the vehicle.
- (4) The former title number, if applicable.
- (5) The purchase or acquisition date.
- (6) The name ~~residence address and; if different from the residence address, mailing address,~~ and Social Security number or federal identification number of the person.
- (7) **Any** other information that the bureau requires, **including a valid permit to transfer title issued under IC 6-1.1-7-10, if applicable.**

~~(b) This subsection applies only to a person who that receives an interest in a vehicle under IC 9-17-3-9. To obtain a certificate of title for the vehicle, the person must do the following:~~

- (1) Surrender the certificate of title designating the person as a

transfer on death beneficiary.

(2) Submit proof of the transferor's death.

(3) Submit an application for a certificate of title ~~on a form furnished by the bureau that meets the requirements of subsection (a):~~ **in the form and manner prescribed by the bureau.**

SECTION 204. IC 9-17-2-4, AS AMENDED BY P.L.92-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~¶ (a) An application for a certificate of title for a vehicle for which a certificate of title (†) has been issued previously issued for a vehicle in Indiana; an application for a certificate of title must be accompanied by the previously issued certificate of title. unless otherwise provided; or~~

~~(2) (b) An application for a certificate of title for a vehicle for which a certificate of title has not been issued previously been issued for a vehicle in Indiana; an application for a certificate of title must be accompanied by the following:~~

~~(1) If the vehicle is in Indiana, a manufacturer's certificate of origin as provided in IC 9-32-5-3. unless otherwise provided in this chapter.~~

~~(2) If the vehicle is brought into Indiana from another state, the following:~~

~~(A) A sworn bill of sale or dealer's invoice fully describing the vehicle.~~

~~(B) The most recent registration receipt issued for the vehicle.~~

~~(C) Any other information that the bureau requires to establish ownership.~~

SECTION 205. IC 9-17-2-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: If an application for a certificate of title is for a vehicle or off-road vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle or off-road vehicle by the other state if the other state has a certificate of title law;

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle or off-road vehicle and the most recent registration receipt issued for the vehicle or off-road vehicle if the other state does not have a certificate of title law; or

(3) other information that the bureau requires; if the other state

does not have a certificate of title or registration law that pertains to the vehicle or off-road vehicle:

SECTION 206. IC 9-17-2-6, AS AMENDED BY P.L.188-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) ~~This section does not apply to a motor vehicle requiring a certificate of title under section 1(b)(2) or 1.5 of this chapter.~~

~~(b)~~ **(a) An application for a certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle to the applicant.**

(b) Subsection (a) does not apply to the following:

- (1) A vehicle described in IC 9-17-1-1(b)(1).**
- (2) A vehicle described in IC 9-17-1-1(c).**
- (3) A manufactured or mobile home.**
- (4) An off-road vehicle.**
- (5) A watercraft.**
- (6) A vehicle that is required to be registered under this title at a declared gross weight of more than sixteen thousand (16,000) pounds.**

(c) A person ~~may~~ **shall** not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

(d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

(e) A person ~~who~~ **that**:

- (1) fails to provide an odometer reading as required under subsection ~~(b)~~; **(a)**; or
- (2) knowingly provides an erroneous odometer reading for purposes of subsection (c);

commits a Class B infraction.

SECTION 207. IC 9-17-2-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 8. The bureau shall use reasonable diligence in determining if the facts stated in an application for a certificate of title are true.~~

SECTION 208. IC 9-17-2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 9. (a) This section does not apply to a vehicle requiring a~~

certificate of title under this chapter but that is not required to be registered under IC 9-18:

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

(c) A person who fails to:

- (1) apply for a certificate of title as required under subsection (b); or
- (2) fails to transfer the current registration of the vehicle owned or previously owned by the person;

commits a Class C infraction:

SECTION 209. IC 9-17-2-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10: (a) If the bureau is satisfied that the person applying for a certificate of title is the owner of the vehicle, the bureau may issue a certificate of title for the vehicle:

(b) The bureau may not issue a certificate of title to an applicant if the bureau determines that the applicant is not an Indiana resident.

SECTION 210. IC 9-17-2-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11: (a) The bureau shall deliver a certificate of title to the person who owns the vehicle if no lien or encumbrance appears on the certificate of title:

(b) If a lien or an encumbrance appears on the vehicle, the bureau shall deliver the certificate of title to the person who holds the lien or encumbrance set forth in the application for the certificate of title.

SECTION 211. IC 9-17-2-12, AS AMENDED BY P.L.262-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding calendar year.

(b) (a) This section does not apply to the following:

- (1) **A trailer or semitrailer.**
- (2) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state: **under IC 9-32.**
- (2) (3) A motor vehicle or recreational vehicle transferred or

assigned on a certificate of title issued by the bureau.

~~(3)~~ **(4)** A ~~motor~~ vehicle that is registered under the International Registration Plan.

~~(4)~~ **(5)** A ~~motor~~ vehicle that is titled in the name of a financial institution, lending institution, or insurance company in Canada and imported by a registered importer, if

~~(A)~~ the registered importer **provides: complies with section 12.5(a) of this chapter; and**

~~(B)~~ section 12.5(d) of this chapter does not apply to the motor vehicle:

(A) a copy of the registered importer's validation agreement issued by the United States customs and border protection;

(B) a copy of the entry summary issued by the United States customs and border protection (CBP form 7501); and

(C) a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's title information, odometer readings, and number of owners.

~~(5)~~ **(6)** A ~~motor~~ vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, ~~or an insurance company,~~ **a vehicle rental company, a vehicle leasing company, or a lessee of a vehicle leasing company** if

~~(A)~~ the financial institution, lending institution, ~~or insurance company,~~ **vehicle rental company, vehicle leasing company, or lessee of a vehicle leasing company:**

complies with section 12.5(b) of this chapter; and

~~(B)~~ section 12.5(d) of this chapter does not apply to the motor vehicle: **(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:**

(i) title information;

(ii) odometer readings; and

(iii) number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

(7) A vehicle that is purchased in another state and titled in

Indiana by a vehicle rental company or a vehicle leasing company if the vehicle rental company or vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

- (i) title information;**
- (ii) odometer readings; and**
- (iii) number of owners; and**

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

~~(c)~~ **(b)** Subject to subsection ~~(c)~~; **(d)**, an application for a certificate of title for a ~~motor vehicle or recreational vehicle~~ may not be accepted by the bureau unless the ~~motor vehicle or recreational vehicle~~ has been inspected by one (1) of the following:

- (1) An employee of a dealer ~~designated by the secretary of state to perform an inspection.~~ **licensed under IC 9-32.**
- (2) A military police officer assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.
- (5) An employee of a qualified person operating under a contract with the commission. ~~under IC 9-16-1-4 for operation of a full service license branch.~~

~~(6) An employee of a qualified person operating under a contract with the commission under IC 9-16-1-4.5 for operation of a partial service license branch.~~

~~(d)~~ **(c)** A person described in subsection ~~(e)~~ **(b)** inspecting a ~~motor vehicle, semitrailer, or recreational vehicle~~ shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
- (2) Verify the facts set out in the application.

~~(e)~~ **(d)** The bureau may accept an inspection performed by a police officer from a jurisdiction outside Indiana if the bureau determines that an inspection performed by an individual described in subsection ~~(e)~~ **(b)** is unavailable or otherwise insufficient to complete an application for a certificate of title.

(e) A police officer who makes an inspection under this section may charge a fee, subject to the following:

(1) The fee must be established by ordinance adopted by the unit (as defined in IC 36-1-2-23) that employs the police officer.

(2) The fee may not exceed five dollars (\$5).

(3) The revenue from the fee shall be deposited in the following manner:

(A) A special vehicle inspection fund if the police officer making the inspection is a member of the county sheriff's department. The fiscal body of the unit must appropriate the money from the inspection fund only for law enforcement purposes.

(B) A local law enforcement continuing education fund established by IC 5-2-8-2 if the police officer making the inspection is a member of a city or town police department, a town marshal, or a town marshal deputy.

SECTION 212. IC 9-17-2-12.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12.5: (a) Except as provided in subsection (d); the bureau may accept an application for a certificate of title for a motor vehicle that is titled in the name of a financial institution; a lending institution; or an insurance company in Canada and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau with the following documentation relating to the motor vehicle:

(1) A copy of the registered importer's validation agreement issued by the United States Customs and Border Protection (CBP);

(2) A copy of the entry summary issued by the United States Customs and Border Protection (CBP Form 7501);

(3) A vehicle history report issued by an independent provider of vehicle history information that includes:

(A) the vehicle's title information;

(B) the vehicle's odometer readings; and

(C) the number of owners of the vehicle.

(b) Except as provided in subsection (d); the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution; a lending institution; or an insurance company if the financial institution; lending institution; or insurance company presents to the

bureau a vehicle history report issued by an independent provider of vehicle history information that includes:

- (1) the motor vehicle's title information;
- (2) the motor vehicle's odometer readings; and
- (3) the number of owners of the motor vehicle.

(c) A:

- (1) registered importer; or
- (2) financial institution, a lending institution, or an insurance company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:

- (1) the registered importer; or
- (2) the financial institution, lending institution, or insurance company;

is unable to provide the bureau with the documentation required by this section.

SECTION 213. IC 9-17-2-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13: (a) Except as provided in subsection (b); a person may not operate or permit to be operated upon the highways a motor vehicle, semitrailer, or recreational vehicle under an Indiana registration number unless a certificate of title has been issued under this chapter for the motor vehicle, semitrailer, or recreational vehicle.

(b) A person may operate a motor vehicle, semitrailer, or recreational vehicle upon highways without an Indiana certificate of title if the motor vehicle, semitrailer, or recreational vehicle:

- (1) is:
 - (A) fully titled and registered in another state; and
 - (B) operating under an Indiana trip permit or temporary registration; or
- (2) is registered under apportioned registration of the International Registration Plan and based in a state other than Indiana.

(c) A person who owns a motor vehicle, semitrailer, or recreational vehicle may declare Indiana as the person's base without obtaining an Indiana certificate of title if:

- (1) the person's state of residence is not a member of the

~~International Registration Plan; and~~

~~(2) the person presents satisfactory proof of ownership from the resident state.~~

~~(d) Except as provided in subsection (b), a person who operates a motor vehicle without a certificate of title commits a Class C infraction.~~

SECTION 214. IC 9-17-2-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13.5. (a) The bureau may impose an additional fee of twenty-five dollars (\$25) if the bureau processes a vehicle title in a period of time that is substantially shorter than the normal processing period. The bureau shall deposit the fee in the commission fund.**

(b) A fee imposed under this section is in addition to any other fee imposed under this article.

SECTION 215. IC 9-17-2-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.5. (a) The bureau may:**

- (1) make investigations or require additional information; and**
- (2) reject an application or request;**

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement in an application, or for any other reason.

(b) If the bureau is satisfied that the person applying for a certificate of title for a vehicle is the owner of the vehicle, the bureau shall issue a certificate of title for the vehicle after the person pays the applicable fee under subsection (c) or (d).

(c) The fee for a certificate of title for a vehicle other than a watercraft is fifteen dollars (\$15). Except as provided in subsection (e), the fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (2) To the motor vehicle highway account as follows:**
 - (A) For a title issued before January 1, 2017, one dollar (\$1).**
 - (B) For a title issued after December 31, 2016, three dollars and twenty-five cents (\$3.25).**
- (3) For a title issued before January 1, 2017, three dollars (\$3) to the highway, road and street fund.**

- (4) Five dollars (\$5) to the crossroads 2000 fund.**
- (5) For a title issued before July 1, 2019, one dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (6) To the commission fund as follows:**
 - (A) For a title issued before January 1, 2017, four dollars and twenty-five cents (\$4.25).**
 - (B) For a title issued after December 31, 2016, and before July 1, 2019, five dollars (\$5).**
 - (C) For a title issued after June 30, 2019, six dollars and twenty-five cents (\$6.25).**
- (d) The fee for a certificate of title for a watercraft is as follows:**
 - (1) For a certificate of title issued before January 1, 2017, fifteen dollars and fifty cents (\$15.50). The fee shall be distributed as follows:**
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
 - (B) Two dollars (\$2) to the crossroads 2000 fund.**
 - (C) For a certificate of title issued before July 1, 2019, as follows:**
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (ii) Four dollars and seventy-five cents (\$4.75) to the commission fund.**
 - (D) For a certificate of title issued after June 30, 2019, six dollars (\$6) to the commission fund.**
 - (E) Seven dollars (\$7) to the department of natural resources.**
 - (2) For a certificate of title issued after December 31, 2016, fifteen dollars (\$15). The fee shall be distributed as follows:**
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
 - (B) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.**
 - (C) Five dollars (\$5) to the crossroads 2000 fund.**
 - (D) For a title issued before July 1, 2019, as follows:**
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (ii) Five dollars (\$5) to the commission fund.**

(E) For a title issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(e) Fees paid by dealers under this section shall be deposited in the motor vehicle odometer fund.

(f) The bureau shall deliver a certificate of title:

(1) to the person that owns the vehicle for which the certificate of title was issued, if no lien or encumbrance appears on the certificate of title; or

(2) if a lien or an encumbrance appears on the certificate of title, to the person that holds the lien or encumbrance as set forth in the application for the certificate of title.

SECTION 216. IC 9-17-2-14.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.7. (a) This section does not apply to a mobile home or a manufactured home.**

(b) Except as provided in subsection (c), a person must apply for a certificate of title for a vehicle within forty-five (45) days after the date on which the person acquires the vehicle.

(c) A person that acquires a vehicle through a transfer on death conveyance under IC 9-17-3-9 must apply for a certificate of title for the vehicle within sixty (60) days after the date on which the person acquires the vehicle.

(d) A person that owns a vehicle and becomes an Indiana resident must apply for a certificate of title for the vehicle within sixty (60) days after the date on which the person becomes an Indiana resident.

(e) A person that violates this section with respect to a certificate of title for a vehicle other than a watercraft shall pay to the bureau an administrative penalty as follows:

(1) For a violation that occurs before January 1, 2017, an administrative penalty of twenty-one dollars and fifty cents (\$21.50). The administrative penalty shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the crossroads 2000 fund.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) Three dollars (\$3) to the highway, road and street fund.

(D) Five dollars (\$5) to the motor vehicle highway account.

- (E) One dollar and fifty cents (\$1.50) to the integrated public safety communications fund.
 - (F) Eleven dollars and twenty-five cents (\$11.25) to the commission fund.
- (2) For a violation that occurs after December 31, 2016, and before July 1, 2019, an administrative penalty of thirty dollars (\$30). The administrative penalty shall be distributed as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Twenty-eight dollars and seventy-five cents (\$28.75) to the commission fund.
- (3) For a violation that occurs after June 30, 2019, an administrative penalty of thirty dollars (\$30) to be deposited in the commission fund.
- (f) A person that violates this section with respect to a certificate of title for a watercraft shall pay to the bureau an administrative penalty as follows:
 - (1) For a violation that occurs before January 1, 2017, an administrative penalty of twenty dollars (\$20). The administrative penalty shall be distributed as follows:
 - (A) Three dollars (\$3) to the crossroads 2000 fund.
 - (B) Eight dollars (\$8) to the department of natural resources.
 - (C) Nine dollars (\$9) to the commission fund.
 - (2) For a violation that occurs after December 31, 2016, an administrative penalty of thirty dollars (\$30). The administrative penalty shall be distributed as follows:
 - (A) Twenty-five cents (\$0.25) to the state police building account.
 - (B) Two dollars and fifty cents (\$2.50) to the commission fund.
 - (C) Twenty-seven dollars and twenty-five cents (\$27.25) to the department of natural resources.

SECTION 217. IC 9-17-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. A person ~~who~~ **that** knowingly sells, offers to sell, buys, possesses, or offers as genuine a certificate of title for a ~~motor vehicle, semitrailer, or recreational~~ vehicle that is required to be issued by the bureau and has not been

issued by the:

- (1) bureau under this article; or
- (2) appropriate governmental authority of another state;

commits a Class C misdemeanor.

SECTION 218. IC 9-17-2-17 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.~~

SECTION 219. IC 9-17-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. A person that owns a watercraft commits a Class A infraction if the person does any of the following:**

- (1) Allows the watercraft to be operated in Indiana without having a certificate of title as required under this title.**
- (2) Fails to surrender the certificate of title for the watercraft to the bureau if the bureau cancels the certificate of title.**
- (3) Fails to surrender the certificate of title for the watercraft to the bureau if the watercraft is:**
 - (A) destroyed;**
 - (B) dismantled; or**
 - (C) changed in a manner that the watercraft is no longer the watercraft described in the certificate of title.**

SECTION 220. IC 9-17-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19. A certificate of title issued for a manufactured or mobile home is valid for the life of the manufactured or mobile home:**

- (1) as long as the manufactured or mobile home is owned or held by the original holder of the certificate of title or a legal transferee of the certificate of title; or**
- (2) until the manufactured or mobile home is transferred to real estate under section 15.1 of this chapter.**

SECTION 221. IC 9-17-3-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "third party" means a person having possession of a certificate of title for a**

(+) motor vehicle

- ~~(2) semitrailer; or~~
- ~~(3) recreational vehicle;~~

because the person has a lien or an encumbrance indicated on the certificate of title.

SECTION 222. IC 9-17-3-2, AS AMENDED BY P.L.125-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a certificate of title:

- (1) is lost or stolen;
- (2) is mutilated;
- (3) is destroyed; or
- (4) becomes illegible;

the person ~~who that~~ owns the vehicle or the legal representative or legal successor in interest of the person ~~who that~~ owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall ~~immediately~~ apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

- (1) furnish information satisfactory to the bureau concerning the loss, theft, mutilation, destruction, or illegibility of the certificate of title; and
- (2) pay the **applicable** fee ~~provided under IC 9-29: subsection (e) or (f).~~

(c) The word "duplicate" shall be printed or stamped in ink on the face of a certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

(e) The fee for a duplicate certificate of title issued before January 1, 2017, for a vehicle other than a watercraft is eight dollars (\$8). The fee shall be distributed as follows:

- (1) One dollar (\$1) to the motor vehicle highway account.**
- (2) One dollar (\$1) to the highway, road and street fund.**
- (3) Six dollars (\$6) to the commission fund.**

(f) The fee for a duplicate certificate of title issued before January 1, 2017, for a watercraft is fifteen dollars and fifty cents (\$15.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**

- (2) **Two dollars (\$2) to the crossroads 2000 fund.**
 - (3) **One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (4) **Four dollars and seventy-five cents (\$4.75) to the commission fund.**
 - (5) **Seven dollars (\$7) to the department of natural resources.**
- (g) **The fee for a duplicate certificate of title issued after December 31, 2016, is fifteen dollars (\$15). The fee shall be distributed as follows:**
- (1) **Fifty cents (\$0.50) to the state motor vehicle technology fund.**
 - (2) **One dollar and twenty-five cents (\$1.25) to the department of natural resources.**
 - (3) **Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.**
 - (4) **Five dollars (\$5) to the crossroads 2000 fund.**
 - (5) **For a duplicate title issued before July 1, 2019, as follows:**
 - (A) **One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) **Three dollars and seventy-five cents (\$3.75) to the commission fund.**
 - (6) **For a duplicate title issued after June 30, 2019, five dollars (\$5) to the commission fund.**

SECTION 223. IC 9-17-3-3.2, AS AMENDED BY P.L.226-2014(ts), SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed in ~~Indiana~~, **under IC 9-32**, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The failure of the seller or transferor to fill in all buyer information is a Class B infraction.

SECTION 224. IC 9-17-3-4, AS AMENDED BY P.L.262-2013, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A certificate of title for a vehicle held by an Indiana resident who is serving in the armed forces of the United States may be transferred by the Indiana resident to another person if the **Indiana** resident authorizes the transfer by a letter signed by the

Indiana resident. The letter must be accompanied by proof that the Indiana resident is actively serving in the armed forces of the United States and is outside Indiana.

(b) When the bureau receives the letter and proof described in subsection (a), the bureau may make the transfer to the person named in the letter.

(c) Whenever a transfer described in subsection (a) is made, the letter:

- (1) must be attached to the certificate of title being transferred; and
- (2) becomes a permanent record of the bureau.

(d) The bureau shall use reasonable diligence in determining if the signature of the person ~~who~~ **that** signed the letter described in subsection (a) authorizing the transfer is the signature of the person.

(e) If the bureau is satisfied that the signature is the signature of the person ~~who~~ **that** owns the vehicle described in the certificate of title, the bureau shall issue an appropriate certificate of title over the signature of the bureau and sealed with the seal of the bureau to the person named in the letter.

SECTION 225. IC 9-17-3-5, AS AMENDED BY P.L.125-2012, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Whenever a vehicle for which a certificate of title is required by this article is sold ~~under:~~ **or transferred:**

- (1) **under** an order or a process of an Indiana court; ~~or~~
- (2) **under** any provision of an Indiana statute; ~~or~~
- (3) **by operation of law;**

the person ~~who purchases~~ **that obtains** the vehicle may obtain a certificate of title for the vehicle by filing an application for the certificate of title with the bureau and attaching to the application written evidence showing the order, process, **operation**, or statute under which the person obtained ownership of the vehicle.

(b) The bureau shall use due diligence to ascertain that the sale was in conformity with the order, process, **operation**, or statute under which the sale **or transfer** occurred and, if the bureau is satisfied, the bureau shall issue a certificate of title to the person ~~who~~ **that** obtained ~~or purchased~~ the vehicle.

(c) An order or a process of an Indiana court described in subsection (a) must include the:

- (1) year of manufacture of;
 - (2) make and model of;
 - (3) vehicle identification number of; and
 - (4) name and address of the person ~~who~~ **that** is entitled to;
- the vehicle.

SECTION 226. IC 9-17-3-6, AS AMENDED BY P.L.125-2012, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~(a) Except as provided in subsection (b)~~; If the bureau:

- (1) determines that a certificate of title is issued in error; or**
 - (2) receives notification from another state or a ~~foreign~~ country that a certificate of title for a vehicle that was issued by the bureau has been surrendered by the person ~~who~~ **that** owns the vehicle in conformity with the laws of the other state or country;**
- the bureau may cancel the record of certificate of title in Indiana.

~~(b) The bureau must retain information necessary to comply with section 8 of this chapter.~~

SECTION 227. IC 9-17-4-0.3, AS AMENDED BY P.L.262-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.3. As used in this chapter, "assembled vehicle" means:

- (1) a ~~motor~~ vehicle, excluding a motorcycle, that has had the:
 - (A) frame;
 - (B) chassis;
 - (C) cab; or
 - (D) body;
 modified from its original construction, replaced, or constructed;
- or
- (2) a motorcycle that has had the:
 - (A) frame; or
 - (B) engine;
 modified from its original construction, replaced, or constructed.

The term includes but is not limited to glider kits, fiberglass body kits, and vehicle reproductions or replicas and includes ~~motor~~ vehicles that have visible and original vehicle identification numbers.

SECTION 228. IC 9-17-4-0.5, AS AMENDED BY P.L.125-2012, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. As used in this chapter, "special identification

number" means a distinguishing number assigned by the bureau to a privately assembled ~~motor vehicle, semitrailer, or recreational~~ vehicle.

SECTION 229. IC 9-17-4-1, AS AMENDED BY P.L.125-2012, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If a ~~motor vehicle, semitrailer, or recreational~~ vehicle has been built, constructed, or assembled by the person ~~who~~ **that** owns the ~~motor vehicle, semitrailer, or recreational~~ vehicle, the person shall:

- (1) indicate on a form provided by the bureau the major component parts that have been used to assemble the ~~motor vehicle, semitrailer, or recreational~~ vehicle;
- (2) make application through the bureau for a special identification number for the ~~motor vehicle, semitrailer, or recreational~~ vehicle;
- (3) after receipt of the special identification number described in subdivision (2), stamp or attach the special identification number received from the bureau in the manner provided in section 2(3) of this chapter; and
- (4) apply for a certificate of title for the ~~motor vehicle, semitrailer, or recreational~~ vehicle from the bureau.

SECTION 230. IC 9-17-4-2, AS AMENDED BY P.L.125-2012, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a)** A certificate of title may not be issued for a manufactured or privately assembled ~~motor vehicle, semitrailer, or recreational~~ vehicle that does not have a special identification number stamped on the ~~motor vehicle, semitrailer, or recreational~~ vehicle or permanently attached to the ~~motor vehicle, semitrailer, or recreational~~ vehicle until the person ~~who~~ **that** owns the ~~motor vehicle, semitrailer, or recreational~~ vehicle has:

- (1) an inspection performed under IC 9-17-2-12;
- (2) obtained from the bureau a special identification number designated by the bureau; and
- (3) stamped or permanently attached the special identification number in a conspicuous place on the frame of the ~~motor vehicle, semitrailer, or recreational~~ vehicle.

(b) A special identification number obtained from the bureau under subsection (a) for a manufactured or mobile home must be the same identification number used on the certificate of title for

the manufactured or mobile home.

SECTION 231. IC 9-17-4-4, AS AMENDED BY P.L.262-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A certificate of title issued under this chapter must contain the following:

- (1) A description and other evidence of identification of the ~~motor vehicle, semitrailer, or recreational~~ vehicle as required by the bureau.
- (2) A statement of any liens or encumbrances that the application shows to be on the certificate of title.
- (3) The appropriate notation prominently recorded on the front of the title as follows:
 - (A) For a vehicle assembled using all new or used vehicle parts, "RECONSTRUCTED VEHICLE".
 - (B) For a vehicle assembled using a salvage vehicle or parts, "REBUILT".

SECTION 232. IC 9-17-4-4.5, AS AMENDED BY P.L.188-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) A person must obtain a body change title whenever a vehicle is altered so that the alteration changes the type of the vehicle, as noted on the:

- (1) current title; or
- (2) certificate of origin;

of the vehicle.

(b) To receive a body change title, an applicant must provide:

- (1) the former title or certificate of origin;
- (2) a properly completed body change affidavit using a **form prescribed by the bureau; designated form**; and
- (3) proof of a vehicle inspection.

(c) An assembled vehicle and a vehicle that is altered such that the vehicle type is changed must meet all applicable federal and state highway safety requirements before the vehicle may be titled and registered for operation on highways.

(d) A person ~~who~~ **that** fails to obtain an updated certificate of title as required under subsection (a) commits a Class C infraction.

SECTION 233. IC 9-17-4-7, AS AMENDED BY P.L.217-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Not more than twenty (20) days after a

person becomes the owner, custodian, or possessor of a ~~motor~~ vehicle that:

- ~~(1) was manufactured after December 31, 1954; and~~
- ~~(2) either: (A) (1) does not have a manufacturer's identification number installed on the ~~motor~~ vehicle; or~~
- ~~(B) (2) has an original manufacturer's identification number that is altered, destroyed, obliterated, or defaced;~~

the person shall apply to the bureau for permission to make or stamp a special identification number on the ~~motor~~ vehicle.

(b) The bureau shall prescribe the form **and manner** of an application under subsection (a). The application must contain the following:

- (1) A description of the ~~motor~~ vehicle, including the make, style, and year of model of the ~~motor~~ vehicle.
- (2) A description of:
 - (A) the original manufacturer's identification number, if possible; or
 - (B) any distinguishing marks on the engine or body of the ~~motor~~ vehicle.
- (3) The name and address of the applicant.
- (4) The date on which the applicant purchased or took possession of the ~~motor~~ vehicle.
- (5) The name and address of the person from whom the applicant purchased or acquired the ~~motor~~ vehicle.
- (6) ~~Any An application fee required under IC 9-29 for a special identification number. in an amount under subsection (c) or (d), as applicable.~~
- (7) Any other information the bureau requires.

(c) The fee for an application for an identification number other than a hull identification number that is submitted before January 1, 2017, is thirteen dollars (\$13). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (2) One dollar (\$1) to the highway, road and street fund.**
- (3) One dollar (\$1) to the motor vehicle highway account.**
- (4) One dollar and fifty cents (\$1.50) to the integrated public safety communications fund.**

(5) Four dollars (\$4) to the crossroads 2000 fund.

(6) Five dollars (\$5) to the commission fund.

(d) The fee for an application for a hull identification number that is submitted before January 1, 2017, is ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

(1) Two dollars and fifty cents (\$2.50) to the department of natural resources.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) Four dollars (\$4) to the commission fund.

(e) The fee for an application for an identification number that is submitted after December 31, 2016, is ten dollars (\$10). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology account.

(2) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.

(3) For an application submitted before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(4) For an application submitted after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(f) A person ~~who~~ that owns or possesses a ~~motor~~ vehicle described in subsection (a) and fails to comply with this section commits a Class B infraction.

SECTION 234. IC 9-17-4-8, AS AMENDED BY P.L.217-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The bureau shall review an application submitted under section 7 of this chapter. If the bureau determines the application is complete, the bureau shall issue to the applicant written permission to make or stamp a special identification number on the ~~motor~~ vehicle. The bureau shall designate the special identification number and the location of the special identification number on the ~~motor~~ vehicle.

(b) A new special identification number may not cover or otherwise obscure an original identification number that is visible on a ~~motor~~ vehicle.

(c) A new special identification number that is stamped or otherwise placed on a **motor** vehicle under this chapter becomes the lawful identification number of the **motor** vehicle for all purposes, including for purposes of selling or transferring the **motor** vehicle.

(d) A person ~~who~~ **that** covers or obscures an original or special identification number as described in subsection (b) commits a Class B infraction.

SECTION 235. IC 9-17-4-10, AS ADDED BY P.L.262-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The bureau shall designate special identification numbers under this chapter consecutively, beginning with the number one (1), preceded by the letters "MVIN", and followed by the letters "IND" in the order of the filing of applications.

(b) This chapter does not affect the authority of a manufacturer or a manufacturer's agent, other than a dealer, to perform numbering on **motor** vehicles or motor vehicle parts that are removed or changed and then replaced with other numbered motor vehicle parts.

SECTION 236. IC 9-17-4-11, AS ADDED BY P.L.262-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. ~~Except as specifically provided in this chapter,~~ The bureau may not ~~register or~~ issue a certificate of title for a **motor** vehicle that does not have an identification number.

SECTION 237. IC 9-17-4-12, AS ADDED BY P.L.262-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Before the bureau may issue a certificate of title for a vehicle that is required under this chapter to have a special identification number made or stamped on the **motor** vehicle, the bureau shall require the person applying for the certificate of title to sign a statement that the special identification number assigned to the **motor** vehicle by the bureau has been made or stamped on the **motor** vehicle in a workmanlike manner. The statement must also be signed by the law enforcement officer who inspected the **motor** vehicle and determined that the special identification number was made or stamped in a workmanlike manner.

(b) This section does not affect the authority of a manufacturer or a manufacturer's agent, other than a dealer **licensed under IC 9-32**, to perform numbering on **motor** vehicles or **motor vehicle** parts that are removed or changed and then replaced with other numbered motor

vehicle parts.

SECTION 238. IC 9-17-4-19, AS ADDED BY P.L.262-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) A person ~~who that~~:

(1) either:

(A) with the intent to conceal evidence of the commission of a crime, operates a ~~motor~~ vehicle with an identification number that is concealed; or

(B) operates a ~~motor~~ vehicle with an identification number that is removed, defaced, destroyed, or obliterated; and

(2) has not applied under section 7 of this chapter for a new special identification number;

commits a Class C infraction.

(b) If a person ~~who that~~ violates subsection (a) cannot prove to the satisfaction of the court that the person owns the ~~motor~~ vehicle, the court shall confiscate and sell the ~~motor~~ vehicle. The proceeds from the sale shall be used to pay the fine and costs of prosecution, and the balance, if any, shall be deposited in the motor vehicle highway account. ~~fund~~.

(c) If the fine and costs are not paid not later than thirty (30) days after judgment is rendered under this section, the court shall proceed to advertise and sell the ~~motor~~ vehicle in the manner provided by law for the sale of personal property under execution.

(d) If at any time at which the ~~motor~~ vehicle remains in the custody of the court or the court's officers under this section, the owner appears and establishes the owner's title to the ~~motor~~ vehicle to the satisfaction of the court, the ~~motor~~ vehicle shall be returned to the owner. The owner shall then make application for and may obtain an identification number and a title as provided in this chapter. The owner may then use the ~~motor~~ vehicle upon proper registration.

SECTION 239. IC 9-17-5-1, AS AMENDED BY P.L.188-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person having possession of a certificate of title for a ~~motor vehicle, semitrailer, or recreational~~ vehicle because the person has a lien or an encumbrance on the ~~motor vehicle, semitrailer, or recreational~~ vehicle must deliver not more than ten (10) business days after receipt of the payment the satisfaction or discharge of the lien or encumbrance indicated upon the certificate of title to the

person ~~who~~ **that**:

- (1) is listed on the certificate of title as owner of the ~~motor vehicle, semitrailer, or recreational~~ vehicle; or
- (2) is acting as an agent of the owner and ~~who~~ **that** holds power of attorney for the owner of the ~~motor vehicle, semitrailer, or recreational~~ vehicle.

(b) A person ~~who~~ **that**:

- (1) fails to remove a lien or encumbrance; or
- (2) fails to deliver a certificate of title to the owner of a ~~motor~~ vehicle;

as required under subsection (a) commits a Class C infraction.

SECTION 240. IC 9-17-5-2, AS AMENDED BY P.L.262-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A person ~~who~~ **that** holds a lien on a ~~motor vehicle, semitrailer, or recreational~~ vehicle, ~~who~~ has repossessed the ~~motor vehicle, semitrailer, or recreational~~ vehicle, and wants to obtain a certificate of title for the ~~motor vehicle, semitrailer, or recreational~~ vehicle in the person's name may obtain the certificate of title from the bureau if:

- (1) the person from whom the ~~motor vehicle, semitrailer, or recreational~~ vehicle has been repossessed is shown by the records of the bureau to be the last registered owner of the ~~motor vehicle, semitrailer, or recreational~~ vehicle; and
- (2) the person ~~who~~ **that** holds the lien:
 - (A) has complied with this chapter; and
 - (B) establishes to the satisfaction of the bureau that the person is entitled to the certificate of title.

SECTION 241. IC 9-17-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. Notwithstanding any other law, a rental transaction agreement does not create a sale or security interest in a ~~motor~~ vehicle ~~or trailer~~ solely because the transaction agreement provides that the rental price may be adjusted upon the termination of the agreement based upon the amount received for the ~~motor~~ vehicle ~~or trailer~~ upon sale or other disposition.

SECTION 242. IC 9-17-6-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1. (a) A person who owns a manufactured home that is:

- (1) personal property not held for resale; or
- (2) not attached to real estate by a permanent foundation;

shall obtain a certificate of title for the manufactured home under this chapter.

(b) A person who fails to obtain a certificate of title for a manufactured home as required under subsection (a) commits a Class C infraction.

SECTION 243. IC 9-17-6-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: A person applying for a certificate of title under this chapter must submit an application on a form furnished by the bureau that contains the following information:

- (1) A full description of the manufactured home.
- (2) A statement of the person's title and of any lien or encumbrance upon the manufactured home.
- (3) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."
- (4) The signature of the person applying for the certificate of title directly under the statement set forth in subdivision (3).
- (5) The following numbers, if the numbers are available:
 - (A) A unique serial number assigned by the manufacturer to the manufactured home.
 - (B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

If neither the number described in clause (A) nor the number described in clause (B) is available, the bureau may issue a special identification number for the manufactured home under this chapter.

(6) Any other information required under rules adopted under IC 4-22-2 by the bureau.

SECTION 244. IC 9-17-6-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: Except as otherwise provided in this article, if a certificate of title:

- (1) has been previously issued for a manufactured home in Indiana, an application for a certificate of title must be accompanied by the certificate of title; or
- (2) has not previously been issued for a manufactured home in Indiana, the application must be accompanied by a manufacturer's

certificate of origin as provided in IC 9-32-5-3.

SECTION 245. IC 9-17-6-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: If the application for a certificate of title is for a manufactured home brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the manufactured home by the other state if the other state has a certificate of title law; or
- (2) a sworn bill of sale or dealer's invoice fully describing the manufactured home and the most recent registration receipt if the other state does not have a certificate of title law.

SECTION 246. IC 9-17-6-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: Except as otherwise provided, IC 26-1-9.1 applies to a security interest in a manufactured home.

SECTION 247. IC 9-17-6-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: A security agreement covering a security interest in a manufactured home that is not inventory held for sale may only be perfected by indicating the security interest on the certificate of title or duplicate certificate of title for the manufactured home issued by the bureau.

SECTION 248. IC 9-17-6-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: (a) A secured party that:

- (1) submits a properly completed application for a manufactured home certificate of title to the bureau; and
- (2) pays the fee required by IC 9-29 for a certificate of title;

may have a notation of a security interest in the manufactured home made on the face of the certificate of title issued by the bureau.

(b) The bureau shall do the following:

- (1) Enter the notation and the date of the notation on the certificate of title.
- (2) Make a corresponding entry in the bureau's records.

SECTION 249. IC 9-17-6-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: When a security interest indicated on a certificate of title to a manufactured home is discharged, the person who holds the security interest shall note the discharge of the security interest over the person's signature on the certificate of title.

SECTION 250. IC 9-17-6-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10: The bureau shall retain the evidence of title presented by an applicant upon which the Indiana certificate of title is

issued.

SECTION 251. IC 9-17-6-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 11: The bureau shall use reasonable diligence in determining if the facts stated in an application for a certificate of title are true.~~

SECTION 252. IC 9-17-6-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 12: If the bureau is satisfied that the person applying for the certificate of title is the owner of the manufactured home or is otherwise entitled to have the manufactured home titled in the person's name, the bureau shall issue an appropriate certificate of title.~~

SECTION 253. IC 9-17-6-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13: (a) If a lien or an encumbrance does not appear on the certificate of title, the bureau shall deliver a certificate of title to the person who owns the manufactured home.~~

~~(b) If a lien or an encumbrance appears on the certificate of title, the bureau shall deliver the certificate of title to the person named to receive the certificate of title in the application for the certificate of title.~~

SECTION 254. IC 9-17-6-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 14: A certificate of title is valid for the life of the manufactured home as long as the manufactured home is owned or held by the original holder of the certificate of title.~~

SECTION 255. IC 9-17-6-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 15: A certificate of title described under this chapter does not have to be renewed except as otherwise provided.~~

SECTION 256. IC 9-17-6-15.1, AS AMENDED BY P.L.262-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: ~~Sec. 15.1. (a) A person who:~~ **that:**

- (1) holds a certificate of title for;
- (2) holds a certificate of origin for; or
- (3) otherwise owns as an improvement;

a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau. **The application must be accompanied by the fee set forth in subsection (d).**

(b) An application for an affidavit of transfer to real estate must contain the following:

- (1) A full description of the manufactured home, including:

- (A) a description; and
 - (B) the parcel number;
- of the real estate to which the manufactured home is attached.
- (2) One (1) or more of the following numbers:
 - (A) A unique serial number assigned by the manufacturer to the manufactured home.
 - (B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.
 - (C) A special identification number issued by the bureau for the manufactured home.
 - (3) An attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located.
- (c) A certificate of title or a certificate of origin is not required for a person who applies for an affidavit of transfer to real estate under this section.
- (d) The fee for an affidavit of transfer to real estate is as follows:**
- (1) For an application made before January 1, 2017, twenty dollars (\$20). The fee shall be distributed as follows:**
 - (A) Ten dollars (\$10) to the motor vehicle highway account.**
 - (B) Ten dollars (\$10) to the commission fund.**
 - (2) For an application made after December 31, 2017, fifteen dollars (\$15). The fee shall be distributed as follows:**
 - (A) Five dollars (\$5) to the motor vehicle highway account.**
 - (B) Ten dollars (\$10) to the commission fund.**

SECTION 257. IC 9-17-6-15.3, AS AMENDED BY P.L.106-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.3. Upon receipt from the person filing the affidavit of transfer to real estate, with the accompanying retired certificate of title, if available, the recorder of the county in which the manufactured home is located shall record the affidavit in the manner required by IC 36-2-11-8, ~~provided that if~~ the auditor of the county has performed the endorsement required by IC 36-2-9-18.

SECTION 258. IC 9-17-6-17, AS ADDED BY P.L.203-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. A purchase contract for a **mobile or**

manufactured home that is ~~subject to section 1 of this chapter~~ **required to be titled under IC 9-17-1-0.5** is subject to the following terms and conditions:

- (1) The seller must provide a copy of the title to the **mobile or** manufactured home.
- (2) The contract must specify whether the seller or buyer is responsible for the payment of property taxes assessed against the **mobile or** manufactured home under IC 6-1.1-7.
- (3) The buyer of the **mobile or** manufactured home must record the contract in the county recorder's office.

SECTION 259. IC 9-17-6-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. The bureau, the commissioner of the bureau, and employees of the bureau are not liable in a civil action for any false information that is:**

- (1) provided to the bureau by an applicant for a certificate of title;**
- (2) reasonably relied upon by the bureau in making a determination to issue a certificate of title to the applicant;**
- and**
- (3) included in the certificate of title to a manufactured home under this chapter.**

SECTION 260. IC 9-17-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Trailers).

SECTION 261. IC 9-18-1-2, AS AMENDED BY HEA 1365-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. This article applies to a mini-truck with the exception of the following:

- (1) IC 9-18-7.
- (2) IC 9-18-9 through IC 9-18-11.
- (3) IC 9-18-13 through IC 9-18-14.
- ~~(4) IC 9-18-28.~~
- ~~(5) IC 9-18-32.~~

SECTION 262. IC 9-18-1-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. This article expires December 31, 2016.**

SECTION 263. IC 9-18-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A person may

operate intrastate, or combined interstate and intrastate, in Indiana a trailer or semitrailer that is properly registered and licensed in another state if the trailer or semitrailer:

- (1) does not have a fixed terminus or permanent base in Indiana; and
- (2) is at the time being drawn or propelled by a tractor or truck that is properly registered and licensed in Indiana if the trailer or semitrailer is:
 - (A) properly registered and licensed in a jurisdiction other than Indiana; and
 - (B) is exempt from registration under this chapter if the owner has complied with the laws of the jurisdiction in which the trailer or semitrailer is registered to the extent that the jurisdiction in which the vehicle is registered grants the exemptions and privileges to vehicles owned by **Indiana** residents of **Indiana** and registered under Indiana law.

SECTION 264. IC 9-18-2-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: (a) Except as provided in subsection (b); notwithstanding the time of temporary residence in Indiana, a nonresident who owns a vehicle that:

- (1) must be registered under this article; and
- (2) is operated intrastate upon the highways of Indiana solely for the purpose of transporting, for hire, nonprocessed agricultural products grown in Indiana;

is not required to apply for annual registration of the vehicle:

(b) A nonresident who owns a vehicle must obtain a permit from the bureau in the form of a decal that must be displayed on the vehicle:

(c) A nonresident agricultural permit:

- (1) may be issued by a license branch;
- (2) may be issued for a period of ninety (90) days; and
- (3) must display the expiration date of the permit.

(d) Only one (1) decal shall be issued for any one (1) vehicle in a year:

(e) A person who fails to:

- (1) obtain a permit from the bureau; or
- (2) display a permit obtained from the bureau;

as required under subsection (b) commits a Class C infraction.

SECTION 265. IC 9-18-2-7, AS AMENDED BY P.L.149-2015,

SECTION 34, AND AS AMENDED BY P.L.188-2015, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A person ~~who~~ **that** owns a vehicle that is operated on ~~Indiana roadways~~ **a highway** and subject to registration shall register each vehicle owned by the person as follows:

(1) A vehicle subject to section 8 of this chapter shall be registered under section 8 of this chapter.

(2) Subject to subsection (e) or (f), a vehicle not subject to section 8 or 8.5 of this chapter or to the International Registration Plan shall be registered before:

(A) March 1 of each year;

(B) February 1 or later dates each year, if:

(i) the vehicle is being registered with the department of state revenue; and

(ii) staggered registration has been adopted by the department of state revenue; or

(C) an earlier date subsequent to January 1 of each year as set by the bureau, if the vehicle is being registered with the bureau.

(3) School and special purpose buses owned by a school corporation are exempt from annual registration but are subject to registration under IC 20-27-7.

~~(4) Subject to subsection (d), a vehicle subject to the International Registration Plan shall be registered before April 1 of each year.~~

~~(5)~~ **(4)** A school *or special purpose* bus not owned by a school corporation shall be registered subject to section 8.5 of this chapter.

(b) Except as provided in IC 9-18-12-2.5, a person ~~who~~ **that** owns or operates a vehicle may not operate or permit the operation of a vehicle that:

(1) is required to be registered under this chapter; and

(2) has expired license plates.

(c) If a vehicle that is required to be registered under this chapter has:

(1) been operated on the highways; and

(2) not been properly registered under this chapter;

the bureau shall, before the vehicle is reregistered, collect the registration fee that the owner of the vehicle would have paid if the

vehicle had been properly registered.

(d) The department of state revenue may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles subject to **registration under any of the following:**

- (1) The International Registration Plan.
- (2) **IC 9-18-2-4.6.**
- (3) **IC 9-18.1-13-3.**

(e) Except as provided in section 8.5 of this chapter, the bureau may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles described in subsection (a)(2).

(f) The registration of a vehicle ~~under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2)~~ to:

- (1) **a member of the general assembly;**
- (2) **the spouse of a member of the general assembly; or**
- (3) **a state official who receives a special license plate on an annual basis;**

expires on December 14 of each year.

(g) *A person ~~who~~ that fails to register or reregister a motor vehicle as required under subsection (a) or (b) commits a Class C infraction.*

(h) *A person ~~who~~ that operates or permits the operation of a motor vehicle in violation of subsection (b) commits a Class C infraction.*

SECTION 266. IC 9-18-2-8, AS AMENDED BY P.L.149-2015, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as provided in section 7(f) of this chapter, ~~and subsection (f)~~; the bureau shall determine the schedule for registration for the following categories of vehicles:

- (1) Passenger motor vehicles.
- (2) Recreational vehicles.
- (3) Motorcycles.
- (4) Trucks that:
 - (A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and
 - (B) have a declared gross weight of not more than eleven thousand (11,000) pounds.
- (5) Motor driven cycles.
- (6) Trailers that have a declared gross weight of not more than three thousand (3,000) pounds.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal sticker, or other ~~indicia~~ **proof** upon registration of the vehicle. The bureau may determine the ~~indicia~~ **proof of registration** required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

- (1) Administer the certificate of registration.
- (2) Issue the license plate according to the bureau's central fulfillment processes.
- (3) Collect the proper fee in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

- (1) an annual renewal sticker; or
- (2) other indicia;

to be affixed on the semipermanent plate.

~~(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:~~

- ~~(1) throughout calendar year 2011; and~~
- ~~(2) during the period that:~~
 - ~~(A) begins January 1, 2012; and~~
 - ~~(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.~~

~~(g) After December 31, 2015;~~ (f) A person that:

- (1) owns a private bus; and
- (2) desires to:
 - (A) register for the first time; or
 - (B) reregister;

the private bus;
must present to the bureau an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3, in addition to any other information required by the bureau.

SECTION 267. IC 9-18-2-16, AS AMENDED BY P.L.149-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person ~~who~~ **that** desires to register a vehicle with the bureau must provide the following:

(1) The:

(A) name, bona fide residence, and mailing address, including the name of the county, of the person ~~who~~ **that** owns the vehicle; or

(B) business address, including the name of the county, of the person that owns the vehicle if the person is a firm, a partnership, an association, a corporation, a limited liability company, or a unit of government.

If the vehicle that is being registered has been leased and is subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, the address of the person ~~who~~ **that** is leasing the vehicle must be provided. If the vehicle that is being registered has been leased and is not subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, the address of the person ~~who~~ **that** owns the vehicle, the person ~~who~~ **that** is the lessor of the vehicle, or the person ~~who~~ **that** is the lessee of the vehicle must be provided. If a leased vehicle is to be registered under the International Registration Plan, the registration procedures are governed by the terms of the plan.

(2) A brief description of the vehicle to be registered, including the following information if available:

(A) The name of the manufacturer of the vehicle.

(B) The vehicle or special identification number.

(C) The manufacturer's rated capacity if the vehicle is a truck, tractor, trailer, or semitrailer.

(D) The type of body of the vehicle.

(E) The model year of the vehicle.

(F) The color of the vehicle.

- (G) Any other information reasonably required by the bureau to enable the bureau to determine if the vehicle may be registered. The bureau may request the person applying for registration to provide the vehicle's odometer reading.
- (3) The person registering the vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The bureau must:
- (A) allow the person registering the vehicle to indicate the amount the person desires to donate; and
 - (B) provide that the minimum amount a person may donate is one dollar (\$1).

Funds collected under this subdivision shall be deposited with the treasurer of state in a special account. The ~~auditor of state~~ **bureau** shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

(b) The department of state revenue may audit records of persons ~~who~~ **that** register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan, **IC 9-18-2-4.6, or IC 9-18.1-13-3** to verify the accuracy of the application and collect or refund fees due.

SECTION 268. IC 9-18-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. ~~Subject to IC 9-18-28, A person~~ **who: that:**

- (1) owns a motor vehicle, except a person ~~who~~ **that** owns a truck or motor vehicle used in transporting passengers or property for hire; and
 - (2) has obtained a certificate of registration under this title;
- is not required to pay another license fee, obtain any other license or permit to use or operate the motor vehicle on the highways, or display upon the motor vehicle any other number other than the number issued by the bureau.

SECTION 269. IC 9-18-2-41, AS AMENDED BY P.L.188-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 41. (a) In addition to:

- (1) the penalty described under sections 1, ~~6~~, 7, 21, 26, 27, 29,

and 29.5 of this chapter; and

(2) any judgment assessed under IC 34-28-5 (or IC 34-4-32 before its repeal);

a person ~~who~~ **that** violates section 1 of this chapter shall be assessed a judgment equal to the amount of excise tax due under IC 6-6-5 or IC 6-6-5.5 on the vehicle involved in the violation.

(b) The clerk of the court shall do the following:

(1) Collect the additional judgment described under subsection (a) in an amount specified by a court order.

(2) Transfer the additional judgment to the county auditor on a calendar year basis.

(c) The auditor shall distribute the judgments described under subsection (b) to law enforcement agencies, including the state police department, responsible for issuing citations to enforce section 1 of this chapter.

(d) The percentage of funds distributed to a law enforcement agency under subsection (c):

(1) must equal the percentage of the total number of citations issued by the law enforcement agency for the purpose of enforcing section 1 of this chapter during the applicable year; and

(2) may be used for the following:

(A) Any law enforcement purpose.

(B) Contributions to the pension fund of the law enforcement agency.

SECTION 270. IC 9-18-2-47, AS AMENDED BY P.L.26-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 47. (a) The bureau shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for:

(1) not less than five (5) years; and

(2) not more than ten (10) years.

(b) The rules adopted under this section do not apply to:

(1) truck license plates issued under section 4.5 (before its expiration), 4.6, or 18 of this chapter; and

(2) general assembly and other state official license plates issued under IC 9-18-16 (**before its expiration**) or **IC 9-18.5-3**.

SECTION 271. IC 9-18-2.5-3, AS AMENDED BY P.L.188-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The following may not be operated on a **public roadway, highway**, in accordance with IC 14-16-1-20:

- (1) An off-road vehicle.
- (2) A snowmobile (including a collector snowmobile).

(b) Except as provided under subsections (c) and (d), the following must be registered under this chapter:

- (1) An off-road vehicle.
- (2) A snowmobile.

(c) Registration is not required for the following vehicles:

- (1) An off-road vehicle or snowmobile that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.
- (2) An off-road vehicle or snowmobile being operated by a nonresident of Indiana as authorized under IC 14-16-1-19.
- (3) An off-road vehicle or snowmobile that is being operated for purposes of testing or demonstration and on which certificate numbers have been placed under section 11 of this chapter.
- (4) An off-road vehicle or snowmobile, the operator of which has in the operator's possession a bill of sale from a dealer or private individual that includes the following:
 - (A) The purchaser's name and address.
 - (B) A date of purchase, which may not be more than thirty-one (31) days before the date on which the operator is required to show the bill of sale.
 - (C) The make, model, and vehicle number of the off-road vehicle or snowmobile provided by the manufacturer, as required by section 12 of this chapter.

(5) An off-road vehicle or snowmobile that is owned or leased and used for official business by:

- (A) the state;
- (B) a municipal corporation (as defined in IC 36-1-2-10); **or**
- (C) a volunteer fire department (as defined in IC 36-8-12-2);
or
- (D) the United States government or an agency of the United States government.**

(d) The owner of an off-road vehicle or a snowmobile that was properly registered under IC 14-16-1 is not required to register the off-road vehicle or snowmobile under this chapter until the date on which the registration expires under IC 14-16-1-11(c).

(e) A person ~~who~~ **that**:

- (1) operates an off-road vehicle or snowmobile on a public roadway; or
- (2) fails to register an off-road vehicle or snowmobile as required by this section;

commits a Class C infraction.

SECTION 272. IC 9-18-2.5-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13. Records of the bureau made or kept under this chapter are public records except as otherwise provided.~~

SECTION 273. IC 9-18-2.5-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 15. The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.~~

SECTION 274. IC 9-18-3-6.5, AS AMENDED BY P.L.188-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) An employee of an agency that is exempt from the payment of registration fees under section 1(5) through 1(7) of this chapter is exempt from the payment of any fees for licensing under ~~IC 9-24-6~~ **IC 9-24-6.1** while employed by the exempt agency if the director of the agency notifies the bureau in writing that the employee's duties include driving a commercial motor vehicle for the agency.

(b) The director of an agency that is exempt from the payment of registration fees under section 1(5) through 1(7) of this chapter shall notify the bureau if an individual who received a license without the payment of fees under subsection (a) ceases to be employed by the exempt agency.

(c) Not later than thirty (30) days following the day on which an individual ceases to be employed by an exempt agency, the individual must do the following:

- (1) Renew the individual's license.
- (2) Pay the appropriate fee for licensing under ~~IC 9-24-6~~ **IC 9-24-6.1**.

(d) A person who fails to:

- (1) renew the person's license; and

(2) pay an appropriate license fee under ~~IC 9-24-6~~; **IC 9-24-6.1**; subsequent to ending employment with an exempt agency commits a Class C infraction.

SECTION 275. IC 9-18-4-1, AS AMENDED BY P.L.262-2013, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A person may register a vehicle and request a license plate by mail if the person applying for the license plate has been issued a certificate of title for the motor vehicle, semitrailer, or recreational vehicle, unless excepted under ~~IC 9-17-2-13~~ **IC 9-17-2-1(b)** or IC 9-18-2-18.

SECTION 276. IC 9-18-4-7, AS AMENDED BY P.L.125-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The bureau may ~~(1)~~ prescribe forms ~~and (2) adopt rules~~; to implement this chapter.

(b) A form prescribed under this section must include the information described in IC 9-18-2-16(a)(3).

SECTION 277. IC 9-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~A person:~~ **An individual:**

(1) serving in the armed forces of the United States; and

(2) who holds an Indiana certificate of title for a vehicle that has not been registered in Indiana;

may extend authority by a letter to a **an Indiana** resident of ~~Indiana~~ who is at least eighteen (18) years of age to apply for, on behalf of the holder of the certificate of title, a certificate of registration for the motor vehicle described in the certificate of title.

SECTION 278. IC 9-18-7-1, AS AMENDED BY P.L.262-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person may apply for and receive a temporary registration permit for a motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle.

(b) A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle on the highways if any of the following conditions exist:

(1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another

state or foreign country.

(2) The person is ~~a~~ **an Indiana** resident ~~of Indiana~~ and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.

(3) The person is ~~a~~ **an Indiana** resident ~~of Indiana~~ and the vehicle registration in another state has expired and the person has applied for an Indiana title for the vehicle.

(4) The person owns and operates the vehicle and the person:

(A) does not operate the vehicle as a lessor; and

(B) moves the empty vehicle from one (1) lessee-carrier to another.

(5) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the emissions testing requirements.

(c) The bureau shall prescribe the form of a temporary registration permit.

(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

(e) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.

SECTION 279. IC 9-18-9-1, AS AMENDED BY P.L.188-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A trailer used on the highways ~~including a pop-up camper trailer~~; must be registered with the bureau.

(b) A person ~~who~~ **that**:

(1) uses or operates a trailer; ~~or pop-up camper~~; and

(2) fails to register the trailer ~~or pop-up camper~~ with the bureau; commits a Class C infraction.

SECTION 280. IC 9-18-11-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13. The bureau may adopt rules necessary to carry out the administration and enforcement of this chapter.~~

SECTION 281. IC 9-18-12-1, AS AMENDED BY P.L.188-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An antique motor vehicle must be registered annually. **The fee to register an antique motor vehicle is the fee**

under IC 9-29-5-28, IC 9-29-5-28.1, or IC 9-29-5-28.2, as appropriate.

- (b) The bureau may adopt a:
- (1) registration form; and
 - (2) certificate of registration;

to implement this chapter.

- (c) ~~After December 31, 2007,~~ A person ~~who~~ **that**:

- (1) registers an antique motor vehicle under this chapter; and
- (2) wishes to display on the antique motor vehicle an authentic license plate from the model year of the antique motor vehicle under section 2.5 of this chapter;

must pay the required fee under ~~IC 9-29-5-32.5~~. **section 2.5(e) of this chapter.**

(d) A person ~~who~~ **that** fails to register an antique motor vehicle as required under subsection (a) or (c) commits a Class C infraction.

SECTION 282. IC 9-18-12-2, AS AMENDED BY P.L.262-2013, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in section 2.5 of this chapter, the bureau shall issue one (1) license plate to the person ~~who~~ **that** owns an antique motor vehicle that is registered under this chapter.

(b) Subject to subsection (c), a license plate for an antique motor vehicle shall be manufactured according to the bureau's specifications.

- (c) A license plate issued under this chapter shall:

- (1) contain:
 - (A) the registration number assigned to the registration certificate by the bureau; and
 - (B) a designation that the vehicle is historic; and
- (2) indicate the year for which the antique motor vehicle has been registered.

(d) Instead of issuing a new license plate each time that an antique motor vehicle is registered, the bureau may issue to the person who owns the antique motor vehicle a tag or sticker that indicates the year for which the motor vehicle has been registered.

(e) A license plate issued under this chapter shall be securely attached to the rear of an antique motor vehicle.

SECTION 283. IC 9-18-12-2.5, AS AMENDED BY P.L.87-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 2.5. (a) A person ~~who~~ **that** registers an antique motor vehicle under this chapter may:

- (1) furnish; and
- (2) display on the antique motor vehicle;

an Indiana license plate from the model year of the antique motor vehicle.

(b) A license plate furnished and displayed under this section must be an authentic license plate from the model year of the antique motor vehicle.

(c) Before a license plate is mounted on an antique motor vehicle under this section, the license plate must be inspected by the bureau to determine whether the license plate:

- (1) complies with this section;
- (2) is in suitable condition to be displayed; and
- (3) bears a unique plate number at the time of the registration of the antique motor vehicle.

The bureau shall authorize the display of a restored or refurbished authentic license plate, but may prohibit the display of an authentic license plate under this section if the authentic license plate is not in conformance with this subsection.

(d) If an Indiana license plate from the model year of the antique motor vehicle is displayed on a motor vehicle registered as an antique motor vehicle under this chapter, the current certificate of registration of the antique motor vehicle shall be:

- (1) kept at all times in the vehicle; and
- (2) made available for inspection upon the demand of a law enforcement officer.

Notwithstanding IC 9-18-2-21, this subsection is not satisfied by keeping a reproduction of the certificate of registration in the vehicle or making a reproduction of the certificate of registration available for inspection.

(e) The fee to register and display an authentic license plate from the model year of an antique motor vehicle is ~~as provided in IC 9-29-5-32.5:~~ **thirty-seven dollars (\$37). The fee shall be distributed as follows:**

- (1) Seven dollars (\$7) to the motor vehicle highway account.**
- (2) Thirty dollars (\$30) to the commission fund.**

SECTION 284. IC 9-18-12-4 IS REPEALED [EFFECTIVE JULY

1, 2016]. Sec. 4. (a) If a person who registers an antique motor vehicle under this chapter makes substantial alterations or changes to the vehicle after the date of the antique motor vehicle's registration; the registrant shall have the vehicle reinspected by the state police department.

(b) If the antique motor vehicle is not found to be in a mechanical condition that guarantees the vehicle's safe operation upon the highways; the mechanical condition shall be reported to the bureau. The bureau shall do the following:

(1) Immediately cancel the registration of the antique motor vehicle.

(2) Notify the person who registered the antique motor vehicle of the cancellation.

(c) A person who:

(1) fails to have an antique motor vehicle inspected by the state police department subsequent to making substantial alterations or changes to the vehicle after the date of the vehicle's registration; or

(2) operates an antique motor vehicle subsequent to the registration being canceled;

commits a Class C infraction.

SECTION 285. IC 9-18-12-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5. (a) Upon the transfer of ownership of an antique motor vehicle registered under this chapter:

(1) the antique motor vehicle's registration is void; and

(2) the license plates shall be removed from the antique motor vehicle by the person who owns the antique motor vehicle.

(b) A person who is not the original registrant of an antique motor vehicle may not possess the license plates for the antique motor vehicle.

(c) A person who originally owns the license plates for an antique motor vehicle may, for the remainder of the year in which the ownership of the vehicle is transferred; register another antique motor vehicle under the same registration.

(d) This subsection does not apply to an antique motor vehicle acquired by a conveyance subject to IC 9-17-3-9. Upon the transfer and sale of an antique motor vehicle registered under this chapter; the person who acquires ownership of the antique motor vehicle shall; not

more than thirty-one (31) days after the date of acquiring ownership or before using the motor vehicle upon the highways, make an application with the bureau for registration of the antique motor vehicle under this chapter.

(c) This subsection applies only to an antique motor vehicle acquired by a conveyance subject to IC 9-17-3-9. Upon the transfer and sale of an antique motor vehicle registered under this chapter, the person who acquires ownership of the antique motor vehicle shall, not more than sixty (60) days after the date of acquiring ownership or before using the motor vehicle upon the highways, make an application with the bureau for registration of the antique motor vehicle under this chapter.

SECTION 286. IC 9-18-12-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 6. An antique motor vehicle registered under this chapter is not subject to assessment and property taxation under IC 6-1-1, as provided by IC 6-1-1-2-7.~~

SECTION 287. IC 9-18-12-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 8. A registration or license plate issued under this chapter before January 1, 2017, remains valid until the registration or license plate expires or is suspended or revoked.**

SECTION 288. IC 9-18-12.5-6, AS ADDED BY P.L.12-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The fleet registration program is established to accommodate requests from fleet operators for common registration dates for all fleet vehicles.

(b) The bureau shall administer the program.

(c) ~~The bureau may adopt rules under IC 4-22-2 to administer the program.~~

SECTION 289. IC 9-18-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) ~~To qualify for registration as a recovery vehicle, a vehicle must be:~~ **A person shall register a vehicle as a recovery vehicle if the following conditions are satisfied:**

(1) **The vehicle is** capable of lifting and pulling a disabled, a wrecked, an abandoned, an improperly parked, or a burnt vehicle by attaching a pickup bar with an adequate chain or steel

structured lifting apparatus to the vehicle in lift.

(2) **The vehicle is** equipped with a power driven winch.

(3) **The vehicle is** equipped with proper emergency lighting for the recovery vehicle and the vehicle in lift.

(4) **The vehicle is** capable of attaching safety chains on the vehicle in lift. **and**

(5) **The vehicle is** capable of traveling the highways safely at least at the minimum speed limit.

(b) **A vehicle that meets the qualifications listed in subsection (a) must be registered as a recovery vehicle under this chapter to operate on a highway:**

(c) **(b) A person may not operate a recovery vehicle**

(1) **that has the qualifications listed in subsection (a);**

(2) **that is not registered under this chapter as a recovery vehicle;**
and

(3) **on a highway unless the vehicle is registered as a recovery vehicle under this chapter.**

(c) A person that violates this section commits a Class C infraction.

SECTION 290. IC 9-18-13-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) A person who operates a recovery vehicle must meet the minimum standards for financial responsibility that are set forth in IC 9-25:

(b) A recovery vehicle may be registered only if proof of financial responsibility in amounts required under IC 9-25 is produced at the time of registration. The bureau shall retain a record of that proof in the bureau's files:

(c) The bureau may adopt rules under IC 4-22-2 to carry out this section:

(d) A person may not operate a recovery vehicle on a highway in violation of this section:

(e) **A person who violates this section commits a Class B infraction.**

SECTION 291. IC 9-18-13-7, AS AMENDED BY P.L.217-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A person may not operate a vehicle:

(1) that is not qualified to register as a recovery vehicle under this chapter;

(2) for the purpose of lifting and pulling:

- (A) a disabled;
 - (B) a wrecked;
 - (C) an abandoned;
 - (D) an improperly parked; or
 - (E) a burnt;
- vehicle; and
- (3) on a highway.

(b) A person ~~who~~ **that** violates this section commits a Class C infraction.

SECTION 292. IC 9-18-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Personalized License Plates).

SECTION 293. IC 9-18-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. (General Assembly and Other State Officials License Plates).

SECTION 294. IC 9-18-17 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Prisoner of War License Plates).

SECTION 295. IC 9-18-18 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Disabled Veteran License Plates).

SECTION 296. IC 9-18-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Purple Heart License Plates).

SECTION 297. IC 9-18-20 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana National Guard License Plates).

SECTION 298. IC 9-18-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. (License Plates for Persons With Disabilities).

SECTION 299. IC 9-18-23 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Amateur Radio Operator License Plates).

SECTION 300. IC 9-18-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Civic Event License Plates).

SECTION 301. IC 9-18-24.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (In God We Trust License Plate).

SECTION 302. IC 9-18-25 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Special Group Recognition License Plates).

SECTION 303. IC 9-18-27 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Interim Manufacturer Transporter License Plates).

SECTION 304. IC 9-18-28 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Rental Vehicles and Common Carriers).

SECTION 305. IC 9-18-29 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Environmental License Plates).

SECTION 306. IC 9-18-30 IS REPEALED [EFFECTIVE JULY 1,

2016]. (Kids First Trust License Plate).

SECTION 307. IC 9-18-31 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Education License Plate).

SECTION 308. IC 9-18-33 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana FFA Trust License Plates).

SECTION 309. IC 9-18-34 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Firefighter License Plates).

SECTION 310. IC 9-18-37 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Boy Scouts Trust License Plates).

SECTION 311. IC 9-18-40 IS REPEALED [EFFECTIVE JULY 1, 2016]. (D.A.R.E. Indiana Trust License Plates).

SECTION 312. IC 9-18-41 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Arts Trust License Plates).

SECTION 313. IC 9-18-42 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Health Trust License Plates).

SECTION 314. IC 9-18-44 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Native American Trust License Plates).

SECTION 315. IC 9-18-45 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Safety First License Plates).

SECTION 316. IC 9-18-45.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Pearl Harbor Survivor License Plates).

SECTION 317. IC 9-18-46.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana State Educational Institution Trust License Plates).

SECTION 318. IC 9-18-47 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Lewis and Clark Bicentennial License Plates).

SECTION 319. IC 9-18-48 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Riley Children's Foundation License Plates).

SECTION 320. IC 9-18-49 IS REPEALED [EFFECTIVE JULY 1, 2016]. (National Football League Franchised Professional Football Team License Plates).

SECTION 321. IC 9-18-50 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Hoosier Veteran License Plates).

SECTION 322. IC 9-18-51 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Support Our Troops License Plate).

SECTION 323. IC 9-18-52 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Abraham Lincoln Bicentennial License Plates).

SECTION 324. IC 9-18-53 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Earlham College Trust License Plates).

SECTION 325. IC 9-18-54 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Gold Star Family Member License Plate).

SECTION 326. IC 9-18.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 18.1. MOTOR VEHICLE REGISTRATION

Chapter 1. Definitions

Sec. 1. The following definitions apply throughout this article.

Sec. 2. "Declared gross weight" means the following:

(1) For a for-hire bus, the sum of:

(A) the empty weight of the bus; plus

(B) the product of:

(i) the number of seats on the bus; multiplied by

(ii) two hundred (200) pounds.

(2) For a trailer, the empty weight of the trailer plus the weight of the heaviest load the trailer will carry during a registration year.

(3) For a truck, the empty weight of the truck plus the weight of the heaviest load the truck will carry during a registration year. The term includes a truck camper that is installed on a truck. The term does not include the weight of a vehicle towed by a truck.

(4) For a tractor used with a semitrailer, the declared gross combination weight, which is the sum of the following:

(A) The empty weight of the tractor.

(B) The empty weight of the heaviest semitrailer, or set of semitrailers, that the tractor will tow during a registration year.

(C) The heaviest load that the tractor will carry during a registration year.

(D) The heaviest load that will be carried by a semitrailer, or set of semitrailers, that the tractor will tow during a registration year.

Sec. 3. "Distinctive license plate" refers to a license plate designed and issued under IC 9-18.5.

Sec. 4. "License plate" includes the following:

(1) A license plate issued under this article for display on a vehicle.

(2) A distinctive license plate designed and issued under

IC 9-18.5.

Sec. 5. "Proof of registration" includes the following:

- (1) A license plate.**
- (2) A decal or sticker issued by the bureau to indicate registration.**
- (3) A certificate of registration.**
- (4) Any other indication of registration issued by the bureau or the motor carrier services division of the department of state revenue.**

Chapter 2. Application

Sec. 1. (a) This article applies after December 31, 2016.

(b) A certificate of registration or proof of registration issued under IC 9-18 (before its expiration on December 31, 2016) remains valid until it expires or is revoked, suspended, or canceled.

Sec. 2. The following vehicles are not required to be registered under this article:

- (1) A vehicle that is propelled by electric power obtained from overhead trolley wires but is not operated on rails or tracks.**
- (2) A firetruck and apparatus used for fire protection.**
- (3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:**
 - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and**
 - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.**

(4) A vehicle that is:

- (A) owned or leased; and**
- (B) used;**

by the United States government for official government purposes.

(5) A school bus or special purpose bus that is:

- (A) owned by a school corporation; and**
- (B) registered under IC 20-27-7.**

(6) Golf carts when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(7) A vehicle that is not designed for or employed in general highway transportation of persons or property and is

occasionally operated or moved over the highway, including the following:

- (A) An electric personal assistive mobility device.
- (B) Road construction or maintenance machinery.
- (C) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
- (D) Construction dust control machinery.
- (E) A well boring apparatus.
- (F) A ditch digging apparatus.
- (G) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.
- (H) A farm tractor.
- (I) A farm wagon.
- (J) A tractor:
 - (i) that is used to move semitrailers around a terminal or a loading or spotting facility; and
 - (ii) for which a permit is issued under IC 6-6-4.1-13(f).
- (8) An off-road vehicle or a snowmobile.
- (9) A vehicle that is operated and displays a license plate in accordance with IC 9-32.

Sec. 3. Except as provided in sections 4 through 9 of this chapter, a vehicle may not be operated on a highway unless the vehicle:

- (1) is registered under this article; and
- (2) displays proof of registration in accordance with this article.

Sec. 4. A semitrailer or trailer that is used in combination with a vehicle that is an apportionable vehicle under the terms of the International Registration Plan may be operated on a highway if the semitrailer or trailer is registered in accordance with the laws of a jurisdiction that participates in the International Registration Plan.

Sec. 5. (a) A nonresident that owns a vehicle that:

- (1) is required to be registered under this article; and
- (2) is not subject to registration under the International Registration Plan;

may operate, or permit the operation of, the vehicle on a highway without registering the vehicle under this article if the vehicle is registered in accordance with the laws of the jurisdiction in which

the nonresident is a resident.

(b) The exemption granted by subsection (a) applies only to the extent that Indiana residents are granted an equivalent exemption in the jurisdiction in which the nonresident is a resident.

Sec. 6. A nonresident that becomes an Indiana resident may operate a vehicle on a highway for not more than sixty (60) days after becoming an Indiana resident without registering the vehicle under this article if the vehicle is registered in accordance with the laws of the jurisdiction in which the nonresident was a resident.

Sec. 7. An Indiana resident that:

(1) has a legal residence in a state that is not contiguous to Indiana; and

(2) owns or operates a vehicle that is registered in accordance with the laws of the other state of legal residence;

may operate the vehicle on a highway for not more than sixty (60) days without registering the vehicle under this article.

Sec. 8. A person that acquires a vehicle may operate the vehicle on a highway without registering the vehicle under this article under the following conditions:

(1) For the length of a temporary permit issued under the following:

(A) IC 9-18-7-1 (before its expiration on December 31, 2016).

(B) IC 9-18-7-4 (before its expiration on December 31, 2016).

(C) IC 9-18.1-12-2.

(D) IC 9-18.1-12-3.

(2) For not more than forty-five (45) days after the date on which the person acquires the vehicle, if the person displays on the newly acquired vehicle a valid and unexpired license plate transferred from another vehicle that the person disposes of by sale or other means. While operating the newly acquired vehicle, the person must have in the person's possession a:

(A) manufacturer's certificate of origin;

(B) certificate of title; or

(C) bill of sale;

indicating that the person owns the vehicle to which the unexpired license plates are affixed.

(3) For not more than forty-five (45) days after the date on which the person acquires the vehicle from a dealer licensed under IC 9-32, if the person displays on the newly acquired vehicle a valid and unexpired interim plate issued under IC 9-32-6-11.

(4) If the person acquires the vehicle from a person other than a dealer licensed under IC 9-32, for:

(A) not more than seventy-two (72) hours after the date of acquisition; and

(B) the sole purpose of transporting the vehicle by the most direct route from the place of acquisition to:

(i) a place of storage, including the person's residence or place of business;

(ii) an inspection station for purposes of emissions testing under IC 13-17-5-5.1(b); or

(iii) a license branch or a location operated by a full service provider (as defined in IC 9-14.1-1-2) or a partial services provider (as defined in IC 9-14.1-1-3) to register the vehicle under this article.

While operating the vehicle, the person must have in the person's possession a certificate of title indicating that the person owns the vehicle.

Sec. 9. A person may operate a vehicle that is an apportionable vehicle under the terms of the International Registration Plan upon a highway if the vehicle is registered under the International Registration Plan with a valid and unexpired cab card.

Sec. 10. (a) Subject to subsection (b), a law enforcement officer authorized to enforce motor vehicle laws who discovers a vehicle that is operated in violation of this chapter may:

(1) take the license plate displayed on the vehicle into the officer's custody;

(2) take the vehicle into the officer's custody;

(3) cause the vehicle to be taken to and stored in a suitable place; or

(4) take any combination of the actions described in subdivisions (1), (2), and (3);

until the proper certificate of registration and license plates for the vehicle are procured or the legal owner of the vehicle is found.

(b) A farm vehicle that is carrying perishable fruits or

vegetables or livestock may not be impounded, and the operator may proceed to the point of destination after having been stopped by a law enforcement officer under this section.

Sec. 11. A person that fails to register a vehicle that is required to be registered under this chapter commits a Class C infraction.

Sec. 12. A person that knowingly or intentionally owns a motor vehicle that is registered outside Indiana but that is required to be registered in Indiana commits a Class B misdemeanor.

Chapter 3. General Procedures

Sec. 1. (a) A person that desires to register a vehicle under this article must provide, in the form and manner prescribed by the bureau, the following information:

- (1) The name of the person that owns the vehicle, or if the vehicle has been leased and is being registered in the name of the lessee instead of the owner, the name of the lessee.
- (2) The person's address in Indiana, including the county and township, on the date of the application, as follows:
 - (A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.
 - (B) If the person is not an individual, the person's principal office in Indiana.
 - (C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana where the vehicle will be primarily operated.
- (3) A brief description of the vehicle to be registered, including the identification number and the color of the vehicle.
- (4) Any other information required by the bureau, including:
 - (A) the manufacturer's rated capacity for the vehicle;
 - (B) a statement of the vehicle's intended use;
 - (C) the vehicle's odometer reading; and
 - (D) the declared gross weight of the vehicle.

(b) An application to register a vehicle that is made through the United States mail or by electronic means is not required to be sworn to or notarized.

(c) A person may apply on behalf of another person to register

a vehicle under this article. However, the application must be signed and verified by the person in whose name the vehicle is to be registered.

(d) A person that makes a false statement in an application to register a vehicle under this article commits a Class C infraction.

Sec. 2. (a) This section does not apply to the following:

(1) Special machinery.

(2) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

(3) Snowmobiles.

(4) Motor driven cycles.

(b) The bureau may not register a vehicle unless the person applying for the certificate of registration:

(1) applies at the same time or within the immediately preceding forty-five (45) days for a certificate of title for the vehicle; or

(2) presents satisfactory evidence that a certificate of title has been previously issued to the person that covers the vehicle.

(c) If the bureau at any time determines that a certificate of title for a vehicle cannot be issued or is invalid, the bureau:

(1) shall not issue or furnish; or

(2) may invalidate;

the certificate of registration for the vehicle.

(d) A person that operates a vehicle for which a certificate of registration is required without a valid certificate of registration commits a Class C infraction.

Sec. 3. The bureau may not register a vehicle that does not have an identification number.

Sec. 4. The bureau may not register a vehicle unless the registrant:

(1) pays the applicable excise tax for the vehicle under IC 6-6; or

(2) provides proof in a manner acceptable to the bureau that the vehicle is exempt from excise taxes under IC 6-6.

Sec. 5. The bureau may not register a motor vehicle unless the person applying for registration provides proof of financial responsibility that is in effect in the amounts specified in IC 9-25 at

the time the application for registration is made.

Sec. 6. The bureau may not register the following vehicles:

(1) A vehicle that:

(A) is subject under rules adopted under air pollution control laws (as defined in IC 13-11-2-6) to:

(i) inspection of vehicle air pollution control equipment; and

(ii) testing of emission characteristics; and

(B) has not been:

(i) inspected; and

(ii) certified by an inspection station under IC 13-17-5-5.1(b) that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.

(2) A motor vehicle that does not comply with applicable motor vehicle equipment requirements under IC 9-19.

(3) A motor vehicle that does not comply with applicable operational and equipment specifications described in 49 CFR 571.

(4) A private bus that does not have an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3.

(5) A school bus or special purpose bus that does not have an unexpired certificate of inspection under IC 20-27-7-3.

(6) A farm wagon.

(7) A farm tractor.

(8) A golf cart.

(9) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

Sec. 7. (a) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the bureau; or

(2) the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, or other

assessments for toll violations under IC 9-21-3.5.

If the owner pays the fine, charge, or assessment, plus any applicable fees, to the bureau as described in subdivision (1), the bureau shall remit the appropriate amount to the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, assessments, or fees for toll violations under IC 9-21-3.5.

(b) Upon receiving notice, as described in IC 9-21-3.5-15(d), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12 or IC 9-21-3.5-14, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

- (1) the operator of the private toll facility; or
- (2) a person designated by the operator of the private toll facility to collect fines, charges, or other assessments for toll violations under IC 9-21-3.5;

as applicable. The bureau may impose a fee to reinstate an annual registration that was withheld under this subsection.

Sec. 8. (a) Except as provided in subsection (b), upon receipt of written notice under IC 13-17-5-8 of a violation of IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4, the bureau shall suspend the registration of the vehicle identified in the notice.

(b) The bureau may decline to suspend the registration of the vehicle pending verification of the statements set forth in the written notice.

(c) The bureau shall promptly notify a vehicle's owner of the suspension of the vehicle's registration under this section.

(d) Except as provided in subsection (e), upon the:

- (1) receipt of written notice under IC 13-17-5-8 that the violation of IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4 has been corrected; or
- (2) presentation of evidence to the bureau establishing that the violation of IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4 has been corrected;

the bureau shall reinstate the registration of the vehicle.

(e) The bureau may decline to reinstate the registration of the vehicle pending verification of the statements set forth in a written

notice provided under subsection (d)(1).

Sec. 9. A person that registers a vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The bureau must:

- (1) allow the person registering the vehicle to indicate the amount the person desires to donate; and
- (2) provide that the minimum amount a person may donate is one dollar (\$1).

Funds collected under this section shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

Sec. 10. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the following:

- (1) Information provided by a person as part of a request for the registration of a vehicle.
- (2) A request for any type of license plate required under this title for the operation of a vehicle upon a highway.
- (3) Any other application or request made to the bureau under this article or IC 9-18.5.

(b) The bureau may:

- (1) make investigations or require additional information; and
- (2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

Chapter 4. Proof of Registration

Sec. 1. (a) If the bureau determines that a person applying for registration is entitled to register the vehicle, the bureau shall:

- (1) register the vehicle described in the application;
- (2) issue the person a certificate of registration; and
- (3) issue proof of registration for display on the vehicle.

(b) The bureau may issue under subsection (a)(3):

- (1) a regular license plate under this article; or
- (2) if the person satisfies the applicable requirements under

IC 9-18.5, a distinctive license plate designed and issued under IC 9-18.5.

Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 regarding the size, character, and content of a certificate of registration.

(b) A certificate of registration or a legible reproduction of the certificate of registration must be carried:

- (1) in the vehicle to which the registration refers; or**
- (2) by the individual operating or in control of the vehicle, who shall display the registration upon the demand of a police officer.**

(c) An individual who fails to carry a certificate of registration or a legible reproduction of a certificate of registration as required under subsection (b) commits a Class C infraction.

Sec. 3. The bureau shall adopt rules under IC 4-22-2 regarding the size, character, display, mounting, securing, content, issuance, replacement, and life cycle of license plates, temporary license plates, renewal stickers, and other proof of registration.

Sec. 4. (a) License plates, including temporary license plates, shall be displayed as follows:

- (1) For a tractor, a dump truck, or a truck with a rear-mounted forklift or a mechanism to carry a rear-mounted forklift or implement, upon the front of the vehicle.**
- (2) For every other vehicle, upon the rear of the vehicle.**

(b) A license plate shall be:

- (1) securely fastened, in a horizontal position, to the vehicle for which the plate is issued:**
 - (A) to prevent the license plate from swinging;**
 - (B) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate; and**
 - (C) in a place and position that are clearly visible;**
- (2) maintained free from foreign materials and in a condition to be clearly legible; and**
- (3) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.**

(c) An interim license plate issued or used by a dealer licensed under IC 9-32 or used by a manufacturer must be displayed:

- (1) in the manner required under subsection (a) for the type of vehicle on which the interim license plate is displayed; or
- (2) in a location on the left side of a window that is:
 - (A) facing the rear of the motor vehicle; and
 - (B) clearly visible and unobstructed.

A plate displayed under subdivision (2) must be affixed to the window of the motor vehicle.

(d) A person that violates this section commits a Class C infraction.

Sec. 5. (a) A vehicle required to be registered under this article may not be used or operated on a highway if the vehicle displays any of the following:

- (1) A license plate belonging to any other vehicle.
- (2) A fictitious registration number.
- (3) A sign or placard bearing the words "license applied for" or "in transit" or other similar signs.

(b) A person that operates a vehicle in violation of subsection (a) commits a Class C infraction.

Sec. 6. If the ownership of a vehicle registered under this article is transferred, except a transfer from a manufacturer or a dealer licensed under IC 9-32:

- (1) the registration of the vehicle expires; and
- (2) the person transferring the vehicle shall remove the license plates and certificate of registration from the vehicle.

Sec. 7. A license plate or other proof of registration issued by the bureau under this article or IC 9-18.5:

- (1) remains the property of the bureau; and
- (2) may be revoked, canceled, or repossessed as provided by law.

Sec. 8. A person that knowingly sells, offers to sell, buys, possesses, or offers as genuine a certificate of registration for a vehicle that is required to be issued by the bureau and has not been issued by the:

- (1) bureau under this article; or
- (2) appropriate governmental authority of another state;

commits a Class C misdemeanor.

Chapter 5. Vehicle Classification and Registration Fees

Sec. 1. (a) The bureau shall classify each vehicle that is eligible to be registered under this title based on:

- (1) the application submitted under IC 9-18.1-3;**
- (2) this title; and**
- (3) rules adopted by the bureau under IC 4-22-2.**

(b) If the bureau is unable to classify a motor vehicle that is eligible to be registered under this title, the bureau shall classify the vehicle as a truck.

(c) If the bureau is unable to classify a vehicle without motive power that is eligible to be registered under this title, the bureau shall classify the vehicle as a trailer.

(d) The bureau shall classify a tractor that is not used with a semitrailer as a truck.

Sec. 2. (a) The bureau shall classify the following as a passenger motor vehicle, regardless of the vehicle's gross vehicle weight rating:

- (1) A low speed vehicle.**
- (2) A hearse.**
- (3) A motor vehicle that is funeral equipment and used in the operation of funeral services (as defined in IC 25-15-2-17).**
- (4) A medical services vehicle.**

(b) The fee to register a passenger motor vehicle is twenty-one dollars and thirty-five cents (\$21.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Thirty cents (\$0.30) to the spinal cord and brain injury fund.**
- (3) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.**
- (5) Three dollars (\$3) to the crossroads 2000 fund.**
- (6) For a vehicle registered before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.**
- (7) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.**
- (8) Any remaining amount to the motor vehicle highway**

account.

Sec. 3. The fee to register a motorcycle or motor driven cycle is twenty-six dollars and thirty-five cents (\$26.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Thirty cents (\$0.30) to the spinal cord and brain injury fund.**
- (3) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.**
- (5) Four dollars (\$4) to the crossroads 2000 fund.**
- (6) For a vehicle registered before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.**
- (7) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.**
- (8) Seven dollars (\$7) to the motorcycle operator safety education fund.**
- (9) Any remaining amount to the motor vehicle highway account.**

Sec. 4. The fee to register a not-for-hire bus is sixteen dollars and thirty-five cents (\$16.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.**
- (4) Four dollars (\$4) to the crossroads 2000 fund.**
- (5) For a vehicle registered before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.**

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 5. The fee to register a collector vehicle is sixteen dollars and thirty-five cents (\$16.35). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building fund.

(2) Fifty cents (\$0.50) to the state motor vehicle technology account.

(3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(4) Four dollars (\$4) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 6. The fee to register a recreational vehicle is twenty-nine dollars and thirty-five cents (\$29.35). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(4) Four dollars (\$4) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 7. The fee to register special machinery is sixteen dollars and thirty-five cents (\$16.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.
- (6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.
- (7) Any remaining amount to the motor vehicle highway account.

Sec. 8. (a) Except as provided in section 11 of this chapter, the fee to register a trailer is as follows:

Declared Gross Weight (Pounds)		Fee (\$)
Greater than	Equal to or less than	
0	3,000	\$16.35
3,000	9,000	25.35
9,000	12,000	72
12,000	16,000	108
16,000	22,000	168
22,000		228

(b) A fee described in subsection (a) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road

and street fund.

(4) Four dollars (\$4) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 9. (a) Except as provided in section 11 of this chapter, the fee to register a truck, a tractor used with a semitrailer, or a for-hire bus is determined as follows:

Declared Gross Weight (Pounds)		Fee (\$)
Greater than	Equal to or less than	
0	11,000	\$30.35
11,000	16,000	144
16,000	26,000	180
26,000	36,000	300
36,000	48,000	504
48,000	66,000	720
66,000	78,000	960
78,000		1,356

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) For a truck with a declared gross weight of eleven thousand (11,000) pounds or less, thirty cents (\$0.30) to the spinal cord and brain injury fund.

(3) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(5) Four dollars (\$4) to the crossroads 2000 fund.

(6) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the

integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(7) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(8) Any remaining amount to the motor vehicle highway account.

(c) A trailer that is towed by a truck must be registered separately, and the appropriate fee must be paid under this chapter.

Sec. 10. (a) The following vehicles shall be registered as semitrailers:

(1) A semitrailer converted to a full trailer through the use of a converter dolly.

(2) A trailer drawn behind a semitrailer.

(3) A trailer drawn by a vehicle registered under the International Registration Plan.

(b) The fee for a permanent registration of a semitrailer is eighty-two dollars (\$82). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(4) Twelve dollars (\$12) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

(c) A permanent registration under subsection (b) must be renewed on an annual basis. The fee to renew a permanent registration is eight dollars and seventy-five cents (\$8.75). The fee is in addition to any applicable excise tax and shall be distributed

as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Three dollars (\$3) to the crossroads 2000 fund.
- (4) Three dollars and ten cents (\$3.10) to the commission fund.
- (5) Any remaining amount to the motor vehicle highway account.

(d) A permanent registration under subsection (b) may be transferred under IC 9-18.1-11.

(e) A semitrailer that is registered under IC 9-18-10-2(a)(2) (before its expiration) or IC 9-18-10-2(a)(3) (before its expiration) remains valid until its expiration and is not subject to renewal under subsection (c). This subsection expires July 1, 2020.

Sec. 11. (a) This section applies to the following vehicles:

- (1) A trailer with a declared gross weight greater than nine thousand (9,000) pounds.
- (2) A truck with a declared gross weight greater than eleven thousand (11,000) pounds.
- (3) A tractor used with a semitrailer with a declared gross weight greater than eleven thousand (11,000) pounds.
- (4) A for-hire bus with a declared gross weight greater than eleven thousand (11,000) pounds.

(b) The fee to register a vehicle listed in subsection (a) for a period other than twelve (12) months is the amount determined under the following formula:

STEP ONE: Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the STEP TWO product by the applicable registration fee under this chapter for the vehicle.

(c) A fee described in subsection (b) shall be distributed in the same manner as the applicable registration fee under this chapter for the vehicle.

Chapter 6. Recovery Vehicles

Sec. 1. A vehicle that satisfies the following conditions may be

registered as a recovery vehicle:

- (1) The vehicle is capable of lifting and pulling a disabled, a wrecked, an abandoned, an improperly parked, or a burnt vehicle by attaching a pickup bar with an adequate chain or steel structured lifting apparatus to the vehicle in lift.
- (2) The vehicle is equipped with a power driven winch.
- (3) The vehicle is equipped with proper emergency lighting for the recovery vehicle and the vehicle in lift.
- (4) The vehicle is capable of attaching safety chains on the vehicle in lift.
- (5) The vehicle is capable of traveling the highways safely at least at the minimum speed limit.

Sec. 2. A person may not operate a recovery vehicle unless the vehicle is registered as a recovery vehicle under this chapter. A person that violates this section commits a Class C infraction.

Sec. 3. A person may not operate a vehicle on a highway:

- (1) that is not qualified to register as a recovery vehicle under this chapter; and
- (2) for the purpose of lifting and pulling:
 - (A) a disabled;
 - (B) a wrecked;
 - (C) an abandoned;
 - (D) an improperly parked; or
 - (E) a burnt;

vehicle.

A person that violates this section commits a Class C infraction.

Sec. 4. (a) Except as provided in subsection (d), the fee to register a recovery vehicle with a gross vehicle weight rating greater than sixteen thousand (16,000) pounds is five hundred four dollars (\$504).

(b) Except as provided in subsection (d), the fee to register a recovery vehicle with a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds is seventy-two dollars (\$72).

(c) A fee imposed and collected under subsection (a) or (b) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
 - (4) Four dollars (\$4) to the crossroads 2000 fund.
 - (5) For a vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.
 - (6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.
 - (7) Any remaining amount to the motor vehicle highway account.
- (d) The fee to register a recovery vehicle for a period other than twelve (12) months is the amount determined under the following formula:
- STEP ONE:** Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11. A partial month shall be rounded to one (1) month.
- STEP TWO:** Multiply the STEP ONE result by one-twelfth (1/12).
- STEP THREE:** Multiply the STEP TWO product by the applicable registration fee under subsection (a) or (b) for the vehicle.

A fee imposed and collected under this subsection shall be distributed under subsection (c).

Sec. 5. This chapter does not apply to a truck or tractor with a declared gross weight of more than sixteen thousand (16,000) pounds that is used to lift or pull a vehicle or combination of vehicles if:

- (1) the same person that owns or operates the truck or tractor also owns or leases the vehicle or combination of vehicles; or
- (2) the vehicle or combination of vehicles are owned by or leased to a subsidiary or related corporation of the person that owns or operates the truck or tractor.

Chapter 7. Farm Vehicles

Sec. 1. A vehicle that satisfies the following conditions may be registered as a farm vehicle:

- (1) The vehicle must be one (1) of the following:
 - (A) A truck with a declared gross weight of more than

eleven thousand (11,000) pounds.

(B) A tractor used with a semitrailer that has a declared gross weight of more than eleven thousand (11,000) pounds.

(C) A trailer with a declared gross weight of more than nine thousand (9,000) pounds.

(D) A semitrailer.

(2) The owner of the vehicle or a guest occupant uses the vehicle in connection with agricultural pursuits usual and normal to the user's farming operations.

(3) The vehicle is used to transport farm products, livestock, machinery, or supplies to or from a farm or ranch.

(4) The vehicle is not used:

(A) in the conduct of a commercial enterprise; or

(B) to transport farm products anywhere other than to the first point of processing.

Sec. 2. A farm vehicle may be used for personal purposes if the vehicle otherwise qualifies for registration as a farm vehicle.

Sec. 3. Except as provided in section 7 of this chapter, the fee to register a farm vehicle that is a trailer with a declared gross weight of more than nine thousand (9,000) pounds is fifty percent (50%) of the fee listed in IC 9-18.1-5-8 for a trailer of the same declared gross weight.

Sec. 4. Except as provided in section 7 of this chapter, the fee to register a farm vehicle that is:

(1) a truck; or

(2) a tractor used with a semitrailer;

with a declared gross weight of more than eleven thousand (11,000) pounds is fifty percent (50%) of the fee listed in IC 9-18.1-5-9 for a vehicle of the same declared gross weight.

Sec. 5. A fee to register a farm vehicle under section 3 or 4 of this chapter shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars (\$2) to the crossroads 2000 fund.

(4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

- (5) For a vehicle registered before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.**
- (6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.**
- (7) Any remaining amount to the motor vehicle highway account.**

Sec. 6. (a) The fee for permanent registration of a farm vehicle that is a semitrailer is forty-one dollars (\$41). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.**
- (4) For a vehicle registered before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.**
- (5) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.**
- (6) Six dollars (\$6) to the crossroads 2000 fund.**
- (7) Any remaining amount to the motor vehicle highway account.**

(b) A permanent registration under subsection (a) must be renewed on an annual basis. The fee to renew a permanent registration is eight dollars and seventy-five cents (\$8.75). The fee is in addition to any applicable excise tax and shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) Three dollars (\$3) to the crossroads 2000 fund.**
- (4) Three dollars and ten cents (\$3.10) to the commission fund.**

(5) Any remaining amount to the motor vehicle highway account.

Sec. 7. The fee to register a farm vehicle for a period of other than twelve (12) months is fifty percent (50%) of the applicable registration fee determined under IC 9-18.1-5-11 for the vehicle. The fee shall be distributed in the same manner as the applicable fee under section 5 of this chapter.

Sec. 8. (a) If a person has registered a vehicle as a farm vehicle and the person:

(1) desires to register the vehicle as a vehicle other than a farm vehicle; or

(2) operates the vehicle in the conduct of a commercial enterprise;

the person shall apply to the bureau to change the registration from registration as a farm vehicle to the applicable registration for the vehicle under IC 9-18.1-5.

(b) The bureau shall issue to a person described in subsection (a) an amended certificate of registration and the appropriate license plate after the person pays the following:

(1) A fee of nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar (\$1) to the crossroads 2000 fund.

(D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(E) For a registration transferred before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(F) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(3) If the vehicle was registered as a farm semitrailer, a fee of

forty-one dollars (\$41). The fee shall be distributed to the motor vehicle highway account.

(4) If the vehicle was registered as a farm vehicle other than a farm semitrailer, the amount determined under the following formula:

STEP ONE: Determine the number of months between:

- (i) the date on which the farm vehicle is registered as a vehicle other than a farm vehicle or is operated in the conduct of a commercial enterprise; and
- (ii) the next registration date under IC 9-18.1-11 of the farm vehicle.

A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Determine the product of:

- (i) the STEP TWO result; multiplied by
- (ii) the applicable fee under IC 9-18.1-5 for the classification to which the vehicle's registration is changed.

The amount determined under this subdivision shall be deposited in the motor vehicle highway account.

Sec. 9. A person that operates a farm vehicle:

- (1) in the conduct of a commercial enterprise; or
- (2) to transport farm products anywhere other than to the first point of processing;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

Sec. 10. The operation of a vehicle in violation of section 9 of this chapter is a continuing offense, and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

- (1) judgment against; or
- (2) finding by the court for;

the owner or operator of the vehicle bars a prosecution in another county.

Chapter 8. Military Vehicles

Sec. 1. A person that owns a military vehicle may register the military vehicle under this chapter instead of under IC 9-18.1-5.

Sec. 2. A military vehicle that is registered under this chapter is not required to display a license plate on the military vehicle.

Sec. 3. The registration number for a military vehicle registered under this chapter is the military vehicle identification number stenciled on the military vehicle in white or yellow letters and numbers in accordance with applicable military regulations.

Sec. 4. The registration of a military vehicle under this chapter is permanent. The fee for the permanent registration of a military vehicle is twelve dollars (\$12). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.
- (6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

Sec. 5. A permanent registration under section 4 of this chapter must be renewed on an annual basis. There is no fee to renew the permanent registration. However, the military vehicle remains subject to all applicable excise taxes.

Chapter 9. Vehicles Used for Official Business

Sec. 1. (a) A vehicle that is owned or leased and used for official business by the following is exempt from the payment of registration fees under this article:

- (1) The state.
- (2) A municipal corporation (as defined in IC 36-1-2-10).
- (3) A volunteer fire department (as defined in IC 36-8-12-2).
- (4) A volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three

thousand five hundred dollars (\$3,500).

(5) A rehabilitation center funded under IC 12-12.

(6) A community action agency (IC 12-14-23).

(7) An area agency on aging (IC 12-10-1-6) and a county council on aging that is funded through an area agency.

(8) A community mental health center (IC 12-29-2).

Sec. 2. The bureau may issue a license plate under this chapter for a vehicle owned by or leased by the United States government.

Sec. 3. The bureau may adopt rules under IC 4-22-2 to assign permanent license plates and accompanying permanent registration cards to vehicles owned or leased by an entity listed in section 1 of this chapter.

Sec. 4. The bureau may issue a confidential license plate for investigative purposes to the following:

(1) A state agency upon the annual consent of the bureau or the Indiana department of administration.

(2) Other investigative agencies upon the annual consent of the superintendent of the state police.

Chapter 10. Fleet Registration Program

Sec. 1. As used in this chapter, "fleet operator" means an operator who participates in the program.

Sec. 2. As used in this chapter, "fleet vehicle" means a passenger motor vehicle or a truck with a declared gross weight of not more than eleven thousand (11,000) pounds that is:

(1) owned or leased by a fleet operator; and

(2) registered in the program under this chapter.

Sec. 3. As used in this chapter, "operator" means an Indiana resident that owns or leases one thousand (1,000) or more fleet vehicles.

Sec. 4. As used in this chapter, "program" refers to the fleet registration program established under section 6 of this chapter.

Sec. 5. This chapter does not apply to a vehicle that is registered under:

(1) a reciprocal agreement between the state of Indiana and another governmental entity;

(2) the International Registration Plan; or

(3) IC 9-18.1-13 with the department of state revenue.

Sec. 6. (a) The fleet registration program is established to accommodate requests from fleet operators for common

registration dates for all fleet vehicles.

(b) The bureau shall administer the program.

(c) The bureau may adopt rules under IC 4-22-2 to administer the program.

Sec. 7. (a) An operator may apply to the bureau to participate in the program.

(b) An application must be in the form and manner prescribed by the bureau and must contain the following information:

(1) The name and business address of the operator.

(2) The preferred expiration month requested by the operator.

(3) All counties in which the fleet vehicles are registered.

(4) Any other information required by the bureau.

The bureau may designate an expiration month that differs from the preferred expiration month requested by the operator under subdivision (2).

(c) The bureau shall approve an application if the bureau is satisfied that the application is complete and accurate. Upon approval of the application, the bureau shall assign the fleet operator a fleet number.

(d) If an application does not contain a preferred expiration month, the bureau may:

(1) deny the application; or

(2) designate an expiration month and approve the application.

(e) An operator may not register a vehicle as a fleet vehicle in a county that is not designated in the application.

Sec. 8. (a) The bureau shall terminate the participation in the program of a fleet operator with fewer than one thousand (1,000) fleet vehicles.

(b) A fleet operator whose participation is terminated under subsection (a) may reapply for participation in the program in the manner determined by the bureau.

Sec. 9. A certificate of registration as a fleet vehicle under this chapter is valid for the twelve (12) month period designated on the certificate.

Sec. 10. The fee to register a vehicle as a fleet vehicle under this chapter is the applicable fee for the vehicle under IC 9-18.1-5.

Sec. 11. The bureau shall design a fleet vehicle license plate. The

design must include distinctive colors and graphics and the fleet number assigned under section 7(c) of this chapter. The design may not include years, months, or other indications of calendar dates. The design may indicate that the fleet license plate does not expire.

Sec. 12. A fleet vehicle is subject to all applicable laws, rules, and regulations for vehicles of the same type or class.

Chapter 11. Expiration, Replacement, and Transfer of Registrations

Sec. 1. The bureau shall establish and publish a schedule of expiration dates for vehicle registrations.

Sec. 2. (a) If the date on which the registration of a vehicle expires is a day on which all license branches located in the county in which the vehicle is registered are closed, including:

- (1) a Sunday; or
- (2) a legal holiday listed in IC 1-1-9-1;

the registration expires at midnight on the date following the next day on which a license branch located in the county in which the vehicle is registered is open for business.

(b) Except as provided in subsection (a) and IC 9-18.5-34-3, a person that owns or operates a vehicle may not operate or permit the operation of a vehicle that:

- (1) is required to be registered under this chapter; and
- (2) has expired license plates.

(c) A person that operates or permits the operation of a motor vehicle in violation of subsection (b) commits a Class C infraction.

Sec. 3. (a) Upon becoming subject to registration under this article, a vehicle must be registered for a period that is not:

- (1) less than three (3) months; or
- (2) greater than twenty-four (24) months.

(b) A registration under this article may be renewed for a period of twelve (12) months from the date on which the registration expires.

(c) Subject to subsection (a), the registration year for a registration, other than a renewal described in subsection (b), begins on the date on which the vehicle becomes subject to registration as determined under section 4 of this chapter and ends on the following date selected by the person registering the vehicle:

- (1) The date on which the vehicle's registration expires, as determined under the schedule established under section 1 of

this chapter.

(2) Twelve (12) months after the date described in subdivision (1).

Sec. 4. (a) Except as provided in subsection (b), a vehicle:

(1) becomes subject to registration under this article:

(A) on the date the vehicle is acquired; or

(B) for a vehicle owned by a person described in IC 9-18.1-2-7, on the earlier of:

(i) sixty (60) days after the person becomes an Indiana resident; or

(ii) the date on which the person registers the vehicle under this article; and

(2) remains subject to continuous registration under this article until:

(A) the vehicle is sold or otherwise disposed of; or

(B) the person that registered the vehicle becomes a nonresident.

(b) A person is not required to register a vehicle under this article if the person submits an affidavit demonstrating that the vehicle will not be used upon a highway for a period of at least ninety (90) consecutive days.

(c) A vehicle described in subsection (b) becomes subject to registration on the date on which the vehicle is used upon a highway.

Sec. 5. (a) A person that fails to:

(1) apply for the registration of, or transfer a registration to, a vehicle;

(2) provide full payment for the registration of a vehicle; or

(3) both:

(A) apply for the registration of, or transfer a registration to; and

(B) provide full payment for the registration of; a vehicle;

as required under this article is subject to an administrative penalty of fifteen dollars (\$15) to be collected by the bureau. An administrative penalty under this subsection is in addition to a civil judgment imposed under subsection (c).

(b) An administrative penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person that violates this section commits a Class C infraction.

Sec. 6. (a) A person that sells or otherwise disposes of a vehicle owned by the person before the date on which the vehicle's registration expires may apply to the bureau to transfer the registration and license plates to another vehicle acquired by the person.

(b) This subsection applies if the vehicle to which the registration and license plate are transferred is of the same type and in the same weight class as the vehicle for which the registration and license plate were originally issued. The bureau shall transfer the registration and license plate and issue an amended certificate of registration to the person applying for the transfer after the person pays the following:

(1) A fee of nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar (\$1) to the crossroads 2000 fund.

(D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(E) For a registration transferred before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(F) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(c) This subsection applies if a vehicle to which the registration is transferred is of a different type or in a different weight class than the vehicle for which the registration and license plate were originally issued. The bureau shall transfer the registration and license plate and issue to the person applying for the transfer an amended certificate of registration and, if necessary, a new license

plate or other proof of registration under this article or IC 9-18.5 after the person pays the following:

(1) A fee of nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar (\$1) to the crossroads 2000 fund.

(D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(E) For a registration transferred before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(F) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(3) If the fee to register the vehicle to which the registration is transferred exceeds by more than ten dollars (\$10) the fee to register the vehicle for which the registration was originally issued, the amount determined under the following formula:

STEP ONE: Determine the number of months between:

(i) the date on which the vehicle to which the registration is transferred was acquired; and

(ii) the next registration date under this chapter for a vehicle registered by the person.

A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Determine the difference between:

(i) the registration fee for the vehicle to which the registration is transferred; minus

(ii) the registration fee for the vehicle for which the registration was originally issued.

STEP FOUR: Determine the product of:

- (i) the STEP TWO result; multiplied by
- (ii) the STEP THREE result.

A fee collected under this subdivision shall be deposited in the motor vehicle highway account.

(d) A person may register a vehicle to which a registration is transferred under this section:

- (1) individually; or
- (2) with one (1) or more other persons.

Sec. 7. (a) Except as provided in IC 9-33-3 and subsection (b), a person is not entitled to a refund of any unused registration fees.

(b) The bureau may establish administrative procedures to provide for:

- (1) a refund; or
- (2) a credit;

of registration fees imposed under this article if a person that has registered a vehicle changes the vehicle registration from registration under any other law to registration under the International Registration Plan.

Sec. 8. (a) If a license plate or other proof of registration is lost or stolen, the person in whose name the license plate or other proof of registration was issued shall notify:

- (1) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or
- (2) the law enforcement agency that has jurisdiction over the address listed on the registration for the vehicle for which the license plate or other proof of registration was issued;

that the original license plate or other proof of registration has been lost or stolen.

(b) A person may apply to the bureau to replace a license plate or other proof of registration that is lost, stolen, destroyed, or damaged. The bureau shall issue a duplicate or replacement license plate or other proof of registration after the person does the following:

- (1) Pays a fee of nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:
 - (A) Twenty-five cents (\$0.25) to the state police building account.
 - (B) Fifty cents (\$0.50) to the state motor vehicle technology

fund.

(C) One dollar (\$1) to the crossroads 2000 fund.

(D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(E) For proof of registration issued before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(F) For proof of registration issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

However, the bureau may waive the fee under this subsection for a duplicate certificate of registration that is processed on the Internet web site of the bureau.

(2) If the proof of registration was lost or stolen, provides proof of compliance with subsection (a) in a manner and form prescribed by the bureau.

(c) A replacement proof of registration must be kept or displayed in the same manner as the original proof of registration.

Sec. 9. (a) A person that owns a vehicle may apply to the bureau to change the ownership of the vehicle:

(1) by adding at least one (1) other person as a joint owner; or

(2) if the person is a joint owner of the vehicle, by transferring the person's ownership interest in a vehicle to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

(1) Complies with IC 9-17.

(2) Pays a fee of nine dollars and fifty cents (\$9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in a certificate of registration. The bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents (\$9.50).

(d) The bureau may not impose or collect a fee for a duplicate, an amended, or a replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be distributed

as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) One dollar (\$1) to the crossroads 2000 fund.
- (4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (5) For a registration transferred before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.
- (6) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

Sec. 10. (a) A person that owns a vehicle may apply to the bureau in a manner and form prescribed by the bureau to display on the vehicle a license plate that is different from the license plate that is displayed on the vehicle at the time of application. The bureau shall issue the different license plate and an amended certificate of registration after the person pays the following:

- (1) Any fees required under IC 9-18.5 to obtain the different license plate.
- (2) If the application is not part of the person's registration or renewal process, an additional plate change fee of nine dollars and fifty cents (\$9.50).

(b) The fee described in subsection (a)(2) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) One dollar (\$1) to the crossroads 2000 fund.
- (4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (5) For a plate change before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.

(6) For a plate change after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

Chapter 12. Temporary Permits

Sec. 1. This chapter does not apply to mini-trucks.

Sec. 2. (a) A person may apply to the bureau for a temporary registration permit for a vehicle. The bureau shall issue the person a temporary registration permit after the person does the following:

(1) Provides proof of financial responsibility in effect with respect to the vehicle in the amounts specified under IC 9-25.

(2) Pays a fee of eighteen dollars (\$18). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) For a temporary registration permit issued before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(D) For a temporary registration permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(E) Any remaining amount to the motor vehicle highway account.

(b) A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the vehicle on a highway if any of the following conditions exist:

(1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another state or foreign country.

(2) The person is an Indiana resident and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.

(3) The person is an Indiana resident and the vehicle registration in another state has expired and the person has applied under IC 9-17 for a title for the vehicle.

(4) The person owns and operates the vehicle and the person:

- (A) does not operate the vehicle as a lessor; and
- (B) moves the empty vehicle from one (1) lessee-carrier to another.

(5) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the emissions testing requirements.

(c) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

Sec. 3. (a) A person that owns a vehicle may apply to the bureau for a temporary delivery permit to operate the vehicle without obtaining a certificate of title or registration for the vehicle as set forth in subsection (b). The bureau shall issue the person a temporary delivery permit after the person does the following:

(1) Provides proof of financial responsibility in effect with respect to the vehicle in the amounts specified under this article in the form required by the bureau.

(2) Pays a fee of eighteen dollars (\$18). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) For a temporary registration permit issued before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(D) For a temporary registration permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(E) Any remaining amount to the motor vehicle highway account.

(b) A temporary delivery permit issued under subsection (a) is valid for a period of ninety-six (96) hours beginning with the time of issuance and authorizes the person or the person's agent or employee to operate the vehicle upon a highway for the purpose of delivering, or having delivered, the vehicle to any of the following locations:

(1) A place of storage, including the person's residence or place of business.

(2) An inspection station for purposes of emissions testing under IC 13-17-5-5.1(b).

(3) A license branch or a location operated by a full service provider (as defined in IC 9-14.1-1-2) or a partial services provider (as defined in IC 9-14.1-1-3) to register the vehicle under this article.

(c) A person that uses a temporary permit:

(1) for a period greater than ninety-six (96) hours; or

(2) for a purpose not specified in subsection (b);

commits a Class C infraction.

Sec. 4. (a) This section does not apply to a vehicle registered as a recovery vehicle under IC 9-18.1-6.

(b) A transport operator may, instead of registering each motor vehicle transported, make a verified application upon a form prescribed by the bureau and furnished by the bureau for a general distinctive registration number for all motor vehicles transported by the transport operator and used and operated for the purposes provided. The application must contain the following:

(1) A brief description of each style or type of motor vehicle transported.

(2) The name and address, including the county of residence, of the transport operator.

(3) Any other information the bureau requires.

(c) The bureau, upon receiving:

(1) an application for a transport operator license plate; and

(2) the fee under subsection (i);

shall issue to the person that submitted the application and fee two (2) certificates of registration and the license plates with numbers corresponding to the numbers of the certificates of registration. A transport operator may obtain as many additional pairs of license plates as desired upon application and the payment to the bureau of the fee under subsection (k) for each pair of additional license plates.

(d) A license plate or sign other than those furnished and approved by the bureau may not be used.

(e) A transport operator license plate may not be used on a vehicle used or operated on a highway, except for the purpose of

transporting vehicles in transit. A person may haul other vehicles or parts of vehicles in transit in the same combination.

(f) A transport operator may not operate a vehicle or any combination of vehicles in excess of the size and weight limits specified by law.

(g) A license plate issued under this section shall be displayed on the front and rear of each combination, and if only one (1) motor vehicle is transported, a license plate shall be displayed on both the front and rear of the motor vehicle.

(h) The bureau may not issue transport operator license plates to a transport operator that has been convicted of violating this section until the bureau is satisfied that the transport operator is able to comply with the requirements of this section.

(i) The fee for one (1) set of license plates for each transport operator is one hundred thirty-nine dollars and twenty-five cents (\$139.25). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Five dollars (\$5) to the crossroads 2000 fund.
- (3) Nine dollars (\$9) to the commission fund.
- (4) Thirty dollars (\$30) to the highway, road and street fund.
- (5) Ninety-five dollars (\$95) to the motor vehicle highway account.

(j) The fee for the first two (2) sets of license plates for each transport operator is one hundred fifty-eight dollars and twenty-five cents (\$158.25). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifteen dollars (\$15) to the crossroads 2000 fund.
- (3) Eighteen dollars (\$18) to the commission fund.
- (4) Thirty dollars (\$30) to the highway, road and street fund.
- (5) Ninety-five dollars (\$95) to the motor vehicle highway account.

(k) The fee for each additional set of license plates for a transport operator is thirty-four dollars and twenty-five cents (\$34.25). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Nine dollars (\$9) to the commission fund.

(3) Ten dollars (\$10) to the crossroads 2000 fund.

(4) Fifteen dollars (\$15) to the motor vehicle highway account.

Chapter 13. Department of State Revenue Registrations and Permits

Sec. 1. As used in this chapter, "commercial vehicle" means a motor vehicle used in commerce to transport property if the motor vehicle:

(1) has a declared gross vehicle weight of at least sixteen thousand (16,000) pounds; and

(2) is subject to the commercial motor vehicle excise tax under IC 6-6-5.5.

Sec. 2. (a) The authority granted to the bureau throughout this article extends to the department of state revenue when the department administers transactions under IC 9-17-2, IC 9-17-3, IC 9-18, or IC 9-18.1. The department's authority includes the following:

(1) Registering vehicles (IC 9-18.1-3 and IC 9-18.1-4).

(2) Withholding registration of a vehicle when the vehicle was used in the commission of a toll violation (IC 9-18.1-3).

(3) Determining the size, character, display, mounting, securing, content, issuance, replacement, and life cycle of license plates, temporary license plates, renewal stickers, and other proof of registration issued by the department (IC 9-18.1-4).

(4) Publishing a schedule of expiration dates (IC 9-18.1-11).

(5) Transferring registration and license plates (IC 9-18.1-11).

(6) Issuing a duplicate license plate that is lost, stolen, or destroyed (IC 9-18.1-11).

(7) Changing ownership information (IC 9-18.1-11).

(8) Issuing temporary permits (IC 9-18.1-12).

(9) Issuing certificates of title (IC 9-17-2).

(b) Plates issued by the department of state revenue remain the property of the department (IC 9-18.1-4).

(c) The department of state revenue may adopt rules under IC 4-22-2 to administer this chapter.

Sec. 3. (a) Upon payment of the annual registration fee under IC 9-29-5 and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the owner of at

least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is permanently valid.

(b) The application of registration for the commercial vehicles must be on an aggregate basis by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

- (1) sells (and does not replace);
- (2) disposes of; or
- (3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(d) This section does not relieve the owner of a vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(e) A registered license plate issued under subsection (a) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate of registration issued under subsection (b), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(f) The following apply to rules adopted by the bureau before January 1, 2014, under IC 9-18-2-4.5(f) (before its expiration):

- (1) The rules are transferred to the department of state revenue and are considered rules of the department of state revenue.
- (2) The rules are treated as if they had been adopted by the department of state revenue.

(g) Upon qualification under this section, a vehicle subject to the commercial vehicle excise tax under IC 6-6-5.5, including trailers and semi-trailers, must be registered with the department of state revenue and issued a permanent license plate.

(h) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

Sec. 4. (a) The department of state revenue shall administer vehicle registrations that are subject to the International Registration Plan according to the terms of the International

Registration Plan and rules adopted by the department of state revenue under IC 4-22-2.

(b) A person that registers a vehicle under the International Registration Plan shall file electronically with the department of state revenue an application for the registration of the vehicle.

(c) The department of state revenue may audit records of persons that register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

(d) The department of state revenue may issue a certificate of registration or a license plate for a vehicle that is:

- (1) subject to registration under apportioned registration of the International Registration Plan; and**
- (2) based and titled in a state other than Indiana subject to the conditions of the plan.**

(e) A person that owns or leases a vehicle required to be registered under the International Registration Plan shall receive an apportioned plate and cab card as determined by the department of state revenue.

(f) A distinctive cab card:

- (1) shall be issued for a vehicle registered under the International Registration Plan; and**
- (2) must be carried in the vehicle.**

(g) The fee for a cab card issued under subsection (f) is five dollars (\$5). The fee for a duplicate cab card is one dollar (\$1). However, the department of state revenue may waive the fee for a duplicate cab card processed on the Internet web site of the department.

(h) A recovery vehicle may be registered under the International Registration Plan and be issued an apportioned license plate.

(i) The department of state revenue shall issue a document to a person applying for registration under the International Registration Plan to serve as a temporary registration authorization pending issuance of a permanent registration plate and cab card. The document must be carried in the vehicle for which the document is issued.

Sec. 5. (a) A trip permit may be issued for:

- (1) a vehicle that could be operated in Indiana for a period of**

seventy-two (72) hours instead of full registration; and
(2) both interstate and intrastate travel.

(b) A trip permit may not be used to evade full registration.

(c) The department of state revenue or agents for the department of state revenue may issue trip permits under rules adopted under IC 4-22-2.

(d) A person that uses a trip permit:

- (1) for a period greater than seventy-two (72) hours; or
- (2) to evade full registration;

commits a Class C infraction.

Sec. 6. (a) When a hunter's permit is applied for under this section, the department of state revenue shall issue a hunter's permit to a common carrier (as defined under IC 8-2.1-17-4) that contracts for common carrier services from an individual who owns and operates a motor vehicle subject to the International Registration Plan.

(b) If a motor vehicle under subsection (a) is registered in the name of the common carrier that contracts for services from the person that is the owner and operator of the motor vehicle, when the person no longer provides services to the common carrier, the common carrier shall transfer a hunter's permit issued to the common carrier under subsection (a) to the person upon the person's request. The common carrier may charge the person receiving the hunter's permit an amount that does not exceed the amount the common carrier paid for the hunter's permit under subsection (a).

(c) A hunter's permit transferred to a person under subsection (b) allows the person to move the motor vehicle under subsection (a) within Indiana for thirty (30) days to search for a new independent contract for services with a common carrier without first registering the motor vehicle.

Sec. 7. (a) Except as provided in subsection (b), a person that fails to:

- (1) apply for the registration of, or transfer a registration to, a vehicle;
- (2) provide full payment for the registration of a vehicle; or
- (3) both:
 - (A) apply for the registration of, or transfer a registration to, a vehicle; and

(B) provide full payment for the registration of a vehicle; as required under this chapter is subject to the penalties and interest imposed under IC 6-8.1-10.

(b) A person that fails to:

(1) apply for the registration of, or transfer a registration to, a vehicle;

(2) provide full payment for the registration of a vehicle; or

(3) both:

(A) apply for the registration of, or transfer a registration to, a vehicle; and

(B) provide full payment for the registration of a vehicle; as required under IC 9-18-2-4.6 or IC 9-18.1-13-3 is subject to the administrative penalty imposed under IC 9-18.1-11-5.

(c) An administrative penalty collected under subsection (b) shall be deposited in the commission fund.

Chapter 14. Off-Road Vehicles and Snowmobiles

Sec. 1. (a) Except as provided under subsections (b) and (c), an off-road vehicle or a snowmobile must be registered under this chapter to be operated in Indiana.

(b) Registration is not required for the following vehicles:

(1) An off-road vehicle or snowmobile that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

(2) An off-road vehicle or snowmobile that is registered in another state or country and being operated by a nonresident of Indiana for a period not to exceed twenty (20) days in one (1) calendar year.

(3) An off-road vehicle or snowmobile that is being operated for purposes of testing or demonstration and on which certificate numbers have been placed under section 9 of this chapter.

(4) An off-road vehicle or snowmobile, the operator of which has in the operator's possession a bill of sale from a dealer licensed under IC 9-32 or a private individual that includes the following:

(A) The purchaser's name and address.

(B) A date of purchase, which may not be more than forty-five (45) days before the date on which the operator

is required to show the bill of sale.

(C) The make, model, and vehicle number of the off-road vehicle or snowmobile provided by the manufacturer.

(5) An off-road vehicle or snowmobile that is owned or leased and used for official business by:

(A) the state;

(B) a municipal corporation (as defined in IC 36-1-2-10);

(C) a volunteer fire department (as defined in IC 36-8-12-2); or

(D) the United States government or an agency of the United States government.

(c) The owner of an off-road vehicle or a snowmobile that was properly registered under IC 14-16-1 or IC 9-18-2.5 (before its expiration) is not required to register the off-road vehicle or snowmobile under this chapter until the date on which the previous registration expires.

(d) A person that:

(1) operates an off-road vehicle or snowmobile on a public roadway; or

(2) fails to register an off-road vehicle or snowmobile as required by this section;

commits a Class C infraction.

Sec. 2. (a) A person that desires to register an off-road vehicle or a snowmobile must submit an application, in a form and manner prescribed by the bureau, that contains the following:

(1) The name of the owner of the off-road vehicle or snowmobile and, if the off-road vehicle or snowmobile is leased, the name of the lessee.

(2) The person's address in Indiana, including the county and township, on the date of the application, as follows:

(A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.

(B) If the person is not an individual, the person's principal office in Indiana.

(C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana

where the off-road vehicle or snowmobile will be primarily operated.

(3) A description of the off-road vehicle or snowmobile to be registered, including the identification number and color of the off-road vehicle or snowmobile.

(4) Any other information required by the bureau.

The bureau may not register an off-road vehicle or a snowmobile that does not have an identification number.

(b) An application made online or through the United States mail is not required to be sworn or notarized.

(c) A person may apply on behalf of another person to register an off-road vehicle or a snowmobile under this chapter. However, the person in whose name the off-road vehicle or snowmobile will be registered must sign and verify the application.

(d) A person that makes a false statement in an application under this section commits a Class C infraction.

Sec. 3. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the information provided by a person as part of a request to register an off-road vehicle or a snowmobile under this chapter.

(b) The bureau may:

- (1) make investigations or require additional information; and
- (2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

(c) If the bureau determines that a person applying to register an off-road vehicle or a snowmobile is entitled to register the off-road vehicle or snowmobile, the bureau shall register the off-road vehicle or snowmobile and issue to the applicant the following:

- (1) A certificate of registration.
- (2) Two (2) decals.

A person that fails to maintain registration for an off-road vehicle or snowmobile under this section commits a Class C infraction.

(d) Certificates of registration and decals issued under this section:

- (1) remain the property of the bureau; and
- (2) may be revoked, canceled, or repossessed as provided by

law.

Sec. 4. (a) The fee to register an off-road vehicle or snowmobile is thirty dollars (\$30). The fee shall be deposited in the off-road vehicle and snowmobile fund established by IC 14-16-1-30.

(b) The registration of an off-road vehicle or a snowmobile under this chapter is valid until the earlier of the following:

(1) Three (3) years from the date of registration under this chapter.

(2) The date on which the off-road vehicle or snowmobile is sold or transferred to another person.

(c) If a person sells or otherwise disposes of an off-road vehicle or snowmobile:

(1) the certificate of registration and decals for the off-road vehicle or snowmobile are canceled; and

(2) except as provided in IC 9-33-3, the person is not entitled to a refund of any unused part of a fee paid by the person under this section.

(d) A person that acquires an off-road vehicle or a snowmobile that is registered under this chapter must apply to the bureau under this chapter to register the off-road vehicle or snowmobile.

Sec. 5. (a) The bureau may adopt rules under IC 4-22-2 concerning the size, character, and content of a certificate of registration or decals issued under this chapter.

(b) A certificate of registration issued under this chapter, or a legible reproduction of the certificate of registration, must:

(1) be pocket size;

(2) accompany the off-road vehicle or snowmobile; and

(3) be made available for inspection upon demand by a law enforcement officer.

(c) A person that fails to carry or produce an off-road vehicle's or snowmobile's registration under subsection (b) commits a Class C infraction.

(d) Decals issued under section 3(c)(2) of this chapter shall be attached and displayed on the forward half of the off-road vehicle or snowmobile or as prescribed in rules adopted by the bureau. All decals shall be maintained in a legible condition and displayed only for the period for which the registration is valid.

(e) A person that fails to properly display a decal as prescribed under subsection (d) commits a Class C infraction.

Sec. 6. (a) The bureau shall collect an administrative penalty of fifteen dollars (\$15) from the following:

(1) A person that fails to:

(A) register; or

(B) provide full payment for the registration of; an off-road vehicle or a snowmobile within forty-five (45) days after the date on which the person acquires the off-road vehicle or snowmobile.

(2) A person that fails to:

(A) renew; or

(B) provide full payment for the renewal of; the registration of an off-road vehicle or a snowmobile by the date on which the registration expires.

(3) A person that:

(A) owns an off-road vehicle or a snowmobile;

(B) becomes an Indiana resident; and

(C) fails to:

(i) register; or

(ii) provide full payment for the registration of; the off-road vehicle or snowmobile within sixty (60) days after the person becomes an Indiana resident.

(b) A penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person described in subsection (a) commits a Class C infraction.

Sec. 7. (a) If a certificate of registration or decal issued for an off-road vehicle or a snowmobile that is registered under this chapter is lost, stolen, destroyed, or damaged, the owner of the off-road vehicle or snowmobile may apply to the bureau for a replacement certificate of registration or decal. If the certificate of registration or decal is lost or stolen, the owner shall provide notice of the loss or theft to a law enforcement agency with jurisdiction over:

(1) the site of the loss or theft; or

(2) the address listed on the certificate of registration.

(b) The bureau shall issue a replacement certificate of registration or decal to the owner of an off-road vehicle or a snowmobile after the owner:

(1) pays a fee of nine dollars and fifty cents (\$9.50); and

(2) provides notice as required under subsection (a), if applicable.

(c) The fee imposed under subsection (b) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) For a certificate of registration or decal issued before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(6) For a certificate of registration or decal issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(d) A replacement certificate of registration or decal issued under this section must be attached and displayed in the same manner as the original certificate of registration or decal.

Sec. 8. (a) A person that owns an off-road vehicle or a snowmobile that is registered under this chapter may apply to the bureau to change the ownership of the off-road vehicle or snowmobile:

(1) by adding at least one (1) other person as a joint owner; or
(2) if the person is a joint owner of the off-road vehicle or snowmobile, by transferring the person's ownership interest in the off-road vehicle or snowmobile to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

(1) Complies with IC 9-17.

(2) Pays a fee of nine dollars and fifty cents (\$9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in the certificate of registration issued with respect to the off-road vehicle or snowmobile. The

bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents (\$9.50).

(d) The bureau may not impose or collect a fee for a duplicate, an amended, or a replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) For a certificate of registration or decal issued before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(6) For a certificate of registration or decal issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

Sec. 9. (a) A manufacturer or person engaged in the commercial sale of off-road vehicles or snowmobiles may apply to the bureau to obtain certificates of registration for use in the testing or demonstrating of off-road vehicles or snowmobiles.

(b) A manufacturer or person engaged in the commercial sale of off-road vehicles or snowmobiles may use a certificate of registration issued under this section only in the testing or demonstrating of off-road vehicles and snowmobiles by temporarily placing the numbers of the certificate of registration on the off-road vehicle or snowmobile being tested or demonstrated. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate of registration issued under this section may be used on only one (1) off-road vehicle or snowmobile at any given time.

(d) The fee for each certificate of registration issued under this

section is thirty dollars (\$30). The fee shall be deposited in the off-road vehicle and snowmobile fund established by IC 14-16-1-30.

Sec. 10. (a) A manufacturer of an off-road vehicle or snowmobile shall stamp an identifying vehicle number into the frame of the off-road vehicle or snowmobile. The vehicle number shall be stamped where the number may be easily seen with a minimum of physical effort. A manufacturer that violates this subsection commits a Class A infraction.

(b) Upon request, a manufacturer shall furnish information as to the location of vehicle numbers on off-road vehicles and snowmobiles the manufacturer produces to a police officer or the bureau. A manufacturer that violates this subsection commits a Class A infraction.

(c) A person may not possess an off-road vehicle or snowmobile with an altered, defaced, or obliterated vehicle number. A person that knowingly or intentionally violates this subsection commits a Class B misdemeanor.

SECTION 327. IC 9-18.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 18.5. DISTINCTIVE LICENSE PLATES

Chapter 1. Application

Sec. 1. This chapter applies to a person that:

- (1)** is the registered owner or lessee of a vehicle; or
 - (2)** applies to register or renew the registration of a vehicle;
- that is eligible to display a license plate under this article.

Sec. 2. The bureau may not issue a license plate under this article to a person that is not eligible to be issued a license plate under IC 9-18 (before its expiration) or IC 9-18.1.

Sec. 3. Except as otherwise provided, the following vehicles may display any license plate designed under this article:

- (1)** A passenger motor vehicle.
- (2)** A motorcycle.
- (3)** A recreational vehicle.
- (4)** A truck with a declared gross weight of not more than eleven thousand (11,000) pounds.

Sec. 4. (a) A vehicle that displays a license plate issued under this article is not subject to dual registration fees or dual excise taxes.

(b) A fee for a license plate issued under this article covers the entire registration period for which the license plate is issued.

Chapter 2. Personalized License Plates

Sec. 1. (a) A person may apply to the bureau for a personalized license plate to display on the person's vehicle.

(b) The following license plates may be designed as a personalized license plate under this chapter:

- (1) IC 9-18.5-4 (prisoner of war license plates).**
- (2) IC 9-18.5-5 (disabled Hoosier veteran license plates).**
- (3) IC 9-18.5-6 (Purple Heart license plates).**
- (4) IC 9-18.5-7 (National Guard license plates).**
- (5) IC 9-18.5-8 (license plates for persons with disabilities).**
- (6) IC 9-18.5-9 (amateur radio operator license plates).**
- (7) IC 9-18.5-10 (civic event license plates).**
- (8) IC 9-18.5-11 (In God We Trust license plates).**
- (9) IC 9-18.5-12 (special group recognition license plates).**
- (10) IC 9-18.5-13 (environmental license plates).**
- (11) IC 9-18.5-14 (kids first trust license plates).**
- (12) IC 9-18.5-15 (education license plates).**
- (13) IC 9-18.5-16 (Indiana FFA trust license plates).**
- (14) IC 9-18.5-17 (Indiana firefighter license plates).**
- (15) IC 9-18.5-18 (Indiana boy scouts trust license plates).**
- (16) IC 9-18.5-19 (D.A.R.E. Indiana trust license plates).**
- (17) IC 9-18.5-20 (Indiana arts trust license plates).**
- (18) IC 9-18.5-21 (Indiana health trust license plates).**
- (19) IC 9-18.5-22 (Indiana Native American trust license plates).**
- (20) IC 9-18.5-24 (Pearl Harbor survivor license plates).**
- (21) IC 9-18.5-25 (Indiana state educational institution trust license plates).**
- (22) IC 9-18.5-26 (Lewis and Clark expedition license plates).**
- (23) IC 9-18.5-27 (Riley Children's Foundation license plates).**
- (24) IC 9-18.5-28 (National Football League franchised professional football team license plates).**
- (25) IC 9-18.5-29 (Hoosier veteran license plates).**
- (26) IC 9-18.5-30 (support our troops license plates).**
- (27) IC 9-18.5-31 (Abraham Lincoln bicentennial license plates).**
- (28) IC 9-18.5-32 (Earlham College Trust license plates).**

(29) IC 9-18.5-33 (Indiana Gold Star family member license plates).

(30) A license plate issued under IC 9-18 (before its expiration) or IC 9-18.1.

Sec. 2. (a) A personalized license plate may be the same color and size and contain similar required information as regular license plates issued under IC 9-18 (before its expiration) or IC 9-18.1 for the respective class of vehicle.

(b) A personalized license plate is limited to the:

- (1) numerals 0 through 9; or**
- (2) letters A through Z;**

in a continuous combination of numbers and letters with at least two (2) positions.

(c) A personalized license plate may not duplicate a regularly issued plate.

(d) Only one (1) personalized plate, without regard to classification of registration, may be issued by the bureau with the same configuration of numbers and letters.

Sec. 3. A personalized license plate may be issued only to the person registered as the owner or lessee of the vehicle on which the license plate will be displayed.

Sec. 4. (a) A person that applies for:

- (1) a personalized license plate; or**
- (2) the renewal of a personalized license plate in the subsequent period;**

must file an application in the manner the bureau requires, indicating the combination of letters or numerals, or both, requested by the person.

(b) The bureau may refuse to issue a combination of letters or numerals, or both, that:

- (1) carries a connotation offensive to good taste and decency;**
- (2) would be misleading; or**
- (3) the bureau otherwise considers improper for issuance.**

Sec. 5. If a person that has been issued a personalized license plate reserves the same configuration of letters or numbers, or both, for the next plate cycle, that configuration of letters or numbers, or both, is not available to another person until the following plate cycle.

Sec. 6. If a person that has been issued a personalized license

plate for a registered vehicle releases ownership of the registered vehicle without transferring the registration to another vehicle, the combination of numbers or letters, or both, becomes available in the next registration year to any person.

Sec. 7. If a person has been issued a personalized license plate for use on a leased vehicle and:

- (1) the person cancels the lease; or
- (2) the lease expires during the registration year;

the person may transfer the license plate to another vehicle registered under IC 9-18 (before its expiration) or under IC 9-18.1-11.

Sec. 8. The bureau shall issue a personalized license plate under this chapter to a person that does the following:

- (1) Complies with IC 9-18 (before its expiration) or IC 9-18.1.
- (2) Pays any additional fee associated with a license plate described in section 1(b) of this chapter.
- (3) Pays a fee of forty-five dollars (\$45). The fee shall be distributed as follows:

- (A) Four dollars (\$4) to the crossroads 2000 fund.
- (B) Seven dollars (\$7) to the motor vehicle highway account.
- (C) Thirty-four dollars (\$34) to the commission fund.

Upon the payment of the fee, the bureau shall issue a receipt.

Sec. 9. If a person that applies for a personalized license plate with a given configuration of letters or numbers is not able to obtain the license plate requested or a satisfactory alternative configuration, the bureau shall refund the entire personalized license plate fee under section 8(3) of this chapter to the person. However, a refund of a personalized license plate fee may not be made when the person that applies for the personalized license plate cancels the request.

Chapter 3. General Assembly and Other State Officials License Plates

Sec. 1. (a) License plates shall be issued to the following:

- (1) Members of the general assembly.
- (2) Spouses of members of the general assembly.
- (3) Other state officials who receive special license plates on an annual basis.

(b) A license plate issued under this chapter may also be issued

to a company or business owned by a person described in subsection (a).

Chapter 4. Prisoner of War License Plates

Sec. 1. (a) Except as provided in subsection (b), the bureau shall issue license plates for a vehicle that designate the vehicle as being owned or leased by a former prisoner of war.

(b) The bureau may issue one (1) or more former prisoner of war license plates to the surviving spouse of a former prisoner of war.

Sec. 2. A former prisoner of war license plate must display the following:

- (1)** An identification number.
- (2)** The legend "Ex-POW".
- (3)** Any other information and design selected by the bureau.

Sec. 3. A former prisoner of war license plate may only be:

- (1)** assigned to; and
- (2)** displayed on;

a vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1.

Sec. 4. (a) An individual who has been issued under this chapter a license plate designating the individual's vehicle as being owned or leased by a former prisoner of war may not be:

- (1)** charged a fee for parking the vehicle displaying the license plate in a metered space; or
- (2)** assessed a penalty for parking the vehicle displaying the license plate in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a vehicle in a parking place during a time when parking in the space is prohibited if the prohibition is:

- (1)** posted; and
- (2)** authorized:
 - (A)** by ordinance in a city or town; or
 - (B)** by order of the Indiana department of transportation.

(c) An individual other than the owner or lessee of a vehicle displaying a former prisoner of war license plate authorized by this chapter is not entitled to the parking privileges established by this section.

Sec. 5. (a) A vehicle for a which a license plate is issued under

section 1 of this chapter is exempt from the applicable registration fee for the vehicle under IC 9-18 (before its expiration), IC 9-29-5 (before its repeal), or IC 9-18.1-5.

(b) A vehicle described in subsection (a) is subject to a service charge as follows:

(1) For a license plate issued before January 1, 2017, five dollars and seventy-five cents (\$5.75). The service charge shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(D) Three dollars and seventy-five cents (\$3.75) to the commission fund.

(2) For a license plate issued after December 31, 2016, five dollars (\$5). The service charge shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Three dollars (\$3) to the commission fund.

(D) For a vehicle registered after June 30, 2019, four dollars and twenty-five cents (\$4.25) to the commission fund.

Chapter 5. Disabled Hoosier Veteran License Plates

Sec. 1. (a) An individual may apply for, receive, and display a disabled Hoosier veteran license plate on the individual's vehicle for private and personal use if the individual, as the result of having served in the armed forces of the United States, has:

(1) lost sight in both eyes or suffered permanent impairment of vision in both eyes to the extent of being eligible for service connected compensation for the loss;

(2) suffered the loss of one (1) or both feet or the permanent loss of use of one (1) or both feet;

- (3) suffered the loss of one (1) or both hands or the permanent loss of use of one (1) or both hands;**
- (4) a United States Department of Veterans Affairs disability rating for a physical condition that precludes the individual from walking without pain or difficulty; or**
- (5) been rated by the United States Department of Veterans Affairs as being at least fifty percent (50%) disabled and is receiving service related compensation from the United States Department of Veterans Affairs. At least sixty percent (60%) of the disability rating under this subdivision must be attributable to a mobility disability.**

(b) An application for a disabled Hoosier veteran license plate must be accompanied by a certificate from the:

- (1) United States Department of Veterans Affairs; or**
- (2) appropriate branch of the armed forces of the United States;**

confirming the eligibility of the individual submitting the application for the disabled Hoosier veteran license plate.

Sec. 2. (a) An individual qualifying under section 1 of this chapter may not be:

- (1) charged a fee for parking in a metered space; or**
- (2) assessed a penalty for parking in a metered space for longer than the time permitted.**

(b) This section does not authorize parking of a vehicle in a parking space during a time when parking in the space is prohibited if the prohibition is:

- (1) posted; and**
- (2) authorized:**
 - (A) by ordinances in cities and towns; or**
 - (B) by order of the Indiana department of transportation.**

(c) An individual other than the owner of the vehicle displaying a disabled Hoosier veteran license plate authorized by this chapter is not entitled to the parking privileges authorized by this section.

Sec. 3. The bureau:

- (1) may design and issue disabled Hoosier veteran license plates to implement this chapter; and**
- (2) shall administer this chapter relating to proper certification for a person applying for a disabled Hoosier veteran license plate.**

Sec. 4. The disabled Hoosier veteran license plates authorized under this chapter shall be issued by the bureau for any classification of vehicle required to be registered under Indiana law, but the license plate may not be used for commercial vehicles.

Sec. 5. A disabled Hoosier veteran license plate must be gold in color with blue lettering and contain the following:

- (1) Identification numerals.
- (2) The words "Disabled Hoosier Veteran".

Sec. 6. There is no additional fee for a disabled Hoosier veteran license plate issued under this chapter.

Chapter 6. Purple Heart License Plates

Sec. 1. (a) The bureau shall design a license plate that will designate a vehicle as being registered to an individual who has been awarded a Purple Heart decoration.

(b) Upon proper application, the bureau may modify a license plate designed under subsection (a) to designate a vehicle as being registered to an individual who is:

- (1) described in subsection (a); and
- (2) eligible to be issued:
 - (A) a placard under IC 9-14-5 (before its repeal) or IC 9-18.5-8; or
 - (B) a person with a disability registration plate under IC 9-18.5-8.

(c) An individual who:

- (1) knowingly; or
- (2) intentionally;

falsely professes to have the qualifications to obtain a license plate under subsection (b) commits a Class C misdemeanor.

(d) An individual who owns a vehicle bearing a license plate issued under subsection (b) and knows that the individual is not entitled to a license plate issued under subsection (b) commits a Class C misdemeanor.

Sec. 2. An Indiana resident who is a recipient of a Purple Heart decoration may apply for and receive one (1) or more Purple Heart plates.

Sec. 3. (a) An individual who qualifies for a Purple Heart license plate under section 1 of this chapter may not be charged the following:

- (1) A fee for parking the individual's vehicle displaying the

license plate issued under section 1 of this chapter in a metered space.

(2) A penalty for parking the individual's vehicle displaying the license plate issued under section 1 of this chapter in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a vehicle in places where parking is not allowed at any time or at a specified time if the prohibition is posted and authorized by ordinances in cities and towns or by order of the Indiana department of transportation.

(c) An individual other than the owner of the vehicle displaying a Purple Heart license plate authorized by this chapter is not entitled to the parking privileges authorized by this section.

Sec. 4. A Purple Heart license plate must be displayed on a vehicle registered by an individual described in section 2 of this chapter.

Chapter 7. Indiana National Guard License Plates

Sec. 1. The bureau shall design and issue a vehicle license plate under IC 9-18.5-12 that will designate a vehicle as being registered under IC 9-18 (before its expiration) or IC 9-18.1 by an active member of the National Guard.

Sec. 2. A National Guard license plate must display the following:

(1) An identification number.

(2) Any other information and design selected by the bureau.

Sec. 3. (a) An Indiana resident who is an active member of the Army or Air National Guard may apply for and receive one (1) or more license plates under this chapter.

(b) An individual applying for a National Guard license plate under this chapter must demonstrate the individual's status as an active member of the Army or Air National Guard by presenting the following with the person's application:

(1) A current United States armed forces identification card.

(2) A letter signed by the individual's commanding officer identifying the individual as a current active member.

Sec. 4. A National Guard license plate must be displayed on a vehicle legally registered under IC 9-18 (before its expiration) or IC 9-18.1 by the individual described in section 3 of this chapter.

Chapter 8. License Plates for Persons With Disabilities

Sec. 1. The bureau shall issue a license plate for a person with

a disability that designates a vehicle as a vehicle that is regularly used to transport a person who:

- (1) has been issued a permanent parking placard under IC 9-14-5 (before its repeal) or section 4 of this chapter; or
- (2) is eligible to receive, but has not been issued, a permanent parking placard under section 4 of this chapter.

Sec. 2. The bureau shall design a license plate and placard for display in or on a vehicle used to transport a person with a disability. A license plate or placard must bear the following:

- (1) The official international wheelchair symbol, a reasonable facsimile of the international wheelchair symbol, or another symbol selected by the bureau to designate the vehicle as being used to transport a person with a disability.
- (2) An expiration date.

Sec. 3. (a) A person that knowingly and falsely professes to have the qualifications to obtain a license plate for a person with a disability under this chapter commits a Class C misdemeanor.

(b) A person that owns a vehicle bearing a license plate for a person with a disability when the person knows the person is not entitled to the license plate for a person with a disability under this chapter commits a Class C misdemeanor.

(c) A person that knowingly and falsely professes to have the qualifications to obtain a placard under section 4 of this chapter commits a Class C misdemeanor.

Sec. 4. (a) The bureau shall issue a permanent parking placard to an individual who:

- (1) is certified by a health care provider listed in subsection
- (b) as having:
 - (A) a permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches;
 - (B) permanently lost the use of one (1) or both legs; or
 - (C) a permanent and severe restriction in mobility due to a pulmonary or cardiovascular disability, an arthritic condition, or an orthopedic or neurological impairment; or
- (2) is certified to be permanently:
 - (A) blind (as defined in IC 12-7-2-21(2)); or
 - (B) visually impaired (as defined in IC 12-7-2-198);by an optometrist or ophthalmologist who has a valid unrestricted license to practice optometry or ophthalmology

in Indiana.

The certification must be provided in a manner and form prescribed by the bureau.

(b) A certification required under subsection (a)(1) may be provided by the following:

- (1) A physician having a valid and unrestricted license to practice medicine.**
- (2) A physician who is a commissioned medical officer of:**
 - (A) the armed forces of the United States; or**
 - (B) the United States Public Health Service.**
- (3) A physician who is a medical officer of the United States Department of Veterans Affairs.**
- (4) A chiropractor with a valid and unrestricted license under IC 25-10-1.**
- (5) A podiatrist with a valid and unrestricted license under IC 25-29-1.**
- (6) An advanced practice nurse with a valid and unrestricted license under IC 25-23.**

(c) A permanent placard issued under this section remains in effect until:

- (1) a health care provider listed in subsection (b); or**
- (2) an optometrist or ophthalmologist that has a valid unrestricted license to practice optometry or ophthalmology in Indiana;**

certifies that the recipient's disability is no longer considered to be permanent.

Sec. 5. (a) The bureau shall issue a temporary placard to an individual who is certified by:

- (1) a health care provider listed in section 4(b) of this chapter as having:**
 - (A) a temporary physical disability that requires the temporary use of a wheelchair, a walker, braces, or crutches;**
 - (B) temporarily lost the use of one (1) or both legs; or**
 - (C) a temporary and severe restriction in mobility due to a pulmonary or cardiovascular disability, an arthritic condition, or an orthopedic or neurological impairment; or**
- (2) an optometrist or ophthalmologist who has a valid unrestricted license to practice optometry or ophthalmology**

in Indiana to be temporarily:

(A) blind (as defined in IC 12-7-2-21(2)); or

(B) visually impaired (as defined in IC 12-7-2-198).

(b) A certification under this section must:

(1) be in a manner and form prescribed by the bureau; and

(2) state the expected duration, including an end date, of the condition on which the certification is based.

(c) A temporary placard issued under this section expires on the earlier of the following:

(1) Six (6) months after the date on which the placard is issued.

(2) The end date set forth in the certification under subsection (b).

Sec. 6. (a) The bureau shall issue a placard to any corporation, limited liability company, partnership, unincorporated association, or any legal successor of a corporation, limited liability company, partnership, or unincorporated association, that is authorized by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for individuals with disabilities.

(b) A placard issued under subsection (a) expires on the earlier of the following:

(1) January 1 of the fourth year after the year in which the placard is issued.

(2) The date on which the corporation, limited liability company, partnership, or unincorporated association ceases to operate programs or facilities for individuals with disabilities.

Sec. 7. (a) If a placard issued under this chapter is lost, stolen, damaged, or destroyed, the bureau shall issue a duplicate placard upon application by the individual to whom the placard was issued.

(b) There is no fee to issue an original or a duplicate placard under section 4 of this chapter.

(c) The fee to issue an original or a duplicate placard under section 5 of this chapter is five dollars (\$5). The fee shall be deposited in the commission fund.

(d) There is no additional fee for a license plate issued under this chapter.

Chapter 9. Amateur Radio Operator License Plates

Sec. 1. The bureau shall issue a license plate to a person that:

- (1) is an Indiana resident; and**
- (2) holds an unrevoked and unexpired official amateur radio station and operator's license issued by the Federal Communications Commission;**

upon receiving an application accompanied by proof of ownership of the amateur radio station and operator's license.

Sec. 2. (a) The bureau shall design and issue amateur radio operator license plates as needed to administer this chapter.

(b) A license plate issued under this chapter shall be imprinted with the official amateur radio call letters assigned to the applicant by the Federal Communications Commission.

Sec. 3. A license plate designed under section 2 of this chapter may not be displayed on a motorcycle.

Sec. 4. This chapter does not exempt an applicant from the motor vehicle excise tax under IC 6-6-5 or any fee or requirement for registration under this title.

Sec. 5. The bureau shall issue a license plate under this chapter on a semipermanent basis.

Sec. 6. (a) The fee for a license plate issued under this chapter is eight dollars (\$8).

(b) A fee collected under subsection (a) before January 1, 2017, shall be distributed as follows:

- (1) Two dollars (\$2) to the motor vehicle highway account.**
- (2) Two dollars (\$2) to the crossroads 2000 fund.**
- (3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (4) Two dollars and seventy-five cents (\$2.75) to the commission fund.**

This subsection expires January 1, 2017.

(c) A fee collected under subsection (a) after December 31, 2016, shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) For a license plate issued before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**

(B) Five dollars (\$5) to the commission fund.

(4) For a license plate issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(5) Any remaining amount to the motor vehicle highway account.

Chapter 10. Civic Event License Plates

Sec. 1. The bureau may issue a civic event license plate for use in promoting civic events that the bureau finds beneficial to the state or to a unit (as defined in IC 36-1-2-23).

Sec. 2. (a) A civic event license plate issued under this chapter is supplemental to a license plate displayed on a vehicle otherwise registered or in the inventory of a dealer licensed under IC 9-32 or a manufacturer.

(b) Proof:

(1) of registration; or

(2) for a manufacturer or a dealer licensed under IC 9-32, of ownership;

must be in the vehicle at all times.

Sec. 3. The bureau may adopt rules under IC 4-22-2 to establish the following:

(1) The term of a civic event license plate.

(2) The qualifications of a person applying for a civic event license plate.

(3) The conditions that apply to the use of a civic event license plate.

(4) The fee to display a civic event license plate.

Sec. 4. An individual who operates a vehicle that displays a civic event license plate without proof of registration or ownership commits a Class C infraction.

Sec. 5. The bureau shall set the fee for a license plate issued under this chapter by rule.

Chapter 11. In God We Trust License Plates

Sec. 1. The bureau shall design an In God We Trust license plate.

Sec. 2. An In God We Trust license plate must include the following:

(1) A basic design for the plate with consecutive numbers or letters, or both, to properly identify the vehicle.

(2) A background design, an emblem, or colors that designate

the license plate as an In God We Trust license plate.

(3) Any other information the bureau considers necessary.

Sec. 3. A license plate issued under this chapter may not be displayed on a motorcycle.

Sec. 4. A person that is a resident of Indiana and that is eligible to register and display a license plate on a vehicle under this title may apply for and receive an In God We Trust license plate for one (1) or more vehicles after completing an application for an In God We Trust license plate. There is no additional fee for an In God We Trust license plate.

Chapter 12. Special Group Recognition License Plates

Sec. 1. As used in this chapter, "committee" means the interim study committee on roads and transportation established by IC 2-5-1.3-4.

Sec. 2. This chapter does not apply to the following:

- (1) Historic vehicle license plates (IC 9-18.5-34).
- (2) Personalized license plates (IC 9-18.5-2).
- (3) Disabled Hoosier veteran license plates (IC 9-18.5-5).
- (4) Purple Heart license plates (IC 9-18.5-6).
- (5) National Guard license plates (IC 9-18.5-7).
- (6) Person with a disability license plates (IC 9-18.5-8).
- (7) Amateur radio operator license plates (IC 9-18.5-9).
- (8) In God We Trust license plates (IC 9-18.5-11).
- (9) Pearl Harbor survivor license plates (IC 9-18.5-24).
- (10) Hoosier veteran license plates (IC 9-18.5-29).
- (11) Support our troops license plates (IC 9-18.5-30).
- (12) Abraham Lincoln bicentennial license plates (IC 9-18.5-31).
- (13) Indiana Gold Star family member license plates (IC 9-18.5-33).

Sec. 3. (a) A special group that seeks initial participation in the special group recognition license plate program must submit a completed application to the bureau not later than April 1 for potential issuance in the following year. The application must contain the following:

- (1) The name and address of the resident agent of the special group.
- (2) Evidence of governance by a board of directors consisting of at least five (5) members, a majority of whom are outside

directors, who meet at least semiannually to establish policy for the special group and review the accomplishments of the special group.

(3) A copy of the:

(A) ethics statement;

(B) constitution and bylaws; and

(C) articles of incorporation as an entity that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code;

of the special group.

(4) Copies of the last three (3) consecutive:

(A) annual reports; and

(B) annual generally accepted auditing standards or government auditing standards audits;

of the special group.

(5) Evidence of appropriate use of resources and compliance with federal and state laws, including evidence of appropriate management and internal controls in order to ensure:

(A) compliance with law;

(B) that finances are used in compliance with the purpose statement of the special group; and

(C) maintenance as an entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.

(6) Evidence of transparency of financial and operational activities to include availability of current financial statements at any time upon the request of the bureau or a donor to the special group.

(7) Evidence of internal controls to prevent conflict of interest by board members and employees.

(8) A petition with the signatures of at least five hundred (500) residents of Indiana who pledge to purchase the special group recognition license plate.

(9) A statement of the designated use of any annual fee to be collected by the bureau.

(10) A copy of a certified motion passed by the board of directors of the special group requesting that the special group recognition license plate be issued by the bureau and stating the designated use of any annual fee to be collected by the bureau.

(11) Evidence of statewide public benefit from the special group.

(12) Evidence of statewide public benefit from the use of the annual fee collected by the bureau.

(13) Evidence that the special group's use of the annual fee to be collected by the bureau and the organizational purpose statement of the special group conform with at least one (1) of the following categories:

(A) Direct health care or medical research.

(B) Fraternal or service organizations.

(C) Government and quasi-government. For purposes of this clause, a special group that designates the use of the fees collected for deposit in the capital projects fund established by IC 9-18.5-28-5(a) is considered to have a quasi-government purpose.

(D) Military and veterans' affairs.

(E) Public and transportation safety.

(F) A state educational institution (as defined in IC 21-7-13-32) or an approved postsecondary educational institution (as defined in IC 21-7-13-6) for scholarships for Indiana residents.

(G) Agriculture, animals, and environment.

(14) Evidence that the organization has prohibitions and internal controls prohibiting advocacy of the following:

(A) Violation of federal or state law.

(B) Violation of generally accepted ethical standards or societal behavioral standards.

(C) Individual political candidates.

(b) The bureau shall review the application for a special group recognition license plate that has been submitted to the bureau under subsection (a). Upon satisfaction to the bureau of the completeness of the information in the application, the bureau shall forward the application to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee.

Sec. 4. (a) The committee shall review applications for special group recognition license plates that have been forwarded to the committee by the bureau under section 3 of this chapter.

(b) After reviewing the applications, the committee shall:

- (1) compile a list recommending new special group recognition license plates; and
- (2) forward to the bureau by written means the list of recommended special groups that meet the suitability for issuance of a special group recognition license plate.

The committee may not recommend more than five (5) new special group recognition license plates to the bureau under this subsection in a calendar year.

(c) After receiving the list forwarded under subsection (b)(2), the bureau shall conduct an independent review of the applications, taking into consideration the recommendations of the committee. The bureau may issue a special group recognition license plate in the absence of a positive recommendation from the committee. However, the bureau may not issue a special group recognition license plate unless the license plate has first been reviewed by the committee and has been given a positive or negative recommendation to the bureau regarding that special group.

(d) The bureau may not issue more than five (5) special group recognition license plates for the first time in a year.

Sec. 5. (a) The bureau shall forward to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee the name of a special group:

- (1) that was awarded initially a special group recognition license plate by the bureau more than ten (10) years in the past; and
- (2) whose special group recognition license plate has not been reviewed by the special group recognition license plate committee established by IC 2-5-36.2-4 (repealed) or the committee during the ten (10) year period following the initial or subsequent award of the special group recognition license plate.

Upon receipt of the name of a special group, the committee shall require the special group to submit to the committee evidence of the criteria set forth in section 3 of this chapter. Upon submission of the criteria, the committee shall review the suitability of the special group to continue participating in the special group recognition license plate program. In the review, the committee shall consider the criteria set forth in section 3 of this chapter and may seek additional evidence of the criteria from a special group.

The committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated if the committee finds that termination is appropriate because the special group is not suitable for inclusion in the special group license plate program.

(b) Upon receiving a recommendation of termination for a special group under subsection (a), the bureau may:

- (1) terminate the special group from participation in the special group recognition license plate program; or
- (2) allow the special group to continue participating in the special group recognition license plate program for a period of not more than eighteen (18) months.

(c) If the bureau terminates the participation of a special group under subsection (b)(1):

- (1) the bureau may not issue additional special group recognition license plates of the special group to plateholders; and
- (2) a plateholder may not renew a special group recognition license plate of the special group.

If the special group desires to continue participating in the special group recognition license plate program, the special group must submit an application to the bureau containing the criteria set forth in section 3 of this chapter. The bureau shall then follow the procedure set forth in section 3 of this chapter.

(d) If the bureau allows a special group to continue participating in the special group recognition license plate program for a period under subsection (b)(2), the bureau shall:

- (1) establish the duration of the set period under subsection (b)(2); and
- (2) require the special group to submit to the bureau:
 - (A) evidence of the criteria set forth in section 3 of this chapter; and
 - (B) any additional information the bureau determines is necessary.

(e) The bureau shall:

- (1) review the evidence and additional information submitted by a special group under subsection (d)(2); and
- (2) determine whether to terminate or continue the participation of the special group in the special group

recognition license plate program.

(f) After the review under subsection (e), if the bureau terminates the participation of the special group and the special group desires to continue participating, the special group must submit an application to the bureau containing the criteria set forth in section 3 of this chapter. The bureau shall then follow the procedure set forth in section 3 of this chapter.

(g) After the review under subsection (e), if the bureau continues the participation of the special group in the special group recognition license plate program, the bureau may do one (1) or more of the following:

(1) Allow the special group to remedy the defect or the violation that caused the special group to not be suitable for inclusion in the special group recognition license plate program.

(2) Place restrictions on or temporarily suspend the sales of special group recognition license plates for the special group.

(3) Require the special group to appear before the commission for review or reinstatement, or both.

(h) The bureau may suspend the issuance of a special group recognition license plate for a special group if the bureau, upon investigation, has determined that the special group has advocated or committed a violation of federal or state law.

Sec. 6. The total number of special group recognition license plate designs in circulation each year may not exceed one hundred fifty (150).

Sec. 7. The design of a special group recognition license plate issued under this chapter must be a distinct design and include an emblem that identifies the vehicle as being registered to a person who is a member of a special group.

Sec. 8. The bureau:

(1) shall require representatives of a special group to confer with the bureau concerning the design of the emblem that identifies the vehicle as being registered to a person that is a member of a special group; and

(2) may request a list of the names and addresses of the persons that are:

(A) members of the special group; and

(B) eligible for a special group recognition license plate.

Sec. 9. The bureau may issue a license plate under this chapter only to a person that qualifies for a special group recognition license plate.

Sec. 10. A person that owns a vehicle on which is displayed a special group recognition license plate may transfer the special group recognition license plate from the vehicle to another vehicle that is registered to the person under this title.

Sec. 11. (a) Except as provided in subsection (c), a vehicle bearing a special group recognition license plate issued under this chapter may be used only for private and personal purposes.

(b) A person that does not qualify for the special group recognition license plate may not display a special group recognition license plate on a vehicle the person is required to register under this title.

(c) A vehicle:

(1) owned by a corporation (as defined in IC 6-5.5-1-6), a municipal corporation (as defined in IC 36-1-2-10), a partnership (as defined in IC 6-3-1-19), or a sole proprietor; and

(2) bearing an environmental license plate issued under IC 9-18.5-13;

may be used for any lawful purpose.

Sec. 12. A person that violates this chapter commits a Class C infraction.

Sec. 13. (a) In order to continue participation in the special group recognition license plate program, a special group must:

(1) sell at least five hundred (500) special group recognition license plates of the special group in the first two (2) years in which the license plate is offered for sale; and

(2) maintain the sale or renewal of at least five hundred (500) special group recognition license plates during each subsequent year after the initial two (2) year period of sale.

(b) If the special group fails to sell or renew special group recognition license plates in the manner provided in subsection (a), the bureau shall place the issuance of the special group recognition license plates for the special group on probation for the subsequent year. If, in that subsequent year on probation, the special group fails to sell or renew at least five hundred (500) special group recognition license plates, the bureau shall terminate the

participation of the special group in the special group recognition license plate program. If the special group sells or renews at least five hundred (500) special group recognition license plates in the year on probation, the participation of the special group in the special group recognition license plate program is continued. A special group shall be afforded only one (1) probationary period under this subsection.

(c) Notwithstanding subsection (b), an independent college of Indiana (listed in IC 21-7-13-6) that fails to sell or renew five hundred (500) special group recognition license plates as required by subsection (a)(2) is placed on a probationary period until December 31, 2017. If an independent college placed on a probationary period under this subsection fails to sell or renew at least five hundred (500) special group recognition license plates before December 31, 2017, the bureau shall terminate the participation of the independent college in the special group recognition license plate program. If an independent college placed on a probationary period under this subsection sells or renews at least five hundred (500) special group recognition license plates before December 31, 2017, the independent college's participation in the special group recognition license plate program is continued.

(d) The bureau may terminate the participation of a special group in the special group recognition license plate program if the special group:

- (1) ceases operations; or
- (2) fails to use the annual fee collected by the bureau in a manner consistent with the statement submitted by the special group under section 3(a)(9) of this chapter.

(e) A special group that desires to participate in the special group recognition license plate program after termination by the bureau under this section must follow the procedure set forth in section 3 of this chapter.

(f) Upon termination under this section of a special group's participation in the special group recognition license plate program, the bureau shall distribute any money remaining in the trust fund established under section 14 of this chapter for the special group to the state general fund.

Sec. 14. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued

under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) The representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate, with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person that is eligible to register a vehicle under this title and does the following:

(1) Completes an application for the license plate.

(2) Pays an annual special group recognition license plate fee of twenty-five dollars (\$25).

(e) The annual fee referred to in subsection (d)(2) and any other amounts remitted to the bureau as required under law shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (f). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(f) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(g) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(i) On June 30 of each year, the bureau shall distribute the money from the fund to the special group for which the bureau has:

- (1) collected fees under this section; or
- (2) received and deposited amounts as required by law.

(j) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

Sec. 15. (a) Notwithstanding any other law, representatives of a special group that participates in the special group recognition plate program may request that the bureau collect an annual fee of twenty-five dollars (\$25) or less on behalf of the special group.

(b) If a request is made under subsection (a), the bureau shall collect an annual fee of twenty-five dollars (\$25) or less, as requested by the special group.

(c) The annual fee referred to in subsection (b) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (d).

(d) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(g) Before June 30 of each year, the bureau shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(h) Subject to section 16 of this chapter, the bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

(i) If:

- (1) representatives of a special group have collected an annual fee as set forth in subsection (a) from purchasers of the special group recognition license plates that was paid directly to the special group; and
- (2) the representatives of the special group request the bureau to collect the annual fee on behalf of the special group as set

forth in subsection (a);
representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

(j) If:

- (1) the bureau collects an annual fee as set forth in subsection (a) on behalf of a special group; and
- (2) representatives of the special group request the bureau to cease collection of the annual fee as set forth in subsection (a) on behalf of the special group, as the annual fee will be paid directly to the special group by purchasers of the special group recognition license plates;

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

Sec. 16. (a) Except as provided in IC 9-18.5-28, the bureau shall collect an annual supplemental fee of fifteen dollars (\$15) with respect to each special group recognition license plate issued under this article. The annual supplemental fee is in addition to a fee imposed under section 14(d)(2) or 15(b) of this chapter.

(b) An annual supplemental fee collected under subsection (a) before January 1, 2017, shall be distributed as follows:

- (1) Five dollars (\$5) to the motor vehicle highway account.
- (2) Five dollars (\$5) to the commission fund.
- (3) One dollar (\$1) to the crossroads 2000 fund.
- (4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (5) Two dollars and seventy-five cents (\$2.75) to the commission fund.

This subsection expires January 1, 2017.

(c) An annual supplemental fee collected under subsection (a)

after December 31, 2016, shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) One dollar (\$1) to the crossroads 2000 fund.
- (3) For a license plate issued before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.
- (4) For a license plate issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.
- (5) Any remaining amount to the motor vehicle highway account.

Sec. 17. (a) This section applies to an application form for a special group recognition license plate that:

- (1) is subject to an annual special group fee; and
- (2) does not require an applicant to obtain authorization from the special group that sponsors the license plate.

(b) The application form must include a box for the applicant to check that states the following:

"By checking the above box, I am authorizing the bureau of motor vehicles to disclose my personal information included on this application form to the special group that sponsors the license plate for which I am applying. I understand that:

- (1) the special group may contact me with information about its activities but may not use my personal information primarily for fundraising or solicitation purposes;
- (2) the bureau will not disclose my personal information to any other person or group; and
- (3) the special group will not disclose my personal information to any other person or group without my written consent."

(c) If an applicant checks the box described in subsection (b), the bureau may disclose personal information about the applicant included on the application form only to the special group that sponsors the license plate.

(d) If a special group receives personal information disclosed under subsection (c), the special group:

- (1) may contact the applicant with information about the

special group's activities;

(2) may not contact the applicant primarily for fundraising or solicitation purposes; and

(3) may not disclose the applicant's personal information to any other person or group without the applicant's written consent.

Sec. 18. The bureau and a special group may enter into agreements to do the following:

(1) Restrict the issuance of the special group's license plates to individuals authorized by the special group.

(2) Restrict the issuance of the special group's license plates with numbers one (1) through one hundred (100) to individuals authorized by the special group.

Sec. 19. (a) Notwithstanding section 17 of this chapter, the bureau shall disclose personal information included on the application form for a special group recognition license plate from a special group described in section 3(a)(13)(F) of this chapter unless the applicant makes an affirmative statement against the disclosure.

(b) If the applicant does not make an affirmative statement against disclosure as described in subsection (a), the bureau shall disclose personal information about the applicant included on the application form only to the special group that sponsors the license plate.

(c) If a special group receives personal information disclosed under subsection (a), the special group may:

(1) contact the applicant with information about activities of the special group;

(2) not contact the applicant primarily for fundraising or solicitation purposes; and

(3) not disclose the personal information of the applicant to any other person or group without the written consent of the applicant.

Chapter 13. Environmental License Plates

Sec. 1. The bureau shall design and issue an environmental license plate. The environmental license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12 and must include the following:

(1) A basic design for the plate with consecutive numbers or

letters, or both, to properly identify the vehicle.

(2) A background design, an emblem, or colors that designate the license plate as an environmental license plate.

(3) Any other information the bureau considers necessary.

Sec. 2. A person is eligible to receive an environmental license plate under this chapter upon doing the following:

(1) Completing an application for an environmental license plate.

(2) Paying the appropriate fees under section 3 of this chapter.

Sec. 3. (a) The fees for an environmental license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited with the treasurer of state in a special fund. The bureau shall distribute monthly the money in the special fund to the President Benjamin Harrison conservation trust fund established by IC 14-12-2-25.

Sec. 4. (a) A corporation (as defined in IC 6-5.5-1-6), a municipal corporation (as defined in IC 36-1-2-10), a partnership (as defined in IC 6-3-1-19), or a sole proprietor that registers a vehicle under this title is eligible to receive an environmental license plate under this chapter.

(b) A corporation, partnership, or sole proprietor must comply with section 3 of this chapter to receive an environmental license plate.

(c) This subsection applies only to a license plate issued under IC 9-18-3-5(b) (before its expiration) or IC 9-18.1-9-4. If an officer or employee of a municipal corporation requests an environmental license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying all fees associated with the environmental license plate under this chapter and all annual registration fees under IC 9-18 (before its expiration), IC 9-18.1, and, if applicable, IC 9-29 for the vehicle on which the environmental license plate is displayed.

(d) Notwithstanding subsection (c):

(1) an environmental license plate that is issued under this

section; and

(2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the corporation, municipal corporation, partnership, or sole proprietor that registered the vehicle for which the plate was issued, and the corporation, municipal corporation, partnership, or sole proprietor is entitled to retain possession of the plate.

Chapter 14. Kids First Trust License Plates

Sec. 1. The bureau shall design and issue a kids first trust license plate. The kids first trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12. The final design of the plate must be approved by the board (as defined in IC 31-26-4-2).

Sec. 2. A kids first trust license plate designed under IC 9-18.5-12 must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a children's trust license plate.
- (3) Any other information the bureau considers necessary.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive a kids first trust license plate under this chapter upon doing the following:

- (1) Completing an application for a kids first trust license plate.
- (2) Paying the appropriate fees under section 4 of this chapter.

Sec. 4. (a) The fees for a kids first trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the commission and deposited with the treasurer of state in a special account. The bureau shall distribute monthly the money in the special account to the Indiana kids first trust fund established by IC 31-26-4-12.

Sec. 5. (a) This section applies only to a license plate issued

under IC 9-18-3-5(b) (before its expiration) or IC 9-18.1-9-4.

(b) A municipal corporation (as defined in IC 36-1-2-10) that registers a vehicle under this title is eligible to receive a kids first trust license plate under this chapter.

(c) If an officer or employee of a municipal corporation requests a kids first trust license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying the annual fee for the kids first trust license plate under section 4(a)(2) of this chapter, the annual supplemental fee under section 4(a)(1) of this chapter, and all applicable annual registration fees under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-29, as applicable.

(d) Notwithstanding subsection (c):

- (1) a kids first trust license plate that is issued under this section; and
- (2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the municipal corporation that registered the vehicle for which the license plate was issued, and the municipal corporation is entitled to retain possession of the license plate.

Chapter 15. Education License Plates

Sec. 1. As used in this chapter, "school corporation" has the meaning set forth in IC 36-1-2-17.

Sec. 2. The bureau shall design and issue an education license plate. The education license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12 and must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an education license plate.
- (3) Any other information the bureau considers necessary.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive an education license plate upon doing the following:

- (1) Completing an application for an education license plate.
- (2) Paying the appropriate fees under section 4 of this chapter.

Sec. 4. (a) The fees for an education license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau.

(c) The bureau shall require a person that purchases an education license plate under this chapter to designate the Indiana school corporation the person wants to receive the fee that the person pays under subsection (a)(2).

Sec. 5. The fees collected under this chapter shall be distributed as follows:

(1) Twenty-five percent (25%) to the state superintendent of public instruction to administer the school intervention and career counseling development program and fund under IC 20-20-17.

(2) Seventy-five percent (75%) as provided under section 6 of this chapter.

Sec. 6. (a) If an educational foundation that is exempt from federal income taxation under Internal Revenue Code Section 501(c)(3) is established as an Indiana nonprofit corporation for the benefit of a school corporation designated to receive a fee under section 4(c) of this chapter, fees designated to go to the school corporation shall be distributed to an educational foundation that provides benefit to the designated school corporation. A school corporation that receives benefit from an educational foundation that meets the requirements of this section shall:

(1) obtain a certificate from the educational foundation that certifies to the school corporation and the county auditor that the educational foundation:

(A) is exempt from federal income taxation under Internal Revenue Code Section 501(c)(3); and

(B) is established as an Indiana nonprofit corporation to provide benefit to the school corporation; and

(2) provide a copy of the certificate described in subdivision (1) to the county auditor.

(b) If a school corporation designated to receive a fee under section 4(c) of this chapter does not receive benefit from an educational foundation described under subsection (a), the fees

designated to go to the school corporation shall be distributed to the school corporation and may be used only for purposes other than salaries and related fringe benefits.

(c) Before the twentieth day of the calendar month following the calendar month in which a fee was collected, the bureau shall distribute the fees collected under this chapter to the county auditor of the county in which the designated school corporation's administration office is located. Each monthly distribution under this subsection shall be accompanied by a report to the auditor that shows:

- (1) the total amount of the monthly distribution for all school corporations in the county that were designated to receive an education license plate fee under this chapter; and
- (2) the amount of the fees that are to be distributed to each designated school corporation in the county.

(d) Within thirty (30) days of receipt of a distribution from the bureau under subsection (c), the county auditor shall distribute the fees received to:

- (1) an educational foundation under subsection (a), if the school corporation has provided a copy of the certificate described in subsection (a); or
- (2) the school corporation under subsection (b);

whichever subsection is applicable. The county auditor shall designate which school corporation is to receive benefit in connection with a distribution to an educational foundation under this subsection. If the school corporation receives benefit from more than one (1) educational foundation, the superintendent of the benefited school corporation shall determine, and inform the auditor in writing, how fees received are to be distributed to the educational foundations. The county auditor shall, simultaneously with a distribution to an educational foundation, send the school corporation to receive benefit a notice of the distribution that identifies the recipient educational foundation and the date and the amount of the distribution.

(e) Funds received by an educational foundation under this chapter must be used to provide benefit to the designated school corporation.

Chapter 16. Indiana FFA Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana FFA trust

license plate. The Indiana FFA trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana FFA trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana FFA trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana FFA trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2) and deposit the fee in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana FFA trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana FFA trust fund not currently needed to meet the obligations of the Indiana FFA trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana FFA trust fund.

(c) The bureau shall administer the Indiana FFA trust fund. Expenses of administering the Indiana FFA trust fund shall be paid from money in the Indiana FFA trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to the FFA Foundation that is located within Indiana.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 17. Indiana Firefighter License Plates

Sec. 1. As used in this chapter, "Indiana firefighter" means an individual who is:

- (1) a full-time, salaried firefighter; or
- (2) a volunteer firefighter (as defined in IC 36-8-12-2).

Sec. 2. (a) The bureau shall design and issue an Indiana firefighter license plate as a special group recognition license plate

under IC 9-18.5-12.

(b) The bureau shall confer with representatives of the Professional Firefighters Union of Indiana and the Indiana Firefighters Association concerning a design for the emblem that identifies the vehicle as being registered to a firefighter as prescribed under IC 9-18.5-12-8.

Sec. 3. An individual who is an Indiana firefighter and who is eligible to register a vehicle under this title is eligible to receive at least one (1) Indiana firefighter license plate upon doing the following:

- (1) Completing an application for an Indiana firefighter license plate.
- (2) Paying an annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (3) Paying an annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

Chapter 18. Indiana Boy Scouts Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana boy scouts trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana boy scouts trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana boy scouts trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana boy scouts trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana boy scouts trust fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the bureau shall distribute money from the fund to the organization established under section 5 of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The representatives of the councils of the Boy Scouts of America that are located entirely or partially within Indiana shall establish an organization that:

- (1) is a charitable organization under Section 501(c) of the Internal Revenue Code;
- (2) is registered to do business in Indiana;
- (3) is located in Indiana; and
- (4) exists for the purpose of raising funds on the behalf of all of the councils of the Boy Scouts of America that are located entirely or partially within Indiana.

(b) The organization shall distribute the money received under section 4 of this chapter to each council of the Boy Scouts of America that is located entirely or partially within Indiana.

Chapter 19. D.A.R.E. Indiana Trust License Plates

Sec. 1. The bureau shall design and issue a D.A.R.E. Indiana trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a D.A.R.E. Indiana trust license plate under this chapter upon doing the following:

- (1) Completing an application for a D.A.R.E. Indiana trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a D.A.R.E. Indiana trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
 - (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).
- (b) The annual fee referred to in subsection (a)(2) shall be

collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The D.A.R.E. Indiana trust fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to D.A.R.E. Indiana, Inc.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 20. Indiana Arts Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana arts trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana arts trust license plate under this chapter upon doing the following:

(1) Completing an application for an Indiana arts trust license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana arts trust license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) must be collected by the bureau and deposited in the Indiana arts commission trust fund established under IC 4-23-2.5-4.

Chapter 21. Indiana Health Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana health trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana health trust license plate under this chapter upon doing the following:

(1) Completing an application for an Indiana health trust license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana health trust license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) must be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana health trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana health trust fund not currently needed to meet the obligations of the Indiana health trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana health trust fund.

(c) The bureau shall administer the Indiana health trust fund. Expenses of administering the Indiana health trust fund shall be paid from money in the Indiana health trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to the organization established under section 5 of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) Representatives of the following nonprofit health organizations shall establish an organization that meets the requirements of subsection (b) for the purpose of receiving money from the Indiana health trust fund:

(1) AIDServe Indiana.

(2) American Cancer Society.

(3) American Heart Association, Indiana Affiliate.

(4) American Lung Association of Indiana.

(5) American Red Cross.

(6) Arthritis Foundation, Indiana Chapter.

(7) Hemophilia of Indiana.

(8) Indiana AIDS Fund.

(9) National Kidney Foundation of Indiana.

(b) An organization established for the purpose of receiving money from the Indiana health trust fund must:

- (1) be a charitable organization under Section 501(c) of the Internal Revenue Code;**
- (2) be registered to do business in Indiana;**
- (3) be located in Indiana; and**
- (4) exist for the purpose of raising funds on the behalf of all of the organizations described in subsection (a).**

(c) The organization shall distribute the money received under section 4 of this chapter to each of the organizations described in subsection (a).

Chapter 22. Indiana Native American Trust License Plates

Sec. 1. The bureau shall, with the advice of the Native American Indian affairs commission established under IC 4-23-32, design and issue an Indiana Native American trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana Native American trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana Native American trust license plate.**
- (2) Paying the fees under section 3 of this chapter.**

Sec. 3. (a) The fees for an Indiana Native American trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.**
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).**

(b) The annual fee referred to in subsection (a)(2) must be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana Native American trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana Native American trust fund not currently needed to meet the obligations of the Indiana Native American trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana Native American trust fund.

(c) The bureau shall administer the Indiana Native American trust fund. Expenses of administering the Indiana Native American trust fund shall be paid from money in the Indiana Native American trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to the Native American Indian affairs commission established under IC 4-23-32.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The Native American Indian affairs commission may use money received under this section for any lawful purpose of the Native American Indian affairs commission.

Chapter 23. Safety First License Plates

Sec. 1. The bureau shall design and issue a safety first license plate. The safety first license plate shall:

- (1) be designed and issued as a special group recognition license plate under IC 9-18.5-12; and
- (2) replace the emergency medical services license plate issued by the bureau.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a safety first license plate under this chapter upon doing the following:

- (1) Completing an application for a safety first license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a safety first license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established under IC 10-15-3-1.

Chapter 24. Pearl Harbor Survivor License Plates

Sec. 1. As used in this chapter, "Pearl Harbor survivor" means an individual who was an active member of the armed forces of the United States serving at Pearl Harbor at the time of the Pearl Harbor attack.

Sec. 2. The bureau shall design and issue license plates for a vehicle that designates the vehicle as being registered to a Pearl

Harbor survivor.

Sec. 3. (a) A resident of Indiana who is a Pearl Harbor survivor may apply for and receive one (1) or more Pearl Harbor survivor license plates.

(b) The bureau may issue one (1) or more Pearl Harbor survivor license plates to the surviving spouse of a Pearl Harbor survivor.

Sec. 4. A Pearl Harbor survivor license plate may be assigned only to and displayed only on a vehicle registered under this title.

Chapter 25. Indiana State Educational Institution Trust License Plates

Sec. 1. At the request of a state educational institution, the bureau shall design and issue a state educational institution trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A state educational institution trust license plate designed under IC 9-18.5-12 must include the following:

- (1)** A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2)** A background design, an emblem, or colors that designate the license plate as an education license plate.
- (3)** Any other information the bureau considers necessary.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive a state educational institution trust license plate upon doing the following:

- (1)** Completing an application for a state educational institution trust license plate.
- (2)** Designating the state educational institution trust special group license plate desired.
- (3)** Paying the fees under section 4 of this chapter.

Sec. 4. The fee for a state educational institution trust license plate is as follows:

- (1)** An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2)** An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

Sec. 5. (a) This section applies with regard to a state educational institution trust license plate supporting a state educational institution in a year following a year in which at least ten thousand

(10,000) of the state educational institution trust license plates are sold or renewed.

(b) The treasurer of state shall establish a special account within a trust fund for each state educational institution described in subsection (a).

(c) The bureau shall require a person that purchases a state educational institution trust license plate under this section to designate the state educational institution the person chooses to receive the annual fee that the person pays under section 4(2) of this chapter as the corresponding state educational institution designated in section 3 of this chapter.

(d) The treasurer of state shall deposit the annual fee collected under section 4(2) of this chapter into a special account within a trust fund for the state educational institution designated by the purchaser in subsection (c).

(e) The treasurer of state shall invest the money in the special account not distributed in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the special account.

(f) The bureau shall monthly distribute the money from the special account to the state educational institution's authorized alumni association.

(g) Money in the special account at the end of a state fiscal year does not revert to the state general fund.

Chapter 26. Lewis and Clark Expedition License Plates

Sec. 1. The bureau shall design and issue a Lewis and Clark expedition license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a Lewis and Clark expedition license plate under this chapter upon doing the following:

- (1) Completing an application for a Lewis and Clark expedition license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a Lewis and Clark expedition license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25)

as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau and deposited in the Lewis and Clark expedition fund established by section 4 of this chapter.

Sec. 4. (a) The Lewis and Clark expedition fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) The bureau shall monthly distribute the money from the fund to the Lewis and Clark expedition commission established by IC 14-20-15.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 27. Riley Children's Foundation License Plates

Sec. 1. The bureau shall design and issue a Riley Children's Foundation license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a Riley Children's Foundation license plate under this chapter upon doing the following:

- (1) Completing an application for a Riley Children's Foundation license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a Riley Children's Foundation license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau and deposited in the Riley Children's Foundation trust fund established by section 4 of this chapter.

Sec. 4. (a) The Riley Children's Foundation trust fund is established.

(b) The treasurer of state shall invest the money in the Riley

Children's Foundation trust fund not currently needed to meet the obligations of the Riley Children's Foundation trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Riley Children's Foundation trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the Riley Children's Foundation trust fund. Expenses of administering the Riley Children's Foundation trust fund shall be paid from money in the Riley Children's Foundation trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the Riley Children's Foundation trust fund to the Riley Children's Foundation.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 28. National Football League Franchised Professional Football Team License Plates

Sec. 1. The bureau shall design and issue a National Football League franchised football team license plate for a National Football League franchised football team from which the bureau secures an agreement for the production and sale of license plates. A National Football League franchised football team license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. The bureau shall:

- (1) negotiate for the purpose of entering; or**
- (2) delegate the authority to enter;**

into license agreements with a professional sports franchise in order to design and issue a National Football League franchised football team license plate authorized under section 1 of this chapter.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive a specified National Football League franchised football team license plate issued under a licensing agreement entered into under section 2 of this chapter with a specified National Football League franchised football team upon doing the following:

- (1) Completing an application for a specified National Football League franchised football team license plate.**

(2) Paying the fees under section 4 of this chapter.

Sec. 4. The fees for a National Football League franchised football team license plate are as follows:

(1) An annual supplemental fee of ten dollars (\$10). The fee shall be distributed as follows:

(A) Five dollars (\$5) to the commission fund.

(B) Five dollars (\$5) to the motor vehicle highway account.

(2) An annual fee of twenty dollars (\$20) for deposit in the capital projects fund established by section 5 of this chapter.

Sec. 5. (a) The capital projects fund is established.

(b) The treasurer of state shall invest the money in the capital projects fund not currently needed to meet the obligations of the capital projects fund in the same manner as other public funds are invested. Money in the fund is continuously appropriated for the purposes of this section.

(c) The budget director shall administer the capital projects fund. Expenses of administering the capital projects fund shall be paid from money in the capital projects fund.

(d) On:

(1) June 30 of every year; or

(2) any other date designated by the budget director;

an amount designated by the budget director shall be transferred from the fund to the state general fund, a capital improvement board of managers created by IC 36-10-9, or the designee chosen by the budget director under IC 5-1-17-28.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 6. The budget agency shall adopt rules under IC 4-22-2 to implement this chapter.

Chapter 29. Hoosier Veteran License Plates

Sec. 1. The bureau shall design a Hoosier veteran license plate that includes the following:

(1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.

(2) A background design or colors that designate the license plate as a Hoosier veteran license plate.

(3) An area on the plate for display of an emblem denoting the branch of service or conflict in which the veteran served.

(4) Any other information the bureau considers necessary.

Sec. 2. The bureau shall confer with members of armed forces retiree organizations concerning the design of the Hoosier veteran license plate and the emblems denoting the branch of service or conflict in which the veteran served.

Sec. 3. (a) An individual who registers a vehicle under this title may apply for and receive a Hoosier veteran license plate for one (1) or more vehicles upon doing the following:

- (1) Completing an application for a Hoosier veteran license plate.
- (2) Presenting one (1) of the following to the bureau:
 - (A) A United States Uniformed Services Retiree Identification Card.
 - (B) A DD 214 or DD 215 record.
 - (C) United States military discharge papers.
 - (D) A current armed forces identification card.
 - (E) A credential issued to the individual that contains an indication of veteran status under IC 9-24-11-5.5.
- (3) Paying a fee in an amount of fifteen dollars (\$15).

(b) The bureau shall distribute the fee described in subsection (a)(3) to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

Chapter 30. Support Our Troops License Plates

Sec. 1. The bureau shall design and issue a support our troops license plate that includes the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a support our troops license plate.
- (3) Any other information the bureau considers necessary.

Sec. 2. A person may receive a support our troops license plate under this chapter upon doing the following:

- (1) Completing an application for a support our troops license plate.
- (2) Paying an annual fee of twenty dollars (\$20).

The bureau shall distribute the fee described in subdivision (2) to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

Chapter 31. Abraham Lincoln Bicentennial License Plates

Sec. 1. The bureau shall design an Abraham Lincoln

bicentennial license plate.

Sec. 2. An Abraham Lincoln bicentennial license plate shall be available for issuance through December 31, 2013.

Sec. 3. The renewal of the registration of an Abraham Lincoln bicentennial license plate must be available through the renewal cycle in 2016, subject to IC 9-18-2-8(a) (before its expiration) or IC 9-18.1-11. A vehicle may display an Abraham Lincoln bicentennial license plate in 2017, subject to IC 9-18-2-8(a) (before its expiration) or IC 9-18.1-11.

Sec. 4. An Abraham Lincoln bicentennial license plate must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an Abraham Lincoln bicentennial license plate.
- (3) Any other information the bureau considers necessary.

Sec. 5. A person that is a resident of Indiana may apply for and receive an Abraham Lincoln bicentennial license plate for one (1) or more vehicles after doing the following:

- (1) Completing an application for an Abraham Lincoln bicentennial license plate.
- (2) Paying the fees under section 6 of this chapter.

Sec. 6. (a) The fee for an Abraham Lincoln bicentennial license plate is twenty-five dollars (\$25).

(b) The fee described in subsection (a) shall be collected by the bureau and deposited in the Indiana State Museum Foundation trust fund established by section 7 of this chapter.

Sec. 7. (a) The Indiana State Museum Foundation trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana State Museum Foundation trust fund not currently needed to meet the obligations of the Indiana State Museum Foundation trust fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the Indiana State Museum Foundation trust fund. Money in the Indiana State Museum Foundation trust fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the Indiana State Museum

Foundation trust fund. Expenses of administering the Indiana State Museum Foundation trust fund shall be paid from money in the fund.

(d) On June 30 of each year, the bureau shall distribute the money from the Indiana State Museum Foundation trust fund to the Indiana State Museum Foundation, Inc. for use concerning the Lincoln collection.

(e) Money in the Indiana State Museum Foundation trust fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 8. This chapter expires December 31, 2017.

Chapter 32. Earlham College Trust License Plates

Sec. 1. The bureau shall design and issue an Earlham College trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person may receive an Earlham College trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Earlham College trust license plate.**
- (2) Paying the fees under section 3 of this chapter.**

Sec. 3. (a) The fees for an Earlham College trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.**
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).**

(b) The bureau shall collect the annual fee described in subsection (a)(2) and deposit the fee in the Earlham College trust fund established by section 4 of this chapter.

Sec. 4. (a) The Earlham College trust fund is established.

(b) The treasurer of state shall invest the money in the Earlham College trust fund not currently needed to meet the obligations of the Earlham College trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Earlham College trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the Earlham College trust fund. Expenses of administering the Earlham College trust fund shall be

paid from money in the Earlham College trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the Earlham College trust fund to Earlham College.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 33. Indiana Gold Star Family Member License Plates

Sec. 1. As used in this chapter, "Gold Star family member" means:

- (1) a biological parent;
- (2) an adoptive parent;
- (3) a stepparent;
- (4) a biological child;
- (5) an adopted child;
- (6) a stepchild;
- (7) a sibling by blood;
- (8) a sibling by half blood;
- (9) a sibling by adoption;
- (10) a stepsibling;
- (11) a grandparent;
- (12) a great-grandparent; or
- (13) the spouse;

of an individual who has died while serving on active duty, or dies as a result of injuries sustained while serving on active duty, as a member of the armed forces of the United States or the national guard (as defined in IC 10-16-1-13).

Sec. 2. The bureau shall design and issue an Indiana Gold Star family member license plate that includes the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an Indiana Gold Star family member license plate.
- (3) Any other information that the bureau considers necessary.

Sec. 3. An individual who is an Indiana Gold Star family member may receive an Indiana Gold Star family member license plate for one (1) or more vehicles after doing the following:

- (1) Completing an application for an Indiana Gold Star family member license plate.

(2) Providing the bureau with appropriate documentation as defined by the bureau to establish eligibility as an Indiana Gold Star family member.

Sec. 4. There is no additional fee for an Indiana Gold Star family member license plate.

Chapter 34. Historic Vehicles

Sec. 1. This chapter applies after December 31, 2016.

Sec. 2. (a) The bureau shall design and issue a license plate that designates a vehicle as a historic vehicle.

(b) A license plate issued under this section may be displayed on the following vehicles:

(1) A collector vehicle registered under IC 9-18.1-5-5.

(2) A military vehicle registered under IC 9-18.1-8.

(3) Any other vehicle that is:

(A) registered under IC 9-18-12.5 (before its expiration) or IC 9-18.1; and

(B) more than twenty-five (25) years old.

(c) There is no fee for a license plate issued under this section.

Sec. 3. (a) A person that:

(1) registers a collector vehicle under IC 9-18.1-5-5; and

(2) wishes to display on the collector vehicle an authentic license plate from the model year of the collector vehicle under section 4 of this chapter;

must pay the required fee under subsection (b).

(b) The fee to display an authentic license plate under subsection (a) is thirty-seven dollars (\$37). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Six dollars and fifty cents (\$6.50) to the motor vehicle highway account.

(3) Thirty dollars (\$30) to the commission fund.

Sec. 4. (a) A person that registers a collector vehicle under IC 9-18.1-5-5 may:

(1) furnish; and

(2) display on the collector vehicle;

an Indiana license plate from the model year of the collector vehicle.

(b) A license plate furnished and displayed under this section

must be an authentic license plate from the model year of the collector vehicle.

(c) Before a license plate is mounted on a collector vehicle under this section, the license plate must be inspected by the bureau to determine whether the license plate:

- (1) complies with this section;
- (2) is in suitable condition to be displayed; and
- (3) bears a unique plate number at the time of the registration of the collector vehicle.

The bureau shall authorize the display of a restored or refurbished authentic license plate, but may prohibit the display of an authentic license plate under this section if the authentic license plate is not in conformance with this subsection.

(d) If an Indiana license plate from the model year of the collector vehicle is displayed on a collector vehicle under this chapter, the current certificate of registration of the collector vehicle shall be:

- (1) kept at all times in the collector vehicle; and
- (2) made available for inspection upon the demand of a law enforcement officer.

Notwithstanding IC 9-18.1-4-2(b), this subsection is not satisfied by keeping a reproduction of the certificate of registration in the collector vehicle or making a reproduction of the certificate of registration available for inspection.

SECTION 328. IC 9-19-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. Except as otherwise provided in this article, a person may not operate or move upon a highway in Indiana a vehicle or combination of vehicles that are not constructed or equipped in compliance with this article.

SECTION 329. IC 9-19-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Except as otherwise provided in this article, an owner of a vehicle may not cause or knowingly permit to be operated or moved upon a highway in Indiana a vehicle or combination of vehicles that is not constructed or equipped in compliance with this article.

SECTION 330. IC 9-19-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A vehicle with a frame or body that extends more than sixty (60) inches beyond the rear

of the rear axle and is more than forty-two (42) inches above the roadway may not be operated on a highway ~~in Indiana~~ unless the vehicle is equipped with a bumper on the extreme rear of the frame or body. The bumper must extend downward from the rear of the frame or body to within thirty (30) inches of the roadway and must be of substantial construction.

SECTION 331. IC 9-19-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The Indiana department of transportation shall adopt standards and specifications applicable to:

- (1) head lamps;
- (2) clearance lamps;
- (3) identification lamps; and
- (4) other lamps;

on snow removal equipment when operated on ~~Indiana~~ highways instead of the lamps otherwise required on motor vehicles by this chapter.

(b) The standards and specifications adopted under subsection (a) may permit the use of flashing lights for purposes of identification on snow removal equipment when in service upon the highways.

(c) The standards and specifications for lamps referred to in this section must correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(d) A person may not operate snow-removal equipment on a highway unless the lamps on the equipment comply with and are lighted when and as required by the standards and specifications adopted under this section.

SECTION 332. IC 9-19-7-2, AS AMENDED BY P.L.82-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsections (b) and (c), a motorcycle or motor driven cycle operated on the streets or highways by a ~~an Indiana resident of Indiana~~ **an Indiana** must meet the following requirements:

- (1) Be equipped with brakes in good working order on both front and rear wheels.
- (2) Be equipped with footrests or pegs for both operator and passenger.
- (3) Be equipped with lamps and reflectors meeting the standards

of the United States Department of Transportation.

(b) A motorcycle or motor driven cycle manufactured before January 1, 1956, is not required to be equipped with lamps and other illuminating devices under subsection (a) if the motorcycle or motor driven cycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(c) An autocycle is not required to be equipped with footrests or pegs under subsection (a).

SECTION 333. IC 9-19-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to every motor vehicle, except an antique motor vehicle registered under ~~IC 9-18-12-1~~: **a vehicle that is at least twenty-five (25) years old.**

SECTION 334. IC 9-19-10-1, AS AMENDED BY P.L.216-2014, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

- (1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.
- (2) Is a child required to be restrained by a child restraint system under IC 9-19-11.
- (3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- (4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.
- (5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.
- (6) Is a driver examiner designated and appointed ~~under IC 9-14-2-3~~ **by the bureau** and is conducting an examination of an applicant for a permit or license under IC 9-24-10.
- (7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation. ~~as set forth in IC 9-21-21-1.~~
- (8) Is an occupant of a motor vehicle participating in a parade.
- (9) Is an occupant of the living quarters area of a recreational vehicle.

- (10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).
- (11) Is an occupant of the sleeping area of a tractor.
- (12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).
- (13) Is an occupant other than the operator of a truck on a construction site.
- (14) Is a passenger other than the operator in a cab of a ~~Class A recovery vehicle~~ or a ~~Class B recovery vehicle~~ who is being transported in the cab because the ~~motor~~ vehicle of the passenger is being towed by the recovery vehicle.
- (15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 335. IC 9-19-11-1, AS AMENDED BY P.L.175-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A ~~school~~ bus.
- (2) A taxicab.
- (3) ~~An ambulance.~~
- (4) ~~A public passenger bus.~~
- (5) ~~A motor vehicle having a seating capacity greater than nine~~ ~~(9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.~~
- (3) A medical services vehicle.**
- ~~(6) An antique motor vehicle.~~ **(4) A passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).**
- ~~(7) (5) A motorcycle.~~
- (6) A motor driven cycle.**
- ~~(8) (7) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.~~

- (9) ~~(8)~~ A motor vehicle that is being used in an emergency.
- (10) ~~(9)~~ A motor vehicle that is funeral equipment used in the operation of funeral services when used in:
- (A) a funeral procession;
 - (B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
 - (C) both the funeral procession and return trip.
- (11) ~~(10)~~ A motor vehicle used to provide prearranged rides (as defined in IC 8-2.1-17-13.5).

SECTION 336. IC 9-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Except as otherwise provided in this article, a person, including a transport operator, may not operate or move upon a highway ~~in Indiana~~ a vehicle or combination of vehicles of a size or weight exceeding the limitations provided in this article.

SECTION 337. IC 9-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Except as otherwise provided in this article, an owner of a vehicle may not cause or knowingly permit to be operated or moved upon a highway ~~in Indiana~~ a vehicle or combination of vehicles of a size or weight exceeding the limitations provided in this article.

SECTION 338. IC 9-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. The Indiana department of transportation shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 for the:**

- (1) issuance, fee structure, and enforcement of permits for overweight divisible loads;**
- (2) fee structure of permits for loads on extra heavy duty highways; and**
- (3) fee structure of permits for overweight loads.**

A rule adopted under this section expires only with the adoption of a new superseding rule.

SECTION 339. IC 9-20-4-1, AS AMENDED BY P.L.5-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsections (b) and (c), a person may not operate or cause to be operated upon ~~an Indiana~~ a highway a vehicle or combination of vehicles having weight in excess

of one (1) or more of the following limitations:

(1) The total gross weight, with load, in pounds of any vehicle or combination of vehicles may not exceed an overall gross weight on a group of two (2) or more consecutive axles produced by application of the following formula:

$$W = 500 \{ [(LN) \div (N-1)] + 12N + 36 \}$$

where W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration, except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more. The overall gross weight limit, calculated under this subdivision, may not exceed eighty thousand (80,000) pounds.

(2) The weight concentrated on the roadway surface from any tandem axle group may not exceed the following:

(A) Thirty-four thousand (34,000) pounds total weight.

(B) Twenty thousand (20,000) pounds on an individual axle in a tandem group.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim or an axle weight in excess of twenty thousand (20,000) pounds.

(b) The enforcement of weight limits under this section is subject to the following:

(1) It is lawful to operate within the scope of a permit, under weight limitations established by the Indiana department of transportation and in effect on July 1, 1956, as provided in IC 9-20-6.

(2) It is lawful to operate or cause to be operated a vehicle or combination of vehicles on a heavy duty highway or an extra heavy duty highway designated by the Indiana department of transportation if operated within the imposed limitations.

(3) Subsection (a) does not apply to any highway, road, street, or bridge for which a lesser weight limit is imposed by local

authorities under IC 9-20-1-3 or IC 9-20-7-2. However, the local authority may by appropriate action establish and designate a county or city highway, road, or street or part of a highway, road, or street as a heavy duty highway subject to the weight limitations established under IC 9-20-5.

(4) Vehicles operated on toll road facilities are subject to rules of weight adopted for toll road facilities by the Indiana department of transportation under IC 8-15-2 and are not subject to subsection (a) when operated on a toll road facility.

(5) For purposes of a heavy duty vehicle that is equipped with an auxiliary power unit, the weight limitations provided in subsection (a) are increased by four hundred (400) pounds.

(6) For purposes of a vehicle that uses natural gas as a motor fuel, the weight limitations provided in subsection (a) are increased by two thousand (2,000) pounds.

(c) The greater of the weight limits imposed under subsection (a) or this subsection applies to vehicles operated upon ~~an Indiana~~ a highway. The weight limits in effect on January 4, 1975, for any highway that is not designated as a heavy duty highway under IC 9-20-5 are the following:

(1) The total gross weight, with load, in pounds of a vehicle or combination of vehicles may not exceed seventy-three thousand two hundred eighty (73,280) pounds.

(2) The total weight concentrated on the roadway surface from a tandem axle group may not exceed sixteen thousand (16,000) pounds for each axle of a tandem assembly.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim, or an axle weight greater than eighteen thousand (18,000) pounds.

(d) For purposes of this section, "auxiliary power unit" means an integrated system that:

(1) provides heat, air conditioning, engine warming, or electricity to components on a heavy duty vehicle; and

(2) is certified by the administrator of the United States Environmental Protection Agency under 40 CFR 89 as meeting applicable emission standards.

(e) For purposes of this section, "heavy duty vehicle" means a

vehicle that:

- (1) has a gross vehicle weight rating greater than eight thousand five hundred (8,500) pounds; and**
- (2) is powered by a diesel engine.**

SECTION 340. IC 9-20-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The Indiana department of transportation may not designate ~~an Indiana~~ a highway as a heavy duty highway unless the department finds that the highway is:

- (1) so constructed and can be so maintained; or
- (2) in such condition;

that the use of the highway as a heavy duty highway will not materially decrease or contribute materially to the decrease of the ordinary useful life of the highway.

SECTION 341. IC 9-20-5-7, AS AMENDED BY P.L.120-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a)** The owner or operator of a vehicle or combination of vehicles having a total gross weight in excess of eighty thousand (80,000) pounds but less than two hundred sixty-four thousand (264,000) pounds must:

- (1) obtain a special weight registration permit;
- (2) register annually and pay annually a registration fee to the department of state revenue; and
- (3) install an approved automated vehicle identifier in each vehicle operating with a special weight permit;

to travel on an extra heavy duty highway.

(b) The fee for an annual registration under subsection (a) is twenty-five dollars (\$25). The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

(c) The department of state revenue may impose an additional permit fee in an amount that may not exceed one dollar (\$1) on each trip permitted for a vehicle registered under subsection (a). This additional fee is for the use and maintenance of an automated vehicle identifier. The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

SECTION 342. IC 9-20-6-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An annual toll road gate permit also may be issued by the Indiana department of transportation to a commercial motor vehicle for the pulling of a combination unit that meets the size and weight standards for Indiana toll roads, prescribed by the Indiana department of transportation. The annual permit may not be issued for a distance greater than fifteen (15) total miles to or from a gate of the toll road and is valid only when used in conjunction with toll road travel.

(b) The fee for an annual toll road gate permit issued under subsection (a) in conjunction with travel on the Indiana toll road is twenty dollars (\$20).

SECTION 343. IC 9-20-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If a breakdown or threatened breakdown of electric, gas, water, or telephone public utility facilities occurs in Indiana, the public utility whose services to the public are or may be affected may in the emergency, without securing a permit, transport over ~~Indiana~~ highways or streets heavy vehicles and loads or other objects not conforming to this article if it is reasonably necessary to do so to restore utility service at the earliest practicable time or to prevent the interruption of utility service. The public utility shall, not later than the second succeeding day that is not a Sunday or holiday, report the fact of the transportation to the public authority from whom a permit would otherwise have been required.

(b) The public utility shall pay to the public authority **an amount equal to the fee under IC 9-29** that would have been due for a permit **under this article**. The making of the report and payment of the fee satisfies all requirements of this chapter concerning the securing of a permit for the trip required by the emergency.

SECTION 344. IC 9-20-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The Indiana department of transportation or local unit authorized to issue permits under this chapter may issue permits for transporting:

- (1) semitrailers or trailers designed to be used with semitrailers that exceed the width and length limitations imposed under this article; and
- (2) recreational vehicles that exceed the maximum width limitation set forth in IC 9-20-3-2;

from the manufacturing facility to the person taking title to the vehicle,

including any other destination in the marketing cycle.

(b) A permit issued under this section may designate the route to be traversed and may contain any other restrictions or conditions required for the safe movement of the vehicle.

(c) A permit issued to the manufacturer under this section must be applied for and reissued annually after the permit's initial issuance.

(d) A limit is not imposed on the number of movements generated by a manufacturer that is issued an annual permit under this section.

(e) The fee for an annual permit issued under this section is two hundred dollars (\$200). The fee may be paid in quarterly installments.

SECTION 345. IC 9-20-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. (a) The fees for a special permit issued under this chapter to exceed the legal length, width, or height limit for vehicles, loaded or unloaded, are as follows:**

(1) A permit not subject to subdivision (2) or (3), twenty dollars (\$20).

(2) A permit issued to exceed ninety-five (95) feet overall length, one hundred forty-eight (148) inches overall width, or the height limit, thirty dollars (\$30).

(3) The ninety (90) day permit issued under this chapter, one hundred dollars (\$100).

(4) The one (1) year permit issued under this chapter, four hundred five dollars (\$405).

(b) Whenever a permit is issued by the Indiana department of transportation under this chapter, the Indiana department of transportation shall fix the fee to be paid. Upon payment of the fee, the Indiana department of transportation shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

SECTION 346. IC 9-20-8-2, AS AMENDED BY P.L.114-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. The maximum length limitations for buses are as follows:**

(1) For an articulating bus used for public transportation purposes, sixty-five (65) feet.

(2) For a conventional school bus, forty-two (42) feet.

~~(3) For a transit school bus, forty-two (42) feet.~~

~~(4)~~ (3) For all others, forty-five (45) feet.

SECTION 347. IC 9-20-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. A combination of vehicles, including a towing vehicle and a disabled vehicle or disabled combination of vehicles, that exceeds the dimensional and weight restrictions imposed by this article may be operated on a highway ~~in Indiana~~ upon the following conditions and in accordance with the rules that the Indiana department of transportation prescribes:

(1) The towing vehicle must be:

(A) specifically designed for such operations;

(B) equipped with amber flashing lights; and

(C) capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles if the systems are operational.

(2) The disabled vehicle or disabled combination of vehicles may not exceed the dimensional or weight restrictions imposed by this article unless a permit for operation in excess of those restrictions has been granted to the disabled vehicle or disabled combination of vehicles under this article. However, an owner or operator of a towing vehicle that is assisting a disabled vehicle or disabled combination of vehicles is not subject to the penalties imposed by IC 9-20-18-1 through IC 9-20-18-10 and IC 9-20-18-12 if the disabled vehicle or disabled combination of vehicles exceeds the dimensional or weight restrictions imposed by IC 9-20-3 or IC 9-20-4 and a permit for the excess has not been granted.

SECTION 348. IC 9-20-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Instead of complying with the requirements of section 9 of this chapter, a special towing permit allowing the operation of a combination of vehicles on a highway ~~in Indiana~~ may be granted by the Indiana department of transportation or local authorities having jurisdiction over a highway or street and responsible for the repair and maintenance of the highway or street.

(b) A permit may be granted under this section upon good cause shown if the Indiana department of transportation or local authority finds the public interest will be served, considering public safety and the protection of public and private property.

(c) A permit issued under this section may designate the route to be traversed by the combination of vehicles and may contain other restrictions or conditions considered necessary by the Indiana department of transportation or local authority granting the permit.

(d) The Indiana department of transportation may allow a vehicle or load permitted in accordance with IC 9-20-6-2 to tow a light passenger vehicle with a manufacturer designed seating capacity of not more than ten (10) passengers including the driver. However, the light passenger vehicle may not cause the combination to exceed the maximum allowable size and weight limitations set forth in IC 9-20-4 and ~~IC 9-20-9~~; **this chapter.**

(e) The fee for a special towing permit issued under this chapter is ten dollars (\$10). The fee must be paid not later than thirty (30) days after the permit was issued.

SECTION 349. IC 9-20-14-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "person" means:**

- (1) a mobile home or sectionalized building transport company;**
- (2) a mobile home or sectionalized building manufacturer;**
- (3) a mobile home or sectionalized building dealer; or**
- (4) a mobile home or sectionalized building owner.**

SECTION 350. IC 9-20-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.** Except as otherwise provided in section 4 of this chapter, a person may not operate a tractor-mobile home rig on ~~an Indiana~~ a highway unless the person has a permit to operate the rig from:

- (1) the Indiana department of transportation; or
- (2) an agency or a political subdivision of the state designated by the Indiana department of transportation to issue permits.

SECTION 351. IC 9-20-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.** (a) The Indiana department of transportation or any agency or political subdivision of the state designated by the Indiana Department of Transportation shall grant a permit to operate a tractor-mobile home rig on ~~an Indiana~~ a highway to a person upon the following conditions and upon the rules that the Indiana Department of Transportation prescribes:

(1) The tractor-mobile home rig must be operated in a manner that will not impede traffic or increase the hazard to traffic.

(2) The tractor-mobile home rig may be operated only on days other than Sunday and the legal holidays that the Indiana department of transportation prescribes. The tractor-mobile home rig may be operated between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset on any weekday, and between one-half (1/2) hour before sunrise and noon on Saturday.

(3) The tractor-mobile home rig may be operated only over the roads or highways in the state highway system, including, except to the extent provided in section 5 of this chapter, the routes designated as federal highways and the state maintained routes through cities and towns. The tractor-mobile home rig may not extend past the center line of those roads and highways.

(4) The person to whom the permit is granted shall present satisfactory evidence of the person's financial responsibility, as provided in IC 9-25, to the granting authority.

(5) If in use as a towing vehicle component of a tractor-mobile home rig, the towing vehicle for which the permit is granted must have a wheelbase of not less than one hundred twenty (120) inches.

(6) A permit granted for the towing vehicle component of a tractor-mobile home rig may be suspended or revoked by the Indiana department of transportation for violation of any of the conditions of the permit set forth in this section.

(7) The towing vehicle may be operated only over the roads or highways approved by the authority granting the permits.

(b) Except as provided in section 5 of this chapter, this section does not prevent a local authority with respect to highways and roads under the authority's jurisdiction from granting permission to operate a tractor-mobile home rig on roads and highways under the authority's jurisdiction that are not highways in the state highway system or state maintained routes through cities and towns.

(c) Except as provided in subsections (d) and (e), the fee for a person that is not a mobile home or sectionalized building retail dealer to move a tractor-mobile home rig under this section is ten dollars (\$10) per trip.

(d) Notwithstanding subsection (c), a person that is not a mobile

home or sectionalized building retail dealer may purchase a quarterly permit for unlimited trips during the quarter to move a tractor-mobile home rig under this section. The fee for a quarterly permit is two hundred fifty dollars (\$250).

(e) Notwithstanding subsection (c), a person that is not a mobile home or sectionalized building retail dealer may purchase an annual permit for unlimited trips during the year to move a tractor-mobile home rig under this section. The fee for an annual permit is one thousand dollars (\$1,000).

(f) The fee for a person that is a mobile home or sectionalized building retail dealer to move tractor-mobile home rigs under this section is forty dollars (\$40). The fee shall be paid annually.

SECTION 352. IC 9-20-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section applies to a person ~~who~~ **that** purchases a quarterly or an annual permit under ~~IC 9-29-6-7~~ **section 2 of this chapter** to move a tractor-mobile home rig.

(b) A person described in subsection (a) shall use only the permissible routes for moving a tractor-mobile home rig. The person must check the daily detour and restriction bulletin before choosing a route to travel. If the person moves a tractor-mobile home rig on a route that is restricted or prohibited, the person's quarterly or annual permit may be revoked.

(c) If a person's quarterly or annual permit is revoked under subsection (b), the person may not obtain a new quarterly or annual permit for a period of ninety (90) days. The person may move a tractor-mobile home rig under a single trip permit until the person is eligible to obtain a new quarterly or annual permit.

SECTION 353. IC 9-20-15-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "person" means:**

- (1) a mobile home or sectionalized building transport company;**
- (2) a mobile home or sectionalized building manufacturer;**
- (3) a mobile home or sectionalized building dealer; or**
- (4) a mobile home or sectionalized building owner.**

SECTION 354. IC 9-20-15-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person may not operate a special tractor-mobile home rig on ~~an Indiana~~ a highway unless the person first secures a permit to operate the rig from:

- (1) the Indiana department of transportation; or
- (2) an agency or a political subdivision of the state designated by the department to issue the permits.

(b) Except as provided in subsections (c) and (d), the fee for a person to move a special tractor-mobile home rig under subsection (a) is eighteen dollars (\$18) per trip.

(c) Notwithstanding subsection (b), a person may purchase a quarterly permit for unlimited trips during the quarter to move a special tractor-mobile home rig under subsection (a). The fee for a quarterly permit is five hundred dollars (\$500).

(d) Notwithstanding subsection (b), a person may purchase an annual permit for unlimited trips during the year to move a special tractor-mobile home rig under subsection (a). The fee for an annual permit is two thousand dollars (\$2,000).

SECTION 355. IC 9-20-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The Indiana department of transportation may grant a permit to operate a special tractor-mobile home rig on ~~an Indiana~~ a highway to a person upon the following conditions and in accordance with the rules that the department prescribes:

- (1) The special tractor-mobile home rig must be operated in a manner that will not unduly impede traffic or increase the hazard to traffic.
- (2) The special tractor-mobile home rig may be operated only over the highways in the state highway system, including, except as provided in section 5 of this chapter, the routes designated as federal highways and the state maintained routes through cities and towns. However, the special tractor-mobile home rig may not extend over the lines delineating highway lanes into another lane except when passing.
- (3) The special tractor-mobile home rig may be operated on the roads and highways only after sunrise and before sunset. However, the Indiana Department of Transportation may restrict hours of operation in first and second class cities if the department determines that rush hour traffic would cause an

undue hazard to the motoring public.

(4) The special tractor-mobile home rig may be operated only on days other than Sunday and the legal holidays that the Indiana Department of Transportation designates. The special tractor-mobile home rig may be operated between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset on any weekday and between one-half (1/2) hour before sunrise and noon on Saturday.

(5) The special tractor-mobile home rig may be accompanied by a distinctively marked escort vehicle.

(6) The operator of the special tractor-mobile home rig must be at least eighteen (18) years of age.

(7) The low beam headlights of the towing vehicle for which the permit is granted must be on while the vehicle is in use as a towing vehicle component of a special tractor-mobile home rig.

(8) The special tractor-mobile home rig may not be operated closer than one thousand (1,000) feet to any other special tractor-mobile home rig traveling in the same direction.

(9) Whenever there may be a clear roadway ahead of the special tractor-mobile home rig and more than three (3) vehicles immediately behind the tractor-mobile home rig, the operator of a special tractor-mobile home rig shall pull over to the right of the traveled portion of the road or highway at the first opportunity to do so safely, so as to allow following vehicles to pass.

(10) The special tractor-mobile home rig may not be operated at a speed in excess of fifty-five (55) miles per hour on roads and highways, other than divided highways of at least four (4) lanes, except as otherwise provided by law.

(11) The special tractor-mobile home rig may not be operated as follows:

(A) During the existence of hazardous weather conditions causing visibility to be less than five hundred (500) feet.

(B) During times when the steady wind velocity exceeds twenty-five (25) miles per hour.

(C) At other times and under other conditions that the Indiana Department of Transportation by rule or emergency notice prescribes.

(12) The person to whom the permit is granted shall present

satisfactory evidence of the person's financial responsibility as provided in IC 9-25 to the granting authority.

(13) When in use as a towing vehicle component of a special tractor-mobile home rig, the towing vehicle for which the permit is granted must have an overall length of not less than twelve (12) feet.

(14) A permit granted for the towing vehicle component of a special tractor-mobile home rig may be suspended or revoked by the Indiana Department of Transportation for violation of any of the conditions of the permit set forth in this section or for violation of a rule or notice as provided for in this chapter.

(15) The special tractor-mobile home rig may be operated only over roads or highways approved by the authority granting the permits.

(16) The rules pertaining to special tractor-mobile home rigs do not apply to other vehicles.

(b) This section may not be construed to prevent a local authority with respect to highways and roads under the authority's jurisdiction from granting permission to operate a special tractor-mobile home rig on roads and highways under the authority's jurisdiction that are not highways in the state highway system or state maintained routes through cities and towns.

SECTION 356. IC 9-20-15-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. **(a)** Notwithstanding IC 9-20-14 or this chapter, a manufacturer of mobile homes or an agent of a manufacturer of mobile homes may transport a tractor-mobile home rig of any size permitted under IC 9-20-14 or this chapter from the manufacturing facility to a storage lot if:

(1) before transporting a tractor-mobile home rig the manufacturer or agent:

(A) receives a permit from the motor carrier service division of the department of state revenue; and

(B) complies with the requirements of IC 9-20-14-2; and

(2) the distance between the manufacturing facility and the storage lot is less than fifteen (15) miles.

(b) The fee for an annual permit to move tractor-mobile home rigs under subsection (a) is forty dollars (\$40) for each three (3) mile increment that a tractor-mobile home rig is transported up to

a maximum of fifteen (15) miles. A fee imposed under this section may not exceed two hundred dollars (\$200).

SECTION 357. IC 9-20-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) As used in this section, "extra wide manufactured home rig" means any combination of a manufactured home or sectionalized building and a towing vehicle having all of the following dimensions:

(1) Some part of the combination with a width greater than one hundred seventy-two (172) inches but not greater than one hundred ninety-two (192) inches.

(2) The:

(A) manufactured home part of the combination, including the hitch; or

(B) sectionalized building part of the combination, including the hitch;

with a length that does not exceed eighty-five (85) feet.

(3) The tractor part of the combination with a length not less than twelve (12) feet.

(4) None of the combination with a height greater than fourteen (14) feet six (6) inches.

(b) The Indiana department of transportation may adopt rules under IC 4-22-2 to implement a permit system regulating the transportation of extra wide manufactured home rigs.

(c) Rules adopted by the Indiana department of transportation under this section must address the following:

(1) The competitive nature of Indiana's manufactured housing industry.

(2) The safety of persons who use the highways.

(d) If the Indiana department of transportation adopts rules under this section to issue permits for extra wide manufactured home rigs, the fee for a permit is thirty dollars (\$30).

SECTION 358. IC 9-20-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) This section applies to a person ~~who~~ **that** purchases a quarterly or an annual permit under ~~IC 9-29-6-9~~ **section 1 of this chapter** to move a special tractor-mobile home rig.

(b) A person described in subsection (a) shall use only the permissible routes for moving a special tractor-mobile home rig. The

person must check the daily detour and restriction bulletin before choosing a route to travel. If the person moves a special tractor-mobile home rig on a route that is restricted or prohibited, the person's quarterly or annual permit may be revoked.

(c) If a person's quarterly or annual permit is revoked under subsection (b), the person may not obtain a new quarterly or annual permit for a period of ninety (90) days. The person may move a special tractor-mobile home rig under a single trip permit until the person is eligible to obtain a new quarterly or annual permit.

SECTION 359. IC 9-20-18-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person who operates a special tractor-mobile home rig who violates IC 9-20-15 is considered to be committing a moving violation and is subject to the penalties provided under rules adopted under IC 9-25.

(b) A person (**as defined in IC 9-20-15-0.5**) or an individual owner who violates a rule adopted under IC 9-20-15-6 commits a Class C infraction.

SECTION 360. IC 9-20-18-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. The Indiana state police board, the state police department, and the Indiana department of transportation shall cooperate in enforcement of Indiana laws relating to the height, width, length, gross weights, and load weights of vehicles or combinations of vehicles, with or without motive power, being operated, drawn, driven, moved, or transported on or over **Indiana** highways.

SECTION 361. IC 9-21-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Each traffic signal upon a ~~street or~~ highway ~~in Indiana~~ that does not conform to this chapter shall be removed by the governmental agency having jurisdiction over the highway.

SECTION 362. IC 9-21-3.5-15, AS ADDED BY P.L.152-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The operator of a private toll facility may enter into an agreement with the bureau to obtain information under ~~IC 9-14-3 and IC 9-14-3.5~~ **IC 9-14-12** necessary to enforce violations of section 9.1 of this chapter, including information regarding the registered owner of a vehicle operated in violation of section 9.1 of this chapter.

(b) The bureau may use any reciprocal arrangement that applies to the bureau to obtain information for purposes of subsection (a).

(c) An operator may use information provided under this section only for the purposes of this section.

(d) The operator of a private toll facility shall inform the bureau of the operator's process to notify the bureau of an owner's failure to pay a fine, charge, fee, or other assessment for a toll violation following the expiration of the deadline for payment of the fine, charge, fee, or other assessment as set forth in the operator's notice requirements published on the Internet web site of the private toll facility under section 14(b) of this chapter.

SECTION 363. IC 9-21-7-2, AS AMENDED BY P.L.34-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b) and section 8 of this chapter, each vehicle upon an ~~Indiana~~ a highway:

- (1) between the time from sunset to sunrise; and
- (2) at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred (500) feet ahead;

must display lighted head lamps and other illuminating devices as required for different classes of vehicles under this chapter.

(b) All lamp equipment required for vehicles described in IC 9-19-6, including each tail lamp required by law, shall be lighted at the times mentioned in subsection (a), except that clearance and sidemarker lamps are not required to be lighted on a vehicle when the vehicle is operated within a municipality if there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

SECTION 364. IC 9-21-8-52, AS AMENDED BY P.L.188-2015, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
 - (A) endanger the safety or the property of others; or
 - (B) block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a

curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted; or

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person, it is a Class B misdemeanor and the court may recommend the suspension of the current driving license of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

(d) If an offense under subsection (a) or (b) causes bodily injury to a person, the court may recommend the suspension of the driving privileges of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

SECTION 365. IC 9-21-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. ~~A person may not ride a bicycle unless the bicycle is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet.~~ A bicycle may not be equipped with and a person may not use upon a bicycle a siren or whistle.

SECTION 366. IC 9-21-11-12, AS AMENDED BY P.L.221-2014, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. A Class B motor driven cycle may not be operated under any of the following conditions:

(1) By a ~~person~~ **an individual** less than fifteen (15) years of age.

(2) By a ~~person~~ **an individual** who ~~has not obtained~~ **does not have:**

(A) an unexpired identification card with a Class B motor driven cycle endorsement **issued to the individual by the bureau** under ~~IC 9-24,~~ **IC 9-24-16;**

(B) a valid driver's license; or

(C) a valid learner's permit. ~~under IC 9-24; an operator's license under IC 9-24; a chauffeur's license under IC 9-24; or a public passenger chauffeur's license under IC 9-24.~~

(3) On an interstate highway or a sidewalk.

(4) At a speed greater than thirty-five (35) miles per hour.

SECTION 367. IC 9-21-11-13.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13.5. IC 9-21-3-7(b)(3)(D) applies to the operation of a:~~

~~(1) motorized bicycle;~~

~~(2) motor scooter; or~~

~~(3) bicycle.~~

SECTION 368. IC 9-21-21-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. This chapter expires December 31, 2016.**

SECTION 369. IC 9-22-1-21.5, AS AMENDED BY P.L.262-2013, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: ~~Sec. 21.5. An individual; a firm; a partnership; a limited liability company; or a corporation~~ **A person** that provides towing services for a ~~motor vehicle; trailer; semitrailer; or recreational vehicle:~~

(1) at the request of the person that owns the ~~motor vehicle; trailer; semitrailer; or recreational vehicle;~~

(2) at the request of ~~an individual; a firm; a partnership; a limited liability company; or a corporation~~ **a person** on whose property an abandoned ~~motor vehicle; trailer; semitrailer; or recreational vehicle~~ is located; or

(3) in accordance with this chapter;

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs in accordance with IC 9-22-6. ~~An individual; a firm; a partnership; a limited liability company; or a corporation~~ **A person** that obtains a lien for an abandoned vehicle under this section must comply with sections 16, 17, and 19 of this chapter and IC 9-22-6.

SECTION 370. IC 9-22-1-24, AS AMENDED BY P.L.191-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: ~~Sec. 24. A person who that~~ purchases a vehicle under

section 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the public agency upon paying the fee for a bill of sale ~~under IC 9-29-7~~. **imposed by the public agency. The fee may not exceed six dollars (\$6) for each bill of sale.** A person ~~who~~ **that** purchases a vehicle under section 23 of this chapter must:

- (1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and
- (2) ~~pay the appropriate title fee under IC 9-29-4~~; **comply with the applicable requirements under IC 9-17;**

to obtain a certificate of title ~~under IC 9-17~~ for the vehicle.

SECTION 371. IC 9-22-1.5-2, AS AMENDED BY P.L.71-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A private ~~property owner~~ **landowner** who finds a mobile home that the person believes to be abandoned on ~~property real estate~~ the person owns or controls, including rental property, may sell or salvage the mobile home if it was built at least fifteen (15) years ago and has been left without permission on the ~~owner's landowner's property real estate~~ for at least sixty (60) days. The sixty (60) day period begins on the day the ~~property owner~~ **landowner** sends notice under section 3 of this chapter to the owner of the mobile home.

SECTION 372. IC 9-22-1.5-3, AS AMENDED BY P.L.71-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A ~~property owner~~ **landowner** shall send notice of a mobile home described in section 2 of this chapter as follows:

- (1) To the owner of the mobile home at the last known address of the owner as shown by:
 - (A) the records of the bureau; or
 - (B) if the unique serial number or special identification number assigned to the mobile home is removed or otherwise illegible, the records of the assessor of the county in which the mobile home is located.

If the ~~property owner~~ **landowner** is unable to determine the address of the mobile home owner, the ~~property owner~~ **landowner** may serve the mobile home owner by posting the notice on the mobile home.

- (2) To:

(A) a lienholder with a perfected security interest in the mobile home; or

(B) any other person known to claim an interest in the mobile home;

as shown by the records of the bureau.

Notice under this subsection must include a description of the mobile home, the location of the mobile home, and a conspicuous statement that the mobile home is on the ~~owner's~~ **landowner's property real estate** without the owner's permission. If the owner of a mobile home changes the owner's address from that maintained in the records of the bureau, the owner shall immediately notify the ~~property owner~~ **landowner** of the new address.

(b) A ~~property owner~~ **landowner** may provide notice under subsection (a) by the following methods:

(1) Certified mail, return receipt requested.

(2) Personal delivery.

(3) Electronic service under IC 9-22-1-19.

(c) If, before the ~~thirty (30)~~ **sixty (60)** day period described in section 2 of this chapter expires, the mobile home owner requests by certified mail, return receipt requested, additional time to remove the mobile home, the period described in section 2 of this chapter shall be extended by an additional thirty (30) days. The mobile home owner may only request one (1) thirty (30) day extension of time.

SECTION 373. IC 9-22-1.5-4, AS AMENDED BY P.L.71-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The ~~property owner~~ **landowner** shall:

(1) request that a search be performed in the records of the bureau or the county assessor, in accordance with section 3(a)(1) of this chapter, for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to:

(A) the last known address of the owner of the mobile home;

(B) any lien holder with a perfected security interest in the mobile home;

(C) all other persons known to claim an interest in the mobile

home; and

(D) the county treasurer of the county in which the mobile home is located.

The notice must include a description of the mobile home, the location of the mobile home, a demand that the **owner remove the mobile home be removed** within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

(3) advertise that the mobile home will be offered for sale at public auction. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

(5) sell the mobile home to the highest bidder, if any; and

(6) immediately after the auction, execute an affidavit of sale or disposal on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the **property real estate** without permission;

(C) any expenses incurred by the **property owner, landowner,** including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the **property owner landowner** shall note that fact on the affidavit. The **property owner landowner** shall list the **property owner, landowner** or any

donee as the purchaser on the affidavit of sale or disposal.

SECTION 374. IC 9-22-1.5-5, AS AMENDED BY P.L.71-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Upon payment of the bid price by the purchaser, the ~~property owner~~ **landowner** shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the auction produces a purchaser, notwithstanding IC 6-1.1-23, the ~~property owner~~ **landowner** shall distribute the amount of the bid price received from the purchaser in the following order of priority:

- (1) Reasonable attorney's fees incurred by the ~~property owner~~ **landowner** for the sale of the mobile home.
- (2) Amounts owed to creditors known to have a lien or security interest on the mobile home, according to the priorities of the creditors' respective security interests.
- (3) Delinquent taxes, including any associated penalties, interest, or collection expenses, that are attributable to the mobile home as of the date of sale.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the ~~property owner~~ **landowner** may retain the remaining amount.

(c) If the auction produces no purchaser, the mobile home becomes the property of the ~~property owner~~ **landowner**, and the ~~property owner~~ **landowner** shall note that fact on the affidavit of sale or disposal.

(d) If the ~~property owner~~ **landowner** wishes to donate the mobile home to any willing donee, a ~~property owner~~ **landowner** who has obtained ownership of a mobile home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(e) If the auction produces no purchaser and the ~~property owner~~ **landowner** does not intend to sell or transfer the mobile home to another person, the ~~property owner~~ **landowner** may, without further administrative application, dismantle the unit for salvage or disposal.

(f) A ~~property owner~~ **landowner** or willing donee who obtains ownership of a mobile home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

(g) Within thirty (30) days after the auction is held, the ~~property owner~~ **landowner** shall submit the following to the county treasurer:

- (1) A copy of the affidavit of sale or disposal.
- (2) The amount, if any, to be distributed under subsection (b)(3), if the auction produced a purchaser.

SECTION 375. IC 9-22-1.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the mobile home titled in the purchaser's, ~~property owner's~~, **landowner's**, or donee's name under ~~IC 9-17-6-12: section 7 of this chapter.~~

SECTION 376. IC 9-22-1.5-7, AS AMENDED BY P.L.262-2013, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. After the purchaser, ~~property owner~~, **landowner**, or donee:

- (1) presents the bureau with the affidavit of sale;
- (2) completes an application for title **under IC 9-17** with any other information the bureau requires; and
- (3) pays any applicable fee;

the bureau shall issue to the purchaser, ~~or property owner~~ **landowner**, **or donee** a certificate of title to the mobile home.

SECTION 377. IC 9-22-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.7. Abandoned Manufactured Homes in Mobile Home Communities

Sec. 1. This chapter applies to a manufactured home that is located in a mobile home community (as defined in IC 16-41-27-5).

Sec. 2. As used in this chapter, "manufactured home" means either of the following:

- (1) **A nonself-propelled vehicle designed for occupancy as a dwelling or sleeping place.**
- (2) **A dwelling, including the equipment sold as a part of the dwelling, that:**
 - (A) **is factory assembled;**
 - (B) **is transportable;**
 - (C) **is intended for year-round occupancy;**
 - (D) **is designed for transportation on its own chassis; and**
 - (E) **was manufactured before the effective date of the federal Manufactured Housing Construction and Safety**

Standards Law of 1974 (42 U.S.C. 5401 et seq.).

Sec. 3. A landowner who finds a manufactured home that the landowner believes to be abandoned on property the landowner owns or controls, including:

- (1) a mobile home community (as defined in IC 16-41-27-5);**
or
- (2) rental property;**

may sell or salvage the manufactured home if the manufactured home has been left without permission on the landowner's property for at least thirty (30) days. The thirty (30) day period begins on the day the landowner sends notice under section 4 of this chapter to the manufactured home owner.

Sec. 4. (a) A landowner shall send notice of a manufactured home described in section 3 of this chapter as follows:

- (1) To the manufactured home owner at the last known address of the manufactured home owner as shown by the records of the bureau. However, if the landowner is unable to determine the address of the manufactured home owner, the landowner may serve the manufactured home owner by posting notice on the manufactured home.**

(2) To:

- (A) a lienholder with a perfected security interest in the manufactured home; or**
- (B) any other person known to claim an interest in the manufactured home;**

as shown by the records of the bureau.

Notice under this section must include a description of the manufactured home and a conspicuous statement that the manufactured home is on the landowner's property without the landowner's permission. If the manufactured home owner changes the manufactured home owner's address from that maintained in the records of the bureau, the manufactured home owner shall immediately notify the landowner of the new address.

(b) A landowner may provide notice under subsection (a) by the following methods:

- (1) Certified mail, return receipt requested.**
- (2) Personal delivery.**
- (3) Electronic service under IC 9-22-1-19.**
- (4) Posting of the notice on the manufactured home, if the**

landowner is unable to determine the manufactured home owner's address.

(c) If, before the thirty (30) day period described in section 3 of this chapter expires, the manufactured home owner requests by certified mail, return receipt requested, additional time to remove the manufactured home, the period described in section 3 of this chapter shall be extended by an additional thirty (30) days. The manufactured home owner may request only one (1) thirty (30) day extension of time.

Sec. 5. A landowner shall do the following:

(1) Request that a search be performed in the records of the bureau for the name and address of the manufactured home owner and the name and address of any person holding a lien or security interest on the manufactured home.

(2) After receiving the results of the search required by subdivision (1) and after the expiration of the thirty (30) day period described in sections 3 and 4 of this chapter, give notice to all the following:

(A) The manufactured home owner:

(i) by certified mail, return receipt requested, to the last known address of the manufactured home owner; or

(ii) in person to the manufactured home owner; or

(iii) if the landowner is unable to determine the manufactured home owner's address or provide notice to the manufactured home owner in person, the landowner may satisfy the notice requirement under this subdivision by posting of the notice to the manufactured home owner on the manufactured home.

(B) Any lien holder (other than the landowner) with a perfected security interest in the manufactured home either by certified mail, return receipt requested, or in person.

(C) All other persons known to claim an interest in the manufactured home either by certified mail, return receipt requested, or in person.

(D) The county treasurer of the county in which the manufactured home is located, by certified mail, return receipt requested, or in person.

The notice must include a description of the manufactured

home, a demand that the owner remove the manufactured home within a specified time not less than ten (10) days after receipt of the notice, a conspicuous statement that unless the manufactured home is removed within that time, the manufactured home will be advertised for sale by auction at a specified time and place, and a conspicuous statement that, in the case of a sale by auction of the manufactured home, a person or lienholder other than the county treasurer that fails to appear at the auction, or otherwise participate in the auction, waives any right the person may have as a lien holder in the manufactured home and any other rights that the person may have regarding the sale of the manufactured home. In addition, the notice must include a statement that, if the manufactured home is removed before the auction takes place, all statutory liens against the manufactured home under IC 16-41-27-29 and all debts owed to the landowner that are associated with the placement of the manufactured home on the landowner's property must be paid.

(3) After the expiration of the ten (10) day period in subdivision (2), advertise that the manufactured home will be offered for sale at public auction in conformity with IC 26-1-2-328 and IC 26-1-7-210. The advertisement of sale must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the county where the manufactured home has been left without permission. The advertisement must include a description of the manufactured home, the name of the owner of the manufactured home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale.

(4) Provide a reasonable time before the sale for prospective purchasers to examine the manufactured home.

(5) Sell the manufactured home to the highest bidder, if any.

(6) Immediately after the auction, execute an affidavit of sale of disposal on a form prescribed by the bureau stating:

- (A) that the requirements of this section have been met;
- (B) the length of time that the manufactured home was left on the property without permission;
- (C) any expenses incurred by the landowner, including the expenses of the sale and any lien of the landowner;
- (D) the name and address of the purchaser of the manufactured home at the auction, if any; and
- (E) the amount of the winning bid, if any.

If the manufactured home is not purchased by a bidder at the auction, the landowner shall note that fact on the affidavit and shall list the landowner, or any donee, as the purchaser on the affidavit of sale or disposal.

Sec. 6. (a) Upon payment of the bid price by the purchaser, the landowner shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the manufactured home is not purchased by a bidder at the auction, the manufactured home becomes the property of the landowner, and the landowner shall note that fact on the affidavit of sale or disposal.

(c) If the landowner wishes to donate the manufactured home to any willing donee, a landowner who has obtained ownership of a manufactured home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(d) If the manufactured home is not purchased by a bidder at the auction and the landowner does not intend to sell or transfer the manufactured home to another person, the landowner may, upon submitting an affidavit of sale or disposal to the bureau, dismantle the manufactured home for salvage or disposal, or transport the manufactured home to a licensed solid waste landfill.

(e) A landowner or willing donee who obtains ownership of a manufactured home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

(f) If the manufactured home is purchased by a bidder at the auction under this chapter, the landowner shall distribute the amount of the bid price received from the purchaser in the following order of priority:

- (1) Reasonable attorney's fees incurred by the landowner for the sale of the manufactured home.

(2) Amounts owed to persons known to have a lien or security interest on the manufactured home, including any lien or secured amounts due the landowner under IC 16-41-27-29, and according to the priority of the creditor's secured interest in the manufactured home.

(3) Delinquent property taxes that were assessed on the manufactured home and that were due and payable at the time of the sale of the manufactured home at auction, including any special assessments, interest, penalties, judgments, and costs that are attributable to the delinquent property taxes.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the landowner may retain the remaining amount.

Sec. 7. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the manufactured home titled in the purchaser's, landowner's, or donee's name under IC 9-17-6-12.

Sec. 8. (a) All liens and security interests of any person or entity, other than the county treasurer, that fails to appear or otherwise participate in the auction under this chapter are waived and are void as of the date of the sale of the manufactured home at the auction.

(b) After the purchaser, landowner, or donee:

- (1) presents the bureau with the affidavit of sale or disposal;**
- (2) completes an application for title with any other information the bureau requires;**
- (3) pays any applicable fee; and**
- (4) provides evidence of the payment of any delinquent property taxes and any associated interest and penalties as provided under section 6(f)(3) of this chapter;**

the bureau shall issue to the purchaser, landowner, or donee a certificate of title to the manufactured home.

SECTION 378. IC 9-22-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The report required under section 3 of this chapter must include the following information about the motor vehicle:

- (1) The license plate number.**
- (2) The make.**

(3) The ~~motor and~~ vehicle identification number.

SECTION 379. IC 9-22-3-0.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 0.5: For purposes of this chapter, "motor vehicle" does not include:

(1) an off-road vehicle;

(2) a golf cart; or

(3) a snowmobile.

SECTION 380. IC 9-22-3-1, AS AMENDED BY P.L.125-2012, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~Except as provided in subsection (b);~~ this chapter applies each year to a motor vehicle; semitrailer; or recreational vehicle manufactured within the last seven (7) model years; including the current model year. The bureau shall establish guidelines for determining the applicability of the model year effective dates for each year.

(b) ~~The bureau may extend the model years to be covered each year by this chapter up to a maximum of fifteen (15) model years; which includes the current model year.~~

SECTION 381. IC 9-22-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "fair market value" means:

(1) the average trade-in value found in the National Automobile Dealers Association (NADA) Official Used Car Guide, vehicle valuations determined by CCC Information Services, Inc. (CCC), or valuations determined by such other authorities as are approved by the bureau; or

(2) the fair market value determined by the bureau ~~under IC 9-22-3-3.~~ **upon request.**

SECTION 382. IC 9-22-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) As used in this chapter, "flood damaged vehicle" means a passenger motor vehicle that satisfies either of the following:

(1) The vehicle has been acquired by an insurance company as part of a damage settlement due to water damage.

(2) The vehicle has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water.

(b) The term does not include a passenger motor vehicle that an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer, or a ~~motor vehicle~~ dealer **licensed under IC 9-32** determines:

- (1) has no electrical, computerized, or mechanical components that were damaged by water; or
- (2) has one (1) or more electrical, computerized, or mechanical components that were damaged by water and all such damaged components have been repaired or replaced.

SECTION 383. IC 9-22-3-3, AS AMENDED BY P.L.188-2015, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A certificate of salvage title is required for a ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle that **is manufactured within the last seven (7) model years and** meets any of the following criteria:

- (1) An insurance company has determined that it is economically impractical to repair the wrecked, **destroyed**, or damaged ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle and has made an agreed settlement with the insured or claimant.

(2) If the owner of the vehicle:

(A) is a business that insures its own vehicles; **or**

(B) **acquired the vehicle after the vehicle was wrecked, destroyed, or damaged;**

the cost of repairing the wrecked, **destroyed**, or damaged ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle exceeds seventy percent (70%) of the fair market value immediately before the ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle was wrecked, **destroyed**, or damaged.

(3) The ~~motor~~ vehicle is a flood damaged vehicle.

(b) For the purposes of this section, the bureau shall, upon request, determine the fair market value of a wrecked or damaged ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle if the fair market value cannot be determined from the source referred to in section 2(1) of this chapter:

(c) Except as described in section 11(c) of this chapter, an insurance company shall apply for a salvage title for a vehicle that the insurance company has determined is economically impractical to repair:

(d) An owner described in subsection (a)(2) shall apply for a salvage

title for any vehicle that has sustained damages of seventy percent (70%) or more of the fair market value immediately before the motor vehicle, motorcycle, semitrailer, or recreational vehicle was wrecked or damaged if the vehicle meets the criteria specified in subsection (a)(2):

(b) The bureau may issue a salvage title to a vehicle that is subject to IC 9-17 upon the request of the owner of the vehicle.

~~(e)~~ **(c)** A person ~~who that~~ knowingly or intentionally fails to apply for a salvage title as required by subsection (a) ~~(e)~~; ~~or (d)~~ commits a Class A infraction.

SECTION 384. IC 9-22-3-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. The bureau shall issue a certificate of salvage title as proof of ownership for a salvage motor vehicle when the acquiring insurance company, recycling facility, or person does the following:

- ~~(1)~~ Applies for the certificate of salvage title.
- ~~(2)~~ Pays the appropriate fee under IC 9-29-7.
- ~~(3)~~ Surrenders the motor vehicle's original certificate of title or other proof of ownership as determined by the bureau.

SECTION 385. IC 9-22-3-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) This section applies to a vehicle:**

- (1) for which an insurance company has made and paid an agreed settlement; and**
- (2) that meets at least one (1) of the criteria set forth in section 3 of this chapter.**

(b) A person that owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a) not more than thirty (30) days after the date of settlement.

(c) The insurance company shall:

- (1) apply to the bureau within forty-five (45) days after receipt of the certificate of title for a certificate of salvage title for each vehicle subject to this chapter; and**
- (2) surrender the certificate of title or other proof of ownership to the bureau and pay a salvage title fee of four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.**

(d) After the bureau has received the items set forth in subsection (c)(2), the bureau shall issue a certificate of salvage title for a vehicle to:

- (1) the owner, if the owner retains possession of the vehicle as part of an agreed settlement with an insurance company for the vehicle; or**
- (2) the insurance company, if the owner does not retain possession.**

(e) Except as provided in section 4.4 of this chapter, a person that violates this section commits a Class D infraction.

SECTION 386. IC 9-22-3-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.2. (a) A self-insured entity that owns a vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter shall apply to the bureau within forty-five (45) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.**

(b) Any other person acquiring a wrecked or damaged vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within forty-five (45) days after acquiring the vehicle for a certificate of salvage title.

(c) The bureau shall issue a certificate of salvage title as proof of ownership for a salvage vehicle when the acquiring person does the following:

- (1) Makes a proper application in the manner and form prescribed by the bureau.**
- (2) Pays a salvage title fee of four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.**
- (3) Surrenders the vehicle's original certificate of title or other proof of ownership as determined by the bureau.**

(d) Except as provided in section 4.4 of this chapter, a person that violates this section commits a Class D infraction.

SECTION 387. IC 9-22-3-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.3. (a) The bureau shall collect an administrative penalty of ten dollars (\$10) if:**

- (1) a purchaser or transferee of a salvage vehicle fails to apply for a certificate of salvage title or a transfer of title, by**

assignment, not later than forty-five (45) days after the salvage vehicle is purchased or otherwise acquired; or
 (2) the owner of a salvage vehicle retains possession of the salvage vehicle and the owner fails to apply for a certificate of salvage title not later than forty-five (45) days after the settlement of loss with the insurance company.

The fee shall be deposited in the motor vehicle highway account.

(b) Except as provided in section 4.4 of this chapter, a person that violates this section commits a Class D infraction.

SECTION 388. IC 9-22-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.4. (a) For purposes of sections 4.1, 4.2, and 4.3 of this chapter, "other proof of ownership" with respect to a vehicle includes the following items that contain the electronic signature of the owner without notarization:

- (1) A document granting an insurance company a limited power of attorney.
- (2) An affidavit transferring title to an insurance company.
- (3) Another document authorizing an insurance company to assign ownership of the motor vehicle.

(b) A person that violates section 4.1, 4.2, or 4.3 of this chapter by knowingly or intentionally submitting a fraudulent document or affidavit described in subsection (a) commits a Class A infraction.

SECTION 389. IC 9-22-3-5, AS AMENDED BY P.L.125-2012, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A certificate of salvage title issued under ~~section 4~~ of this chapter must contain the following information:

- (1) The same vehicle information as a certificate of title issued by the bureau.
- (2) The notation "SALVAGE TITLE" prominently recorded on the front ~~and back~~ of the title.
- (3) If the motor vehicle is a flood damaged vehicle, the notation "FLOOD DAMAGED" prominently recorded on the front ~~and back~~ of the title.

SECTION 390. IC 9-22-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A certificate of salvage title issued under ~~section 4~~ of this chapter may be assigned by

the person who owns the salvage vehicle to another buyer.

SECTION 391. IC 9-22-3-7, AS AMENDED BY P.L.217-2014, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A ~~business that is registered with the secretary of state~~ as a dealer **licensed** under ~~IC 9-23~~ **IC 9-32** may reassign a certificate of salvage title one (1) time without applying to the bureau for the issuance of a new certificate of salvage title.

(b) A **business dealer** that violates this section commits a Class A infraction.

SECTION 392. IC 9-22-3-7.5, AS AMENDED BY P.L.188-2015, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) A dealer licensed ~~as a dealer~~ under ~~IC 9-23~~ **on the date of receiving a title by sale or transfer IC 9-32** shall secure an affidavit from the person ~~who~~ **that** holds the certificate of title **on the date of receiving a title by sale or transfer**. The affidavit must state whether the vehicle is a flood damaged vehicle.

(b) The dealer shall file the affidavit secured under subsection (a) with the bureau upon receiving the affidavit and shall retain a copy of the affidavit with the records of the dealer.

~~(c) The bureau shall retain an affidavit regarding flood damage to the vehicle submitted to the bureau by a dealer under this section.~~

~~(d)~~ (c) Submission of a fraudulent affidavit under subsection (a) will subject the affiant to civil liability for all damages incurred by a dealer subsequent purchaser or transferee of the title, including reasonable attorney's fees and court costs (including fees).

~~(e)~~ (d) A dealer that knowingly or intentionally fails to comply with subsection (a) or (b) commits a Class B misdemeanor.

~~(f)~~ (e) A person ~~who~~ **that** knowingly or intentionally submits a fraudulent affidavit under subsection (a) commits a Class A infraction.

SECTION 393. IC 9-22-3-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: (a) ~~If a salvage motor vehicle has been flood damaged, extensively burned, vandalized, or severely wrecked so that one (1) or more component parts are required to restore the motor vehicle to an operable condition, the person or business that restored the motor vehicle must furnish, on an affidavit of restoration for a salvage motor vehicle form, the name, identification number, and source of all component parts that were included in the restoration of the vehicle. The affidavit must be attached to the certificate of salvage title and be~~

submitted to the bureau upon application by a person for a certificate of title for the vehicle.

(b) A person or business that violates this section commits a Class A infraction.

SECTION 394. IC 9-22-3-10, AS AMENDED BY P.L.125-2012, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person ~~who that~~ owns the vehicle or the legal representative or legal successor in interest of the person ~~who that~~ owns the ~~motor vehicle, semitrailer, or recreational~~ vehicle for which the certificate of salvage title was issued, as shown by the records of the bureau, shall ~~immediately~~ apply for a duplicate certificate of salvage title.

(b) A person described in subsection (a) may obtain a duplicate certificate of salvage title when the person furnishes information concerning the loss, mutilation, destruction, or illegibility satisfactory to the bureau and pays ~~the a salvage title fee set forth in IC 9-29-7: of~~ **four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.**

(c) Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the bureau.

~~(c)~~ (d) A certificate of salvage title issued under this section must have recorded upon the title's ~~face and back front~~ the words "DUPLICATE SALVAGE TITLE".

~~(d)~~ (e) If the lost, mutilated, destroyed, or illegible certificate of salvage title contained the notation "FLOOD DAMAGED", the duplicate certificate of salvage title must have recorded upon the title's ~~face and back front~~ the words "FLOOD DAMAGED".

SECTION 395. IC 9-22-3-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11. (a) This section applies to the following persons:

(1) An insurance company that declares a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter and the ownership of which is not evidenced by a certificate of salvage title.

(2) An insurance company that has made and paid an agreed settlement for the loss of a stolen motor vehicle, motorcycle,

semitrailer, or recreational vehicle that:

(A) has been recovered by the titled owner; and

(B) meets at least one (1) of the criteria set forth in section 3 of this chapter.

(b) A person who owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a). The insurance company shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title for each salvage or stolen vehicle subject to this chapter. The insurance company shall surrender the certificate of title to the bureau and pay the fee prescribed under IC 9-29-7 for a certificate of salvage title.

(c) When the owner of a vehicle described in subsection (a) retains possession of the vehicle:

(1) the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);

(2) the insurance company that completes an agreed settlement for the vehicle shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

(ii) the appropriate fee; and

(iii) a request for a certificate of salvage title on a form prescribed by the bureau; and

(3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner.

(d) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(e) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply

to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.

~~(f) A person that violates this section commits a Class D infraction.~~

SECTION 396. IC 9-22-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. **(a)** If a salvage motor vehicle is rebuilt for operation upon the highways and ownership is evidenced by a certificate of salvage title, the person ~~who~~ **that** owns the vehicle shall apply to the bureau for a certificate of title **with a rebuilt designation**. The bureau shall issue a certificate of title **under IC 9-17 with a rebuilt designation**, that lists each person who holds a lien on the vehicle; to the person who owns the vehicle when ~~subject to the following are completed:~~ **conditions:**

~~(1) The inspection of the vehicle by A state police officer~~ **(2) The verification of inspects the vehicle and verifies** proof of ownership of major component parts used and the source of the major component parts.

(2) The person that owns the vehicle submits, on a form prescribed by the bureau, a properly executed affidavit from the person that restored the motor vehicle. The affidavit must:

(A) include the name, identification number, and source of all component parts that were included in the restoration of the vehicle; and

(B) be attached to the certificate of salvage title.

~~(3) The surrender of person that owns the vehicle surrenders the certificate of salvage title. properly executed with an affidavit concerning the major component parts on a form prescribed by the bureau.~~

~~(4) The payment of the fee required under IC 9-29-7.~~

A condition under this subsection is in addition to any requirements under IC 9-17.

(b) Except as provided in subsection (c), a certificate of title issued under this section must conspicuously bear the designation:

(1) "REBUILT VEHICLE" if the vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the vehicle is a flood damaged vehicle.

(c) An insurance company authorized to do business in Indiana

may obtain a certificate of title that does not bear the rebuilt designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage, if any, to a recovered stolen vehicle did not meet the criteria set forth in section 3 of this chapter.

(d) A person that knowingly or intentionally violates this section commits a Class A infraction.

SECTION 397. IC 9-22-3-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16. (a) Except as provided in subsection (b), a certificate of title issued under this chapter and a certificate of title subsequently issued must conspicuously bear the designation:

- (1) "REBUILT VEHICLE--MILEAGE NOT ACTUAL" if the motor vehicle is not a flood damaged vehicle; or
- (2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(b) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage, if any, to a recovered stolen motor vehicle did not meet the criteria set forth in section 3 of this chapter.

(c) An affidavit submitted under section 8 of this chapter must conspicuously bear the designation:

- (1) "REBUILT VEHICLE" if the motor vehicle is not a flood damaged vehicle; or
- (2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(d) A certificate of title for a salvage motor vehicle issued under subsection (a) may not designate the mileage of the vehicle.

(e) A person who knowingly or intentionally fails to comply with subsection (c) commits a Class A infraction.

SECTION 398. IC 9-22-3-18.5, AS AMENDED BY P.L.188-2015, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts:

(b) (a) A seller that is:

- (1) a dealer; or
- (2) another person who sells, exchanges, or transfers at least five

~~(5) vehicles each year; person~~

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the ~~dealer or other~~ person knows or should reasonably know the vehicle is a rebuilt vehicle.

~~(c)~~ **(b)** A person ~~who~~ **that** knowingly or intentionally sells, exchanges, or transfers a rebuilt vehicle without disclosing in writing under subsection ~~(b)~~ **(a)** the fact that the vehicle is a rebuilt vehicle commits a Class A misdemeanor.

SECTION 399. IC 9-22-3-19, AS AMENDED BY P.L.188-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) The secretary of state shall prescribe recordkeeping forms to be used by ~~(1) a recycling facility; (2) an automotive salvage rebuilder; and (3) a used parts dealer licensed under IC 9-32-9;~~ **recycler licensed under IC 9-32** to preserve information about salvage vehicles or major component parts acquired or sold by the business.

(b) The recordkeeping forms required under subsection (a) must contain the following information:

(1) For each new or used vehicle acquired or disposed of or for the major component parts of a new or used vehicle, the following:

(A) A description of the vehicle or major component part, including numbers or other marks identifying the vehicle or major component part.

(B) The date the vehicle or major component part was acquired and disposed of.

(C) The name and address of the person from whom the vehicle or major component part was acquired.

(D) Verification of the purchaser of the vehicle or major component part by driver's license, state identification card, or other reliable means.

(2) For ~~motor~~ vehicles acquired or disposed of, in addition to the information required by subdivision (1), the following:

(A) The vehicle's trade name.

(B) The vehicle's manufacturer.

(C) The vehicle's type.

(D) The model year and vehicle identification number.

(E) A statement of whether any number has been defaced, destroyed, or changed.

(3) For wrecked, dismantled, or rebuilt vehicles, the date the vehicle was dismantled or rebuilt.

(c) Separate records for each vehicle or major component part must be maintained.

(d) The recordkeeping requirements of this section do not apply to hulk crushers or to scrap metal processors when purchasing scrap from a person ~~who~~ **that** is licensed under ~~IC 9-32-9~~ **IC 9-32** and ~~who~~ **that** is required to keep records under this section.

(e) ~~A recycling facility; An automotive salvage rebuilder; or used parts dealer recycler~~ **recycler** licensed under ~~IC 9-32-9~~ **IC 9-32** that knowingly or intentionally fails to:

(1) maintain records regarding salvage vehicles or major component parts acquired or sold by the business; or

(2) maintain records regarding salvage vehicles or major component parts on forms that comply with subsection (b);

commits a Class A infraction.

SECTION 400. IC 9-22-3-20, AS AMENDED BY P.L.188-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) Unless otherwise specified or required, the records required under section 19 of this chapter shall be retained for a period of five (5) years from the date the vehicle or major component part was acquired, in the form prescribed by the secretary of state.

(b) ~~A recycling facility; An automotive salvage rebuilder; or used parts dealer recycler~~ **recycler** that knowingly or intentionally fails to comply with subsection (a) commits a Class B misdemeanor.

SECTION 401. IC 9-22-3-21, AS AMENDED BY P.L.188-2015, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The records required under section 19 of this chapter must be available to and produced at the request of a police officer or an authorized agent of the secretary of state under this chapter.

(b) ~~A recycling facility; An automotive salvage rebuilder; or used parts dealer recycler~~ **recycler** that fails to make available or produce the records described under section 19 of this chapter for a police officer or an authorized agent of the secretary of the state commits a Class A

infraction.

SECTION 402. IC 9-22-3-24, AS AMENDED BY P.L.188-2015, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) The secretary of state, a police officer, or an agent of the secretary of state or a police officer may enter upon the premises of a ~~recycling facility, insurance company, or other business dealing in salvage vehicles~~ **an automotive salvage recycler** during normal business hours to inspect a ~~motor vehicle, semitrailer, recreational vehicle,~~ major component part, records, certificate of title, and other ownership documents to determine compliance with this chapter.

(b) A person ~~who~~ **that** knowingly or intentionally prevents the secretary of state, a police officer, or agent of the secretary of state from inspecting a ~~motor vehicle, a semitrailer, a recreational vehicle,~~ a major component part, a record, a certificate of title, or another ownership document during normal business hours commits a Class A infraction.

SECTION 403. IC 9-22-3-31, AS AMENDED BY P.L.217-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. A person ~~who~~ **that** knowingly or intentionally possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate or serial plate that has been removed from a ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 404. IC 9-22-3-32, AS AMENDED BY P.L.158-2013, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. A person ~~who~~ **that** knowingly possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange, or give away a certificate of title or ownership papers from a nontitle state of a ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 405. IC 9-22-3-37, AS AMENDED BY P.L.109-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. A person who violates this chapter (other than section ~~4~~ **4** of this chapter) commits a deceptive act that is actionable by the attorney general and is subject to the remedies and penalties

under IC 24-5-0.5.

SECTION 406. IC 9-22-5-1.1, AS ADDED BY P.L.262-2013, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. A person ~~who that~~ owns and has a certificate of title for a vehicle may sell, give away, or dispose of the vehicle for scrap metal without applying for a certificate of authority under this chapter. The person must sign and surrender the certificate of title to the ~~scrap metal processor or other appropriate facility~~ **automotive salvage recycler** to dispose of the vehicle.

SECTION 407. IC 9-22-5-2, AS AMENDED BY P.L.125-2012, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A **person:**

- (1) ~~person, firm, corporation, limited liability company, or unit of government~~ upon whose property or in whose possession is found an abandoned vehicle; or
- (2) ~~person who that~~ owns a vehicle that has a title that is faulty, lost, or destroyed;

may apply in accordance with this chapter for authority to sell, give away, or dispose of the vehicle **to an automotive salvage recycler** for scrap metal.

SECTION 408. IC 9-22-5-3, AS AMENDED BY P.L.125-2012, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The application required under section 2 of this chapter shall be made in a manner prescribed by the bureau ~~The application shall be~~ **and** filed with the bureau.

(b) The application required by section 2 of this chapter must include the following:

- (1) **The name and address of the applicant.**
- (2) **The year, make, model, and vehicle identification number of the vehicle, if ascertainable, together with any other identifying features.**
- (3) **A concise statement of the facts surrounding the abandonment of the vehicle, that the title of the vehicle is faulty, lost, or destroyed, or the reasons for disposal of the vehicle.**
- (4) **An affidavit executed by the applicant stating that the facts alleged in the application are true and that no material fact has been withheld.**

(c) The bureau shall issue a certificate of authority if:

- (1) the bureau determines that the application satisfies the requirements of this chapter; and**
- (2) the applicant pays a fee of four dollars (\$4) for each certificate of authority.**

The fee under subdivision (2) shall be deposited in the motor vehicle highway account.

(d) A certificate of authority issued under this chapter must contain the following information:

- (1) The name and address of the person that filed the application required under section 2 of this chapter.**
- (2) The year, make, model, and vehicle identification number, if ascertainable, together with any other identifying features of the vehicle that has been authorized to be sold for scrap metal.**

SECTION 409. IC 9-22-5-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) The application required under section 2 of this chapter must include the following information:

- (1) The name and address of the applicant:
- (2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, together with any other identifying features:
- (3) A concise statement of the facts surrounding the abandonment of the vehicle; that the title of the vehicle is faulty, lost, or destroyed; or the reasons for disposal of the vehicle:

(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld:

SECTION 410. IC 9-22-5-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: The certificate of authority to scrap or dismantle the vehicle required under this chapter shall be made on forms prescribed and furnished by the bureau. The certificate of authority must contain the following information:

- (1) The name and address of the person who filed the application required under section 2 of this chapter:
- (2) The year, make, model, and vehicle identification number, if ascertainable, together with any other identifying features of the vehicle that has been authorized to be sold for scrap metal:

SECTION 411. IC 9-22-5-10, AS AMENDED BY P.L.125-2012, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. After a certificate of authority required under this chapter has been delivered to the bureau by ~~the automobile scrapyards~~, **an automotive salvage recycler**, a certificate of title may not be issued for the vehicle that is described in the certificate of authority. ~~and is~~ **The vehicle shall be** noted in the records of the bureau as "junk".

SECTION 412. IC 9-22-5-13, AS AMENDED BY P.L.125-2012, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person not described in section 12 of this chapter ~~who that~~ sells a vehicle under this chapter may retain from the proceeds of sale the cost of publication of notice and the cost of preserving the ~~motor~~ vehicle during the period of the vehicle's abandonment. The person shall pay the remaining balance of the proceeds of the sale to the circuit court clerk of the county in which the vehicle is located.

(b) At any time within ten (10) years after the money is paid to the clerk, the person ~~who that~~ owns the vehicle sold under this chapter may make a claim with the clerk for the sale proceeds deposited with the clerk. If ownership of the proceeds is established to the satisfaction of the clerk, the clerk shall pay the proceeds to the person ~~who that~~ owns the vehicle.

(c) If a claim for the proceeds of the sale of a vehicle under subsection (b) is not made within ten (10) years, claims for the proceeds are barred. The clerk shall notify the attorney general and upon demand pay the proceeds to the attorney general. The attorney general shall turn the proceeds over to the treasurer of state. The proceeds vest in and escheat to the state general fund.

SECTION 413. IC 9-22-5-18, AS AMENDED BY P.L.217-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Before a person sells a vehicle to, gives a vehicle to, or disposes of a vehicle with an ~~automobile scrapyards~~, **automotive salvage recycler**, the person shall give the ~~automobile scrapyards~~: **automotive salvage recycler**:

- (1) a certificate of authority for the vehicle that:
 - (A) is issued by the bureau under this chapter; and
 - (B) authorizes the scrapping or dismantling of the vehicle; or

(2) a certificate of title for the vehicle issued by the bureau under IC 9-17-3.

(b) A person ~~who~~ **that** knowingly or intentionally violates this section commits a Class C misdemeanor.

SECTION 414. IC 9-22-5-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 19: A person who knowingly or intentionally purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining a certificate of authority described in section 18(a)(1) of this chapter or a certificate of title issued by the bureau under IC 9-17-3 from the person who sells, gives away, or disposes of the vehicle commits a Class B misdemeanor.~~

SECTION 415. IC 9-22-6-1, AS AMENDED BY P.L.217-2014, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~An individual; a firm; a limited liability company; or a corporation~~ **A person** engaged in the business of storing, furnishing supplies for, providing towing services for, or repairing ~~motor vehicles, trailers, semitrailers, or recreational vehicles~~ shall obtain the name and address of the ~~person that owns a motor vehicle, trailer, semitrailer, or recreational~~ **owner of a vehicle** that is left in the custody of the ~~individual; firm; limited liability company; or corporation~~ **person** for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) ~~The individual; firm; limited liability company; or corporation~~ **person described in subsection (a)** shall record in a book the following information concerning the vehicle described in subsection (a):

- (1) The name and address of the ~~person that owns~~ **owner of** the vehicle.
- (2) The license number of the vehicle.
- (3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the ~~individual; firm; limited liability company; or corporation~~ **person** and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a ~~motor vehicle, trailer, semitrailer, or recreational~~ vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

(e) A person ~~who~~ **that** violates this section commits a Class A

infraction.

SECTION 416. IC 9-22-6-2, AS AMENDED BY P.L.217-2014, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) ~~An individual, a firm, a limited liability company, or a corporation~~ **A person** that performs labor, furnishes materials or storage, or does repair work on a ~~motor vehicle, trailer, semitrailer, or recreational~~ vehicle at the request of the ~~person that owns~~ **owner of** the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) ~~An individual, a firm, a partnership, a limited liability company, or a corporation~~ **A person** that provides towing services for a ~~motor vehicle, trailer, semitrailer, or recreational~~ vehicle at the request of the ~~person that owns the motor vehicle, trailer, semitrailer, or recreational~~ **owner of the** vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) **A person that has a mechanic's lien on a vehicle under subsection (a) or (b) may advertise the vehicle for sale if:**

- (1) the charges made under subsection (a) or (b) are not paid; and
- (2) the ~~motor vehicle, trailer, semitrailer, or recreational~~ vehicle is not claimed;

~~not later than~~ **within** thirty (30) days after the date on which the vehicle is left in or comes into the possession of the ~~individual, firm, limited liability company, or corporation~~ **person** for repairs, storage, towing, or the furnishing of materials. ~~the individual, firm, limited liability company, or corporation may advertise the vehicle for sale.~~ The vehicle may not be sold ~~earlier than~~ **until the later of** fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent. ~~whichever is later.~~

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain

at least the following information:

- (1) A description of the vehicle, including make, type, and manufacturer's identification number.
- (2) The amount of the unpaid charges.
- (3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the ~~person that owns~~ **owner of** the vehicle and any other person that holds a lien of record ~~at the person's last known address~~ by certified mail, return receipt requested, **at the last known address of the owner or person, as applicable**, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the ~~person that owns~~ **owner of** the vehicle if the ~~person's~~ **owner's** address or whereabouts are known. If the address or whereabouts of the ~~person that owns~~ **owner of** the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the ~~person that owns~~ **owner of** the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a

sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).
- (5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person ~~who~~ **that** violates this section commits a Class A infraction.

SECTION 417. IC 9-24-1-1, AS AMENDED BY P.L.188-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as ~~otherwise~~ provided in **section 7** of this chapter, an individual must have a valid: ~~Indiana:~~

- (1) ~~operator's driver's~~ license; **or**
- (2) ~~permit; chauffeur's~~ license;
- (3) ~~public passenger chauffeur's~~ license;
- (4) ~~commercial driver's~~ license;
- (5) ~~driver's license listed in subdivision (1), (2), (3), or (4) with:~~
 - (A) a motorcycle endorsement; **or**
 - (B) a motorcycle endorsement with a Class A motor driven cycle restriction;
- (6) learner's permit; **or**
- (7) motorcycle learner's permit;

including any necessary endorsements, issued to the individual by the bureau ~~under this article~~ to operate upon ~~an Indiana~~ a highway the type of motor vehicle for which the **driver's license, endorsement, or permit** was issued.

(b) An individual must have:

- (1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under IC 9-24-16; **or**
- (2) a valid driver's license; ~~described in subsection (a);~~ **or**
- (3) **a valid learner's permit;**

to operate a Class B motor driven cycle upon ~~an Indiana~~ a highway.

(c) ~~A person~~ **An individual** who violates this section operates a motor vehicle or motor driven cycle upon a road or highway without the proper license commits a Class C infraction.

SECTION 418. IC 9-24-1-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1-5:~~ (a) ~~An individual who is an Indiana resident is eligible to apply for a license under this article:~~

(b) ~~This section does not prevent the bureau from issuing a license under this article to an individual who is:~~

(1) ~~not required by this article to reside in Indiana to receive the license; and~~

(2) ~~otherwise qualified to receive the license:~~

SECTION 419. IC 9-24-1-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 4:~~ (a) ~~Except as otherwise provided in this chapter, an individual must:~~

(1) ~~have a valid Indiana driver's license; and~~

(2) ~~be at least eighteen (18) years of age;~~

~~to drive a medical services vehicle upon an Indiana highway:~~

(b) ~~A person who violates subsection (a) commits a Class C infraction:~~

SECTION 420. IC 9-24-1-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5:~~ (a) ~~An individual must have:~~

(1) ~~a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement;~~

(2) ~~a valid motorcycle learner's permit subject to the limitations imposed under IC 9-24-8; or~~

(3) ~~a valid driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction;~~

~~to operate a motorcycle upon an Indiana highway.~~

(b) ~~An individual who held a motorcycle operator's license on December 31, 2011, must hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement in order to operate a motorcycle after December 31, 2011, without restrictions:~~

(c) ~~An individual must have:~~

(1) ~~a driver's license or learner's permit described in subsection (a); or~~

(2) ~~a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement with~~

a Class A motor driven cycle restriction under IC 9-24-8-4(g);
to operate a Class A motor driven cycle upon an Indiana highway.

(d) A person who operates a Class A motor driven cycle in violation of subsection (a), (b), or (c) commits a Class C infraction.

SECTION 421. IC 9-24-1-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: (a) Except as provided in subsection (b) or as otherwise provided in this article, an individual must hold a valid commercial driver's license to drive a commercial motor vehicle upon an Indiana highway.

(b) Subsection (a) does not apply if the individual:

- (1) holds a valid driver's license of any type;
- (2) is enrolled in a commercial motor vehicle training course approved by the bureau; and
- (3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

(c) A person who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 422. IC 9-24-1-7, AS AMENDED BY P.L.259-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Sections Section 1 through 5 of this chapter do does not apply to the following individuals:

- (1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.
- (2) An individual who is at least sixteen (16) years and one hundred eighty (180) days of age, while operating:

- (A) a road roller;
- (B) (A) road construction or maintenance machinery; except where the road roller or machinery is required to be registered under Indiana law;
- (C) (B) a ditch digging apparatus;
- (D) (C) a well drilling apparatus; or
- (E) (D) a concrete mixer;

that is being temporarily drawn, moved, or propelled on a public highway.

(3) A nonresident who:

- (A) is:
 - (i) at least sixteen (16) years and one hundred eighty (180) days of age; or

(ii) employed in Indiana;

(B) has in the nonresident's immediate possession a valid driver's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a ~~on a highway~~ **the type of motor vehicle upon a public highway only as an operator, for which the driver's license was issued, subject to the restrictions imposed by the home state or country of the individual's residence.**

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway, either as an operator or a public passenger chauffeur.

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) (4) A new **Indiana** resident of **Indiana** who:

(A) possesses a valid ~~unrestricted~~ driver's license issued by the resident's former state **or country of the individual's former residence; and**

(B) **is lawfully admitted in the United States;**

for a period of sixty (60) days after becoming a **an Indiana** resident, **and subject to the restrictions imposed by the state or country of the individual's former residence while operating upon a highway the type of motor vehicle for which the**

driver's license was issued. of Indiana:

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(9) (5) An individual while operating

(A) a farm tractor;

(B) a farm wagon (as defined in IC 9-13-2-60(a)(2)); or

(C) an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a **the** farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, other than to temporarily draw, move, or propel **the** farm wagon (as defined in IC 9-13-2-60(a)(2)), **an it, the** individual must be at least fifteen (15) years of age.

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart or off-road vehicle in the city, county, or town hold a driver's license.

SECTION 423. IC 9-24-2-2.5, AS AMENDED BY P.L.125-2012, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit of a **person an individual** who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

SECTION 424. IC 9-24-2-3, AS AMENDED BY P.L.2-2014, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The bureau may not issue a driver's license or learner's permit or grant driving privileges to the following individuals:

(1) An individual whose driving privileges have been suspended,

during the period for which the driving privileges are suspended, or to an individual whose driver's license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new **driver's** license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new **learner's** permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the **motor vehicle upon the public highways on a highway**.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the **person individual** successfully passes the examination;

or

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a **public highway of Indiana** by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13, IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the **person's individual's** legal status in the United States, as required by IC 9-24-9-2.5.

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents

a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 425. IC 9-24-2-3.1, AS AMENDED BY P.L.85-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial driver's license, the bureau shall not immediately suspend the ~~person's~~ **individual's** commercial driving privileges but shall indicate on the ~~person's~~ **individual's driving** record that the ~~person~~ **individual** has conditional driving privileges to operate a motor vehicle to and from the ~~person's~~ **individual's** place of employment and in the course of the ~~person's~~ **individual's** employment.

(b) Conditional driving privileges described in subsection (a) are valid for thirty (30) days from the date of the notice sent by the bureau. If the ~~person~~ **individual** obtains an order for conditional driving privileges within the thirty (30) days, the ~~person~~ **individual** may continue to operate a motor vehicle with the conditional driving privileges beyond the thirty (30) day period.

(c) If the ~~person~~ **individual** does not obtain an amended order within the thirty (30) day period, the bureau shall suspend the ~~person's~~ **individual's** driving privileges.

SECTION 426. IC 9-24-2-4, AS AMENDED BY P.L.149-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) If a ~~person~~ **an individual** is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by an authorized representative of the ~~person's~~ **individual's** school corporation, suspend the ~~person's~~ **individual's** driving privileges until the earliest of the following:

- (1) The ~~person~~ **individual** becomes eighteen (18) years of age.
- (2) One hundred twenty (120) days after the ~~person~~ **individual** is suspended.
- (3) The suspension, expulsion, or exclusion is reversed after the ~~person~~ **individual** has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the ~~person's~~ **individual's** last known address that states the following:

- (1) That the ~~person's~~ **individual's** driving privileges will be suspended for a specified period commencing five (5) days after the date of the notice.
 - (2) That the ~~person~~ **individual** has the right to appeal the suspension of the driving privileges.
- (c) If an aggrieved ~~person~~ **individual** believes that:
- (1) the information provided was technically incorrect; or
 - (2) the bureau committed a technical or procedural error;
- the aggrieved ~~person~~ **individual** may appeal the invalidation of a **driver's** license under section 5 of this chapter.
- (d) If a ~~person~~ **an individual** satisfies the conditions for reinstatement of a **driver's** license under this section, the ~~person~~ **individual** may submit to the bureau for review the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.
- (e) Upon reviewing and certifying the information received under subsection (d), the bureau shall reinstate the ~~person's~~ **individual's** driving privileges.
- (f) ~~A person~~ **An individual** may not operate a motor vehicle in violation of this section.
- (g) ~~A person~~ **An individual** whose driving privileges are suspended under this section is eligible to apply for specialized driving privileges under IC 9-30-16.
- (h) The bureau shall reinstate the driving privileges of a ~~person~~ **an individual** whose driving privileges were suspended under this section if the ~~person~~ **individual** does the following:
- (1) Establishes to the satisfaction of the principal of the school where the action occurred that caused the suspension of the driving privileges that the ~~person~~ **individual** has:
 - (A) enrolled in a full-time or part-time program of education; and
 - (B) participated for thirty (30) or more days in the program of education.
 - (2) Submits to the bureau a form developed by the bureau that contains:
 - (A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

~~A person~~ **An individual** may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 427. IC 9-24-2-5, AS AMENDED BY P.L.217-2014, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) ~~A person~~ **An individual** whose driving privileges have been suspended under section 4 of this chapter is entitled to a prompt judicial hearing. The ~~person~~ **individual** may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

- (1) the ~~person~~ **individual** resides; or
- (2) the school attended by the ~~person~~ **individual** is located.

(b) The petition for review must:

- (1) be in writing; and
- (2) be verified by the ~~person~~ **individual** seeking review and:
 - (A) allege specific facts that indicate the suspension or expulsion was improper; or
 - (B) allege that, due to the ~~person's~~ **individual's** emancipation or dependents, ~~that~~ an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

- (1) Whether the school followed proper procedures when suspending or expelling the ~~person~~ **individual** from school, including affording the ~~person~~ **individual** due process under IC 20-33-8.
- (2) Whether the bureau followed proper procedures in suspending the ~~person's~~ **individual's** driving privileges.

(d) If the court finds:

- (1) that the school failed to follow proper procedures when suspending or expelling the ~~person~~ **individual** from school; or
- (2) that the bureau failed to follow proper procedures in suspending the ~~person's~~ **individual's** driving privileges;

the court may order the bureau to reinstate the ~~person's~~ **individual's** driving privileges.

(e) The prosecuting attorney of the county in which a petition has

been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(f) In an action under this section, the petitioner has the burden of proof by a preponderance of the evidence.

(g) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 428. IC 9-24-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **A person An individual** who violates this chapter commits a Class C infraction.

SECTION 429. IC 9-24-3-1, AS AMENDED BY P.L.125-2012, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a)** Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of an operator's license under IC 9-24-10.

(4) Pays the **following applicable** fee: ~~prescribed by IC 9-29-9.~~

(A) For an individual who is less than seventy-five (75) years of age, seventeen dollars and fifty cents (\$17.50).

(B) For an individual who is at least seventy-five (75) years

of age but less than eighty-five (85) years of age, eleven dollars (\$11).

(C) For an individual who is at least eighty-five (85) years of age, seven dollars (\$7).

(b) A fee described in subsection (a)(4)(A) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Two dollars (\$2) to the crossroads 2000 fund.

(3) Four dollars and fifty cents (\$4.50) to the motor vehicle highway account.

(4) For an operator's license issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Nine dollars and twenty-five cents (\$9.25) to the commission fund.

(5) For an operator's license issued after June 30, 2019, ten dollars and fifty cents (\$10.50) to the commission fund.

(c) A fee described in subsection (a)(4)(B) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.

(3) Three dollars (\$3) to the motor vehicle highway account.

(4) For an operator's license issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(5) For an operator's license issued after June 30, 2019, six dollars (\$6) to the commission fund.

(d) A fee described in subsection (a)(4)(C) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar (\$1) to the crossroads 2000 fund.

- (3) Two dollars (\$2) to the motor vehicle highway account.**
- (4) For an operator's license issued before July 1, 2019, as follows:**
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) Two dollars and twenty-five cents (\$2.25) to the commission fund.**
- (5) For an operator's license issued after June 30, 2019, three dollars and fifty cents (\$3.50) to the commission fund.**

SECTION 430. IC 9-24-3-2.5, AS AMENDED BY P.L.150-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:

- (1) The individual meets the following conditions:
 - (A) Is at least sixteen (16) years and ninety (90) days of age.
 - (B) Has held a valid learner's permit for at least one hundred eighty (180) days.
 - (C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.
 - (D) Passes the required ~~examination~~: **examinations**.
 - (E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, as provided in subsection (b).
- (2) The individual meets the following conditions:
 - (A) Is at least sixteen (16) years and two hundred seventy (270) days of age.
 - (B) Has held a valid learner's permit for at least one hundred eighty (180) days.
 - (C) Passes the required ~~examination~~: **examinations**.
 - (D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, as provided in subsection (b).
- (3) The individual meets the following conditions:
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.
 - (B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.

- (C) Has held **for at least one hundred eighty (180) days** a valid driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided. ~~for at least one hundred eighty (180) days.~~
 - (D) Passes the required examinations.
- (4) The individual meets the following conditions:
- (A) Is at least eighteen (18) years of age.
 - (B) Has previously been a nonresident ~~of Indiana~~ but, at the time of application, qualifies as an Indiana resident.
 - (C) Held a valid driver's license, excluding a learner's permit or the equivalent, from the state **or country** of prior residence.
 - (D) Passes the required examinations.
- (5) The individual meets the following conditions:
- (A) Is at least eighteen (18) years of age.
 - (B) Is a person with a disability.
 - (C) Has successfully completed driver rehabilitation training by a certified driver rehabilitation specialist recognized by the bureau.
 - (D) Passes the required examinations.
- (b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must do the following:
- (1) If the applicant is less than eighteen (18) years of age, complete the practice driving with:
- (A) a licensed driver, with valid driving privileges, who is:
 - (i) at least twenty-five (25) years of age; and
 - (ii) related to the applicant by blood, marriage, or legal status;
 - (B) the spouse of the applicant who is:
 - (i) a licensed driver with valid driving privileges; and
 - (ii) at least twenty-one (21) years of age; or
 - (C) an individual with valid driving privileges who:
 - (i) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or
 - (ii) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver

rehabilitation program.

(2) If the applicant is at least eighteen (18) years of age, complete the driving practice with:

(A) a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or

(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age.

(3) Submit to the commission under IC 9-24-9-2(c) evidence of the time logged in practice driving.

SECTION 431. IC 9-24-3-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 4. To receive an operator's license, an individual must surrender to the bureau any and all driver's licenses, identification cards, or photo exempt identification cards issued under IC 9-24 to the individual by Indiana or any other jurisdiction.~~

SECTION 432. IC 9-24-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. (a) This section applies after December 31, 2016.**

(b) The holder of an operator's license is entitled to operate a motor vehicle on a highway. An operator's license does not entitle the holder to operate the following:

(1) A commercial motor vehicle.

(2) A motorcycle, other than an autocycle.

(3) A Class A motor driven cycle.

(4) A vehicle that is operated for hire.

(c) A commercial driver's license or commercial learner's permit is required to operate a commercial motor vehicle.

(d) A motorcycle endorsement under IC 9-24-8.5 or a motorcycle learner's permit is required to operate the following:

(1) A motorcycle, other than an autocycle.

(2) A Class A motor driven cycle.

(e) A for-hire endorsement under IC 9-24-8.5 entitles the holder to operate the following:

(1) A motor vehicle that is:

(A) registered as having a gross weight of at least sixteen thousand (16,000) pounds; and

(B) used to transport property for hire.

- (2) A motor vehicle that is used to transport passengers for hire.**
- (f) The following are not considered transporting for hire:**
 - (1) Operating a medical services vehicle.**
 - (2) Transporting a recreational vehicle before the first retail sale of the recreational vehicle when:**
 - (A) the gross weight of the recreational vehicle is not more than twenty-six thousand (26,000) pounds; or**
 - (B) the gross combination weight of the recreational vehicle and towing vehicle is not greater than twenty-six thousand (26,000) pounds, including the gross weight of the towed recreational vehicle, and the weight of the towed recreational vehicle is not greater than ten thousand (10,000) pounds.**
 - (3) Operating a motor vehicle that is:**
 - (A) registered as having a gross weight of less than sixteen thousand (16,000) pounds; and**
 - (B) used to transport property for hire.**

SECTION 433. IC 9-24-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. (a) The bureau may not issue a chauffeur's license after December 31, 2016.**

(b) Notwithstanding subsection (a), a chauffeur's license issued before January 1, 2017, remains valid, unless otherwise suspended or revoked, until the expiration date printed on the chauffeur's license.

(c) This chapter expires July 1, 2024.

SECTION 434. IC 9-24-4-1, AS AMENDED BY P.L.125-2012, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1. (a) Except as otherwise provided in this article, the bureau shall issue a chauffeur's license to an individual who meets the following conditions:**

- (1) Satisfies the age requirements described in section 2 of this chapter.**
- (2) Has operated a motor vehicle, excluding operation under a learner's permit, for more than one (1) year.**
- (3) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau.**

(4) Satisfactorily passes the examination and tests required for issuance of a chauffeur's license under IC 9-24-10.

(5) Pays the **following applicable fee**: ~~prescribed in IC 9-29-9.~~

(A) For an individual who is less than seventy-five (75) years of age, twenty-two dollars and fifty cents (\$22.50).

(B) For an individual who is at least seventy-five (75) years of age, eighteen dollars and fifty cents (\$18.50).

(b) A fee described in subsection (a)(5)(A) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(4) Seven dollars and seventy-five cents (\$7.75) to the commission fund.

(5) Nine dollars (\$9) to the motor vehicle highway account.

(c) A fee described in subsection (a)(5)(B) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) Six dollars (\$6) to the motor vehicle highway account.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Six dollars and seventy-five cents (\$6.75) to the commission fund.

(d) This section expires December 31, 2016.

SECTION 435. IC 9-24-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), an individual must be at least eighteen (18) years of age to receive a chauffeur's license.

(b) The bureau may waive up to six (6) months of the age and experience requirements for an individual making an application for the individual's initial chauffeur's license due to hardship conditions.

(c) The bureau shall adopt rules under IC 4-22-2 to state the conditions under which the age requirements may be waived.

(d) This section expires December 31, 2016.

SECTION 436. IC 9-24-4-3, AS AMENDED BY P.L.125-2012, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** To receive a chauffeur's license, an individual must surrender to the bureau all driver's licenses issued to the individual by Indiana or any other jurisdiction.

(b) This section expires December 31, 2016.

SECTION 437. IC 9-24-4-4, AS AMENDED BY P.L.221-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle, Class A motor driven cycle, or commercial motor vehicle without a proper permit or endorsement, upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

(b) This section expires December 31, 2016.

SECTION 438. IC 9-24-4-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. **(a) This section applies after December 31, 2016.**

(b) The holder of a valid chauffeur's license is entitled to the same driving privileges as the holder of an operator's license with a for-hire endorsement under IC 9-24-8.5.

SECTION 439. IC 9-24-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a)** A person may not employ another person as a chauffeur to operate a motor vehicle unless the other person is licensed as chauffeur under this chapter.

(b) This section expires December 31, 2016.

SECTION 440. IC 9-24-4-5.3, AS ADDED BY P.L.76-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.3. **(a)** An individual is not required to hold a chauffeur's license in order to transport a recreational vehicle prior to the first retail sale of the recreational vehicle if:

- (1) the gross weight of the recreational vehicle is not more than twenty-six thousand (26,000) pounds; or
- (2) the gross combination weight of the combination of recreational vehicle and towing vehicle is not more than twenty-six thousand (26,000) pounds, including a towed recreational vehicle with a gross weight of not more than ten

thousand (10,000) pounds.

(b) This section expires December 31, 2016.

SECTION 441. IC 9-24-4-5.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5.5: Notwithstanding any other law, a person holding a chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle.~~

SECTION 442. IC 9-24-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~(a) A person who~~ **that** violates this chapter commits a Class C infraction.

(b) This section expires December 31, 2016.

SECTION 443. IC 9-24-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. (a) The bureau may not issue a public passenger chauffeur's license after December 31, 2016.**

(b) Notwithstanding subsection (a), a public passenger chauffeur's license issued before January 1, 2017, remains valid, unless otherwise suspended or revoked, until the expiration date printed on the public passenger chauffeur's license.

(c) This chapter expires July 1, 2022.

SECTION 444. IC 9-24-5-1, AS AMENDED BY P.L.125-2012, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a) Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:**

- (1) Is at least eighteen (18) years of age.
- (2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.
- (3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.
- (4) Has operated a motor vehicle, excluding operation under a learner's permit, for at least two (2) years.
- (5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.
- (6) ~~Pays the fee prescribed in IC 9-29-9: a fee of eighteen dollars and fifty cents (\$18.50). The fee shall be distributed as follows:~~
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
 - (B) Four dollars (\$4) to the crossroads 2000 fund.**

(C) Six dollars (\$6) to the motor vehicle highway account.

(D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(E) Six dollars and seventy-five cents (\$6.75) to the commission fund.

(b) This section expires December 31, 2016.

SECTION 445. IC 9-24-5-3, AS AMENDED BY P.L.221-2014, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** A public passenger chauffeur's license entitles the licensee to:

(1) transport persons for hire; and

(2) operate a motor vehicle, except a commercial motor vehicle, a Class A motor driven cycle, or a motorcycle without the proper permit or endorsement;

upon a public highway.

(b) This section expires December 31, 2016.

SECTION 446. IC 9-24-5-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.1. (a) This section applies after December 31, 2016.**

(b) The holder of a valid public passenger chauffeur's license is entitled to the same driving privileges as the holder of an operator's license with a for-hire endorsement under IC 9-24-8.5.

SECTION 447. IC 9-24-5-4, AS AMENDED BY P.L.125-2012, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** To receive a public passenger chauffeur's license, an individual must surrender all driver's licenses issued to the individual by Indiana or any other jurisdiction.

(b) This section expires December 31, 2016.

SECTION 448. IC 9-24-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a)** A person may not employ another person as a public passenger chauffeur to operate a motor vehicle unless the other person is licensed as a public passenger chauffeur under this chapter.

(b) This section expires December 31, 2016.

SECTION 449. IC 9-24-5-5.5, AS AMENDED BY P.L.125-2012, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. **(a)** Notwithstanding any other

law, a person holding a public passenger chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle.

(b) This section expires December 31, 2016.

SECTION 450. IC 9-24-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A person ~~who~~ **that** violates this chapter commits a Class C infraction.

(b) This section expires December 31, 2016.

SECTION 451. IC 9-24-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Commercial Driver's License).

SECTION 452. IC 9-24-6.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 6.1. Commercial Driver's License Program

Sec. 1. This chapter, including any rules adopted by the bureau to implement this chapter, applies to the following:

- (1) The holder of a commercial driver's license or commercial learner's permit.**
- (2) The operator of a commercial motor vehicle.**
- (3) A person that employs an operator of a commercial motor vehicle.**
- (4) A person that:**
 - (A) educates or trains an individual; or**
 - (B) prepares an individual for:**
 - (i) an examination given by the bureau; or**
 - (ii) testing described in section 5 of this chapter;****to operate a commercial motor vehicle as a vocation.**
- (5) A student of a person described in subdivision (4).**

Sec. 2. (a) The bureau shall develop and implement a commercial driver's license program to:

- (1) issue commercial driver's licenses, commercial learner's permits, and related endorsements; and**
- (2) regulate persons required to hold a commercial driver's license.**

(b) Subject to IC 8-2.1-24-18, the program under subsection (a) must include procedures required to comply with 49 CFR 383 through 49 CFR 399.

(c) The bureau may adopt emergency rules in the manner

provided under IC 4-22-2-37.1 to implement this chapter.

Sec. 3. (a) An individual may not operate a commercial motor vehicle unless the individual holds a valid commercial driver's license or commercial learner's permit issued by the bureau or another jurisdiction.

(b) An individual who violates this section commits a Class C infraction.

Sec. 4. (a) The fee for a commercial driver's license issued before January 1, 2017, is thirty-six dollars (\$36). The fee shall be distributed as follows:

- (1) One dollar and fifty cents (\$1.50) to the state motor vehicle technology fund.**
- (2) Fifteen dollars (\$15) to the motor vehicle highway account.**
- (3) Five dollars (\$5) to the integrated public safety communications fund.**
- (4) Fourteen dollars and fifty cents (\$14.50) to the commission fund.**

(b) The fee for a commercial driver's license issued after December 31, 2016, is thirty-five dollars (\$35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) Two dollars (\$2) to the crossroads 2000 fund.**
- (4) For a commercial driver's license issued before July 1, 2019, as follows:**

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(5) For a commercial driver's license issued after June 30, 2019, six dollars (\$6) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

(c) The fee for a commercial learner's permit is seventeen dollars (\$17). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**

- (2) Two dollars (\$2) to the crossroads 2000 fund.
- (3) For a commercial learner's permit issued before July 1, 2019, one dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (4) To the commission fund as follows:
 - (A) For a commercial learner's permit issued before January 1, 2017, twelve dollars and seventy-five cents (\$12.75).
 - (B) For a commercial learner's permit issued after December 31, 2016, and before July 1, 2019, five dollars (\$5).
 - (C) For a commercial learner's permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25).
- (5) To the motor vehicle highway account as follows:
 - (A) For a commercial learner's permit issued before January 1, 2017, fifty cents (\$0.50).
 - (B) For a commercial learner's permit issued after December 31, 2016, eight dollars and twenty-five cents (\$8.25).

(d) The payment of a fee imposed under this section does not relieve the holder of a commercial driver's license or commercial learner's permit of responsibility for the following fees, as applicable:

- (1) The fee to issue an amended or a replacement license or permit.
- (2) A fee to add or remove an endorsement to a license or permit.
- (3) The administrative penalty for the delinquent renewal of a license or permit.

Sec. 5. The bureau may contract with public and private institutions, agencies, businesses, and organizations to conduct testing required to implement the program. A person that conducts testing under this section may impose, collect, and retain fees for conducting the testing.

Sec. 6. An individual may not operate a commercial motor vehicle with an alcohol concentration equivalent to at least four-hundredths (0.04) gram but less than eight-hundredths (0.08) gram of alcohol per:

- (1) one hundred (100) milliliters of the individual's blood; or

(2) two hundred ten (210) liters of the individual's breath.
An individual who violates this section commits a Class C infraction.

Sec. 7. An individual who:

(1) is:

(A) disqualified from operating a commercial motor vehicle by the bureau or the appropriate authority from another jurisdiction; or

(B) subject to an out-of-service order; and

(2) operates a commercial motor vehicle;

commits a Class C misdemeanor.

Sec. 8. A person that knowingly allows, requires, permits, or authorizes an individual to operate a commercial motor vehicle during a period in which:

(1) the individual is disqualified from operating a commercial motor vehicle by the bureau or the appropriate authority from another jurisdiction; or

(2) the individual, the commercial motor vehicle, or the motor carrier operation is subject to an out-of-service order;

commits a Class C misdemeanor.

Sec. 9. (a) A person that violates or fails to comply with an out-of-service order is subject to a civil penalty in accordance with federal law.

(b) A civil penalty assessed under this section:

(1) must be collected by the clerk of the court and transferred:

(A) to the motor vehicle highway account; or

(B) to the bureau for deposit in the motor vehicle highway account; and

(2) is a judgment subject to proceedings supplemental by the bureau.

SECTION 453. IC 9-24-6.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Hazardous Materials Endorsement Application and Renewal).

SECTION 454. IC 9-24-7-1, AS AMENDED BY P.L.125-2012, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The bureau shall issue a learner's permit to an individual who **satisfies the following conditions:**

(1) is at least fifteen (15) years of age;

(1) Makes a proper application in the form and manner

prescribed by the bureau.

(2) Pays a fee under subsection (b) or (c), as applicable.

~~(2)~~ **(3)** If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.

~~(3)~~ is enrolled in an approved driver education course; and

(4) Has passed a written examination as required under IC 9-24-10.

~~(b)~~ The bureau shall issue a learner's permit to an individual who:

~~(+)~~ **(5) Either:**

(A) is at least sixteen (16) years of age;

~~(2)~~ if less than eighteen (~~18~~) years of age, is not ineligible under ~~IC 9-24-2~~; and

~~(3)~~ has passed a written examination as required under ~~IC 9-24-10~~; or

(B) if at least fifteen (15) years of age but less than sixteen (16) years of age, is enrolled in an approved driver education course.

(b) The fee for a learner's permit issued before January 1, 2017, is nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the motor vehicle highway account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars (\$2) to the crossroads 2000 fund.

(4) One dollar and seventy-five cents (\$1.75) to the integrated public safety communications fund.

(5) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(c) The fee for a learner's permit issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the motor vehicle highway account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars (\$2) to the crossroads 2000 fund.

(4) For a learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the

integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(5) For a learner's permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

SECTION 455. IC 9-24-7-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2. The instructor of an approved driver education course shall validate or certify a learner's permit when the holder has satisfactorily completed the course. If the instructor is unable to certify the actual learner's permit, the instructor may certify that the holder has satisfactorily completed the course in a manner the bureau prescribes.

SECTION 456. IC 9-24-7-4, AS AMENDED BY P.L.150-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, **a Class A motor driven cycle**, or a commercial motor vehicle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied in the **front seat of the motor vehicle** beside the holder by an individual with valid driving privileges who:

(A) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or

(B) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver rehabilitation program.

(2) While the holder is participating in practice driving after having commenced an approved driver education course and **is accompanied in the front seat of the motor vehicle** beside the holder is occupied by **an individual a licensed driver** with valid driving privileges who is at least:

(A) twenty-five (25) years of age and related to the applicant by blood, marriage, or legal status; or

(B) if the licensed **driver individual** is the holder's spouse, twenty-one (21) years of age.

(3) If the holder is not participating in an approved driver education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if **accompanied in the**

front seat of the motor vehicle beside the holder is occupied by an individual who is:

- (A) a licensed driver, with valid driving privileges, who is:
 - (i) at least twenty-five (25) years of age; and
 - (ii) related to the applicant by blood, marriage, or legal status;
 - (B) the spouse of the applicant who is:
 - (i) a licensed driver with valid driving privileges; and
 - (ii) at least twenty-one (21) years of age; or
 - (C) an individual with valid driving privileges who:
 - (i) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or
 - (ii) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver rehabilitation program.
- (4) If the holder is not participating in an approved driver education course, and is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the front seat of the **motor** vehicle by an individual who is:
- (A) a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or
 - (B) the spouse of the applicant who is:
 - (i) a licensed driver with valid driving privileges; and
 - (ii) at least twenty-one (21) years of age.

SECTION 457. IC 9-24-8-0.5, AS ADDED BY P.L.82-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. The operator of an autocycle is not required to hold a motorcycle learner's permit. ~~or motorcycle endorsement.~~

SECTION 458. IC 9-24-8-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1. The bureau shall determine reasonable standards for, develop, and issue the following:~~

- ~~(1) A motorcycle learner's permit.~~
- ~~(2) A motorcycle license endorsement.~~

SECTION 459. IC 9-24-8-3, AS AMENDED BY P.L.221-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid ~~operator's, chauffeur's, public passenger chauffeur's, or commercial driver's~~ license issued under this article.

(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(3) The individual makes a proper application in the form and manner prescribed by the bureau.

(4) The individual pays the appropriate fee under subsection (c) or (d).

(b) A motorcycle learner's permit authorizes the ~~permit's~~ holder to operate a motorcycle or Class A motor driven cycle upon a highway ~~during a period of one (1) year~~ under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation ~~under described in 49 CFR 571.218 as in effect January 1, 1979;~~ **2000.**

(2) The motorcycle or Class A motor driven cycle is operated only during ~~daylight hours;~~ **the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.**

(3) The motorcycle or Class A motor driven cycle does not carry passengers other than the operator.

~~(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.~~

(c) The fee for a motorcycle learner's permit issued before January 1, 2017, is nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

(1) One dollar (\$1) to the state motor vehicle technology fund.

(2) One dollar (\$1) to the motor vehicle highway account.

(3) Two dollars (\$2) to the crossroads 2000 fund.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Four dollars and twenty-five cents (\$4.25) to the commission fund.

(d) The fee for a motorcycle learner's permit issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed

as follows:

- (1) **Twenty-five cents (\$0.25) to the motor vehicle highway account.**
- (2) **Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) **Two dollars (\$2) to the crossroads 2000 fund.**
- (4) **For a motorcycle learner's permit issued before July 1, 2019, as follows:**
 - (A) **One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
 - (B) **Five dollars (\$5) to the commission fund.**
- (5) **For a motorcycle learner's permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.**

(e) The fee for a motorcycle operational skills test administered under this chapter is as follows:

- (1) **For tests given by state employees, the fee is five dollars (\$5) and shall be deposited in the motor vehicle highway account under IC 8-14-1.**
- (2) **For tests given by a contractor approved by the bureau, the fee is:**
 - (A) **determined under rules adopted by the bureau under IC 4-22-2 to cover the direct costs of administering the test; and**
 - (B) **paid to the contractor.**

SECTION 460. IC 9-24-8-4, AS AMENDED BY P.L.149-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsections (b) and (c), the bureau shall validate an operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license for motorcycle operation upon a highway by endorsement to a person who:

- (1) **satisfactorily completes the written and approved operational skills tests;**
- (2) **satisfactorily completes a motorcycle operator safety education course approved by the bureau as set forth in IC 9-27-7;**
- or
- (3) **holds a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and**

successfully completes the written test.

The bureau may waive the testing requirements for an individual who has completed a course described in subdivision (2).

(b) The bureau may not issue a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

(c) If an applicant for a motorcycle license endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction is less than eighteen (18) years of age, the bureau may not issue a license endorsement described in subsection (a) or (g), as applicable, if the applicant is ineligible under IC 9-24-2-1.

(d) The bureau shall develop and implement both a written test and an operational skills test to determine whether an applicant for a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction demonstrates the necessary knowledge and skills to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau may adopt rules under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction.

(e) An individual may apply for a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction not later than the expiration date of the permit. However, an individual who holds a learner's permit and does not pass the operating skills examination after a third attempt is not eligible to take the examination

until two (2) months after the date of the last failed examination.

(f) ~~A person~~ **An individual** who held a valid Indiana motorcycle operator's license on December 31, 2011, may be issued a motorcycle operator's endorsement after December 31, 2011, on a valid Indiana operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license after:

- (1) making the appropriate application for endorsement;
- (2) passing the appropriate examinations; and
- (3) paying the **following** appropriate fee: ~~set forth in IC 9-29-9-7 or IC 9-29-9-8.~~

(A) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction of an operator's or commercial driver's license issued to an individual who is less than seventy-five (75) years of age, twelve dollars (\$12). The fee shall be distributed as follows:

- (i) One dollar (\$1) to the crossroads 2000 fund.**
- (ii) Two dollars and twenty-five cents (\$2.25) to the motor vehicle highway account.**
- (iii) One dollar (\$1) to the state motor vehicle technology fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (v) Six dollars and fifty cents (\$6.50) to the commission fund.**

(B) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction of an operator's or commercial driver's license issued to an individual who is at least seventy-five (75) years of age, ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

- (i) Seventy-five cents (\$0.75) to the motor vehicle highway account.**
- (ii) One dollar (\$1) to the state motor vehicle technology fund.**
- (iii) One dollar (\$1) to the crossroads 2000 fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**

(v) Six dollars and fifty cents (\$6.50) to the commission fund.

(C) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under this section and IC 9-24-12-7 of a chauffeur's license issued to an individual who is less than seventy-five (75) years of age, twelve dollars (\$12). The fee shall be distributed as follows:

(i) One dollar (\$1) to the crossroads 2000 fund.

(ii) Two dollars and twenty-five cents (\$2.25) to the motor vehicle highway account.

(iii) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(v) Seven dollars (\$7) to the commission fund.

(D) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under this section and IC 9-24-12-7 of a chauffeur's license issued to an individual who is at least seventy-five (75) years of age, ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

(i) Seventy-five cents (\$0.75) to the motor vehicle highway account.

(ii) One dollar (\$1) to the crossroads 2000 fund.

(iii) One dollar (\$1) to the state motor vehicle technology fund.

(iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(v) Six dollars and fifty cents (\$6.50) to the commission fund.

(E) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under this section and IC 9-24-12-7 of a public passenger chauffeur's license, eight dollars and fifty cents (\$8.50). The fee shall be distributed as follows:

(i) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(ii) One dollar (\$1) to the crossroads 2000 fund.

(iii) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(iv) Five dollars and fifty cents (\$5.50) to the commission fund.

(g) Except as provided in subsections (b) and (c), the bureau may validate a driver's license described in subsection (a) for Class A motor driven cycle operation upon a highway by endorsement with a Class A motor driven cycle restriction to a person who:

(1) makes the appropriate application for endorsement;

(2) satisfactorily completes:

(A) the written and approved operational skills tests described in subsection (a)(1); or

(B) a motorcycle operator safety education course described in IC 9-27-7; and

(3) pays the appropriate fees under ~~IC 9-29-9~~ following applicable fee:

(A) For an individual who is less than seventy-five (75) years of age, twelve dollars (\$12). The fee shall be distributed as follows:

(i) One dollar (\$1) to the crossroads 2000 fund.

(ii) Two dollars and twenty-five cents (\$2.25) to the motor vehicle highway account.

(iii) One dollar (\$1) to the state motor vehicle technology fund.

(iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(v) Six dollars and fifty cents (\$6.50) to the commission fund.

(B) For an individual who is at least seventy-five (75) years of age, ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

(i) Seventy-five cents (\$0.75) to the motor vehicle highway account.

(ii) One dollar (\$1) to the state motor vehicle technology fund.

(iii) One dollar (\$1) to the crossroads 2000 fund.

(iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(v) Six dollars and fifty cents (\$6.50) to the commission fund.

(h) This section expires December 31, 2016.

SECTION 461. IC 9-24-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 8.5. Endorsements

Sec. 1. This chapter applies to an operator's license or a commercial driver's license that is issued or renewed after December 31, 2016.

Sec. 2. (a) An operator's license may include one (1) or more of the following:

(1) A motorcycle endorsement under IC 9-24-8-4 (before its expiration) or section 3 of this chapter.

(2) A for-hire endorsement under section 5 of this chapter.

(b) A commercial driver's license may include one (1) or more of the following:

(1) A motorcycle endorsement under IC 9-24-8-4 (before its expiration) or section 3 of this chapter.

(2) An endorsement under IC 9-24-6.1, including under any rules adopted under IC 9-24-6.1.

Sec. 3. (a) The bureau shall add a motorcycle endorsement to a driver's license if the holder meets the following conditions:

(1) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(2) Makes a proper application in the form and manner prescribed by the bureau.

(3) Has passed a written examination developed by the bureau concerning the safe operation of a motorcycle.

(4) Satisfactorily completes an operational skills test at a location approved by the bureau.

(5) Pays a fee of nineteen dollars (\$19). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and twenty-five cents (\$1.25) to the motor vehicle highway account.

(C) For an endorsement issued before July 1, 2019:

(i) One dollar and twenty-five cents (\$1.25) to the

integrated public safety communications fund.

(ii) Sixteen dollars (\$16) to the commission fund.

(D) For an endorsement issued after June 30, 2019, seventeen dollars and twenty-five cents (\$17.25) to the commission fund.

(b) The bureau may waive the testing requirements under subsection (a)(3) and (a)(4) for an individual who satisfactorily completes a motorcycle operator safety course approved by the bureau as set forth in IC 9-27-7.

(c) The bureau may waive the operational skills test under subsection (a)(4) for an individual who holds a valid motorcycle endorsement or motorcycle license from any other jurisdiction.

(d) An individual who fails the operational skills test under subsection (a)(4) three (3) consecutive times is not eligible to retake the test until two (2) months after the date of the most recent failed test.

(e) The fee for a motorcycle operational skills test administered under this chapter is as follows:

(1) For tests given by state employees, the fee is five dollars (\$5) and shall be deposited in the motor vehicle highway account under IC 8-14-1.

(2) For tests given by a contractor approved by the bureau, the fee is:

(A) determined under rules adopted by the bureau under IC 4-22-2 to cover the direct costs of administering the test; and

(B) paid to the contractor.

Sec. 4. (a) In addition to the operating privileges granted to the holder of an operator's license, the holder of an operator's license with a motorcycle endorsement is entitled to operate a motorcycle or a Class A motor driven cycle on a highway.

(b) In addition to the operating privileges granted to the holder of an operator's license, the holder of an operator's license with a motorcycle endorsement with a Class A motor driven cycle restriction is entitled to operate a Class A motor driven cycle upon a highway.

(c) A motorcycle endorsement is not required to operate an autocycle.

Sec. 5. The bureau shall add a for-hire endorsement to an

operator's license if the holder meets the following conditions:

- (1) Is at least eighteen (18) years of age.
- (2) Has held a valid driver's license for more than one (1) year.
- (3) Makes a proper application in a form and manner prescribed by the bureau.
- (4) Satisfactorily passes a written test approved by the bureau.
- (5) Pays a fee of nineteen dollars (\$19). The fee shall be distributed as follows:
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (B) One dollar and twenty-five cents (\$1.25) to the motor vehicle highway account.
 - (C) For an endorsement issued before July 1, 2019:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Sixteen dollars (\$16) to the commission fund.
 - (D) For an endorsement issued after June 30, 2019, seventeen dollars and twenty-five cents (\$17.25) to the commission fund.

Sec. 6. (a) In addition to the operating privileges granted to the holder of an operator's license, an operator's license with a for-hire endorsement entitles the holder to operate the following:

- (1) A motor vehicle that is:
 - (A) registered as having a gross weight of at least sixteen thousand (16,000) pounds but not more than twenty-six thousand (26,000) pounds; and
 - (B) operated for the purpose of transporting property for hire.
- (2) A motor vehicle that is:
 - (A) designed to transport fewer than sixteen (16) passengers, including the driver; and
 - (B) operated for the purpose of transporting passengers for hire.

(b) The holder of an operator's license with a for-hire endorsement is not entitled to operate a commercial motor vehicle.

Sec. 7. A person may not employ an individual to operate a motor vehicle in a manner for which a for-hire endorsement is

required unless the individual holds one (1) of the following:

- (1) A valid operator's license with a for-hire endorsement.
- (2) A valid commercial driver's license.
- (3) A valid chauffeur's license issued under IC 9-24-4 (before its expiration).
- (4) A valid public passenger chauffeur's license issued under IC 9-24-5 (before its expiration).

Sec. 8. A person that violates this chapter commits a Class C infraction.

SECTION 462. IC 9-24-9-1, AS AMENDED BY P.L.128-2015, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Each application for a permit or **driver's** license under this chapter must:

- (1) be made upon the approved form for the application furnished by the bureau;
- (2) include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct; and
- (3) include a voter registration form as provided in IC 3-7-14 and 52 U.S.C. 20504(c)(1).

However, an online application does not have to include a voter registration form under subdivision (3).

(b) The Indiana election commission may prescribe a voter registration form for use under subsection (a) that is a separate document from the remaining portions of the application described in subsection (a)(1) and (a)(2) if the voter registration form remains a part of the application, as required under 52 U.S.C. 20504(c)(1).

SECTION 463. IC 9-24-9-2, AS AMENDED BY P.L.149-2015, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), each application for a **driver's** license or permit under this chapter must require the following information:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:

- (A) valid Social Security number; or
- (B) verification of an applicant's:
 - (i) ineligibility to be issued a Social Security number; and
 - (ii) identity and lawful status.
- (7) Whether the applicant has been subject to fainting spells or seizures.
- (8) Whether the applicant has been ~~licensed as an operator, a chauffeur, or a public passenger chauffeur~~ **issued a driver's license** or has been the holder of a ~~learner's~~ permit, and if so, when and by what ~~state~~ **jurisdiction**.
- (9) Whether the applicant's **driver's** license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.
- (10) Whether the applicant has been convicted of:
 - (A) a crime punishable as a felony under Indiana motor vehicle law; or
 - (B) any other felony in the commission of which a motor vehicle was used;
 that has not been expunged by a court.
- (11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability. ~~and other information the bureau directs.~~
- (12) The signature of the applicant showing the applicant's legal name as it appears or will appear on the **driver's** license or permit.
- (13) A digital photograph of the applicant.
- (14) Any other information the bureau requires.**

~~The bureau shall maintain records of the information provided under subdivisions (1) through (13):~~

(b) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(c) In addition to the information required by subsection (a), an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or

IC 9-24-3-2.5(a)(2)(D) must submit to the bureau evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided:

(d) In addition to the information required under subsection (a), an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a member of the armed forces of the United States and wishes to have an indication of the applicant's veteran or active military or naval service status appear on the license or permit. An applicant who wishes to have an indication of the applicant's veteran or active military or naval service status appear on a license or permit must:

- (1) indicate on the application that the applicant:
 - (A) is a member of the armed forces of the United States; and
 - (B) wishes to have an indication of the applicant's veteran or active military or naval service status appear on the license or permit; and
- (2) verify the applicant's:
 - (A) veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States; or
 - (B) active military or naval service status by means of a current armed forces identification card.

The bureau shall maintain records of the information provided under this subsection:

- (e) The bureau may adopt rules under IC 4-22-2 to:
 - (1) verify an applicant's identity, lawful status, and residence; and
 - (2) invalidate on a temporary basis a license or permit that has been issued based on fraudulent documentation.

SECTION 464. IC 9-24-9-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.3. (a) An application for a driver's license or permit to be issued under this article must enable the applicant to indicate the following:**

- (1) The applicant is a veteran and wishes to have an indication of the applicant's veteran status appear on the driver's license or permit.**
- (2) The applicant has a medical condition of note and wishes to have an identifying symbol and a brief description of the**

medical condition appear on the driver's license or permit.

(b) The bureau shall inform an applicant that submission of information under this section is voluntary.

SECTION 465. IC 9-24-9-2.5, AS AMENDED BY P.L.162-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. In addition to the information required from the applicant for a **driver's** license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

- (1) is a citizen or national of the United States;
- (2) is an alien lawfully admitted for permanent residence in the United States;
- (3) has conditional permanent resident status in the United States;
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) is an alien lawfully admitted for temporary residence in the United States;
- (6) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (7) has a pending application for asylum in the United States;
- (8) has a pending or approved application for temporary protected status in the United States;
- (9) has approved deferred action status; or
- (10) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

SECTION 466. IC 9-24-9-3, AS AMENDED BY P.L.156-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** The application of an individual less than eighteen (18) years of age for a permit or **driver's** license under this chapter must be signed and sworn to or affirmed by one (1) of the following in order of preference:

- (1) The parent having custody of the minor applicant or a designee of the custodial parent specified by the custodial parent.
- (2) The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent.

(3) The guardian having custody of the minor applicant.

(4) In the absence of a person described in subdivisions (1) through (3), any other adult who is willing to assume the obligations imposed by the provisions of this chapter.

(b) The bureau shall require an individual signing an application under subsection (a) to present a valid form of identification in a manner prescribed by the bureau.

SECTION 467. IC 9-24-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An individual who signs an application for a permit or **driver's** license under this chapter agrees to be responsible jointly and severally with the minor applicant for any injury or damage that the minor applicant causes by reason of the operation of a motor vehicle if the minor applicant is liable in damages.

(b) An individual who has signed the application of a minor applicant for a permit or **driver's** license may subsequently file with the bureau a verified written request that the permit or **driver's** license be canceled. The bureau shall cancel the permit or **driver's** license, and the individual who signed the application of the minor applicant shall be relieved from the liability that is imposed under this chapter by reason of having signed the application and that is subsequently incurred by the minor applicant in operating a motor vehicle.

(c) When a minor applicant becomes eighteen (18) years of age, the individual who signed the minor's application is relieved from the liability imposed under this chapter and subsequently incurred by the applicant operating a motor vehicle.

SECTION 468. IC 9-24-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the individual who signs an application of a minor applicant dies, the minor permittee or licensee shall notify the bureau of the death and obtain a new signer.

(b) The bureau, upon:

(1) receipt of satisfactory evidence of the death of the individual who signed an application of a minor applicant for a permit or **driver's** license; and

(2) the failure of the minor permittee or licensee to obtain a new signer;

shall cancel the minor's permit or **driver's** license and may not issue a new permit or **driver's** license until the time that a new application is

signed and an affidavit described in section 1 of this chapter is made.

SECTION 469. IC 9-24-9-5.5, AS ADDED BY P.L.62-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) Any male who:

- (1) applies for issuance or renewal of ~~any~~ a **driver's** license; ~~listed in IC 9-24-1-1;~~
 - (2) is less than twenty-six (26) years of age; and
 - (3) is or will be required to register under 50 U.S.C. App. 453(a);
- may authorize the bureau to register him with the Selective Service System in compliance with the requirements of the federal Military Selective Service Act under 50 U.S.C. App. 451 et seq.

(b) The application form for a driver's license or driver's license renewal must include a box that an applicant can check to:

- (1) identify the applicant as a male who is less than twenty-six (26) years of age; and
- (2) indicate the applicant's intention to authorize the bureau to submit the necessary information to the Selective Service System to register the applicant with the Selective Service System in compliance with federal law.

(c) The application form for a driver's license or driver's license renewal shall contain the following statement beneath the box described in subsection (b):

"Failure to register with the Selective Service System in compliance with the requirements of the federal Military Selective Service Act, 50 U.S.C. App. 451 et seq., is a felony and is punishable by up to five (5) years imprisonment and a two hundred fifty thousand dollar (\$250,000) fine. Failure to register may also render you ineligible for certain federal benefits, including student financial aid, job training, and United States citizenship for male immigrants. By checking the above box, I am consenting to registration with the Selective Service System. If I am less than eighteen (18) years of age, I understand that I am consenting to registration with the Selective Service System when I become eighteen (18) years of age."

(d) When authorized by the applicant in conformity with this section, the bureau shall forward the necessary registration information provided by the applicant to the Selective Service System in the electronic format or other format approved by the Selective Service

System.

(e) Failure of an applicant to authorize the bureau to register the applicant with the Selective Service System is not a basis for denying the applicant driving privileges.

~~(f) This section is effective January 1, 2009.~~

SECTION 470. IC 9-24-9-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 7: The bureau may:~~

~~(1) adopt rules under IC 4-22-2; and~~

~~(2) prescribe all necessary forms;~~

~~to implement this chapter.~~

SECTION 471. IC 9-24-10-1, AS AMENDED BY P.L.85-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. An individual who applies **under this chapter** for a permit or **driver's** license ~~under this chapter~~ and who is required by this chapter to take an examination shall:

(1) appear before a member of the bureau ~~designated by the commissioner; or commission;~~ or

(2) appear before an instructor having an endorsement under IC 9-27-6-8 who did not instruct the individual applying for the license or permit in driver education;

and be examined concerning the applicant's qualifications and ability to operate a motor vehicle upon ~~Indiana highways:~~ **a highway.**

SECTION 472. IC 9-24-10-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2: The bureau may adopt rules under IC 4-22-2 necessary for the conduct of examinations for a learner's permit, an operator's license, a chauffeur's license, and a public passenger chauffeur's license in accordance with this chapter concerning the qualifications and ability of applicants to operate motor vehicles in accordance with the rights and privileges of those permits and licenses:~~

SECTION 473. IC 9-24-10-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: An applicant may take any or all of the tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this chapter at any license branch location in Indiana:~~

SECTION 474. IC 9-24-10-4, AS AMENDED BY P.L.149-2015, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit or driver's license must include the following:

- (1) A test of the following of the applicant:
 - (A) Eyesight.
 - (B) Ability to read and understand highway signs regulating, warning, and directing traffic.
 - (C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.
 - (2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or **driver's** license applied for.
- (b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon ~~Indiana highways~~ **a highway**. The applicant must provide the motor vehicle used in the examination. An autocycle may not be used as the motor vehicle provided for the examination.
- (c) The bureau:
- (1) may waive the actual demonstration required under subsection (a)(2) for a **person an individual** who has passed:
 - (A) a driver's education class and a skills test given by a driver training school; or
 - (B) a driver education program given by an entity licensed under IC 9-27; and
 - (2) may waive the testing, other than **eyesight** testing under subsection (a)(1)(A), of an applicant who has passed:
 - (A) an examination concerning:
 - (i) subsection (a)(1)(B); and
 - (ii) subsection (a)(1)(C); and
 - (B) a skills test;
given by a driver training school or an entity licensed under IC 9-27.
- (~~d~~) ~~The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1):~~
- (~~e~~) (**d**) An instructor having a license under IC 9-27-6-8 who did not instruct the applicant for the **driver's** license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:
- (1) bureau;

- (2) commission; or
- (3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

SECTION 475. IC 9-24-10-6, AS AMENDED BY P.L.85-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The bureau, before issuing an initial or a renewal **driver's** license, permit, or endorsement, may require an applicant to submit to an examination, an investigation, or both an examination and investigation, under section 7 of this chapter. The bureau may cause the examination or investigation to be made whenever it appears from:

- (1) the face of the application;
- (2) the apparent physical or mental condition of the applicant;
- (3) the records of the bureau; or
- (4) any information that has come to the attention of the bureau;

that the applicant does not apparently possess the physical, mental, or other qualifications to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

(b) Upon the conclusion of all examinations or investigations under this section, the bureau shall take appropriate action and may:

- (1) refuse to issue or reissue the **driver's** license, permit, endorsement, or **driving** privileges;
- (2) suspend or revoke the **driver's** license, permit, endorsement, or **driving** privileges;
- (3) issue restricted driving privileges subject to restrictions the bureau considers necessary in the interest of public safety; or
- (4) permit the ~~licensed driver~~ **applicant** to retain or obtain the **driver's** license, permit, endorsement, or **driving** privileges.

(c) An applicant may appeal an action taken by the bureau under this section to the circuit or superior court of the county in which the applicant resides.

SECTION 476. IC 9-24-10-7, AS AMENDED BY P.L.85-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the bureau has good cause to believe that a licensed driver is:

- (1) incompetent; or
- (2) otherwise unfit to operate a **motor** vehicle;

the bureau may, upon written notice of at least five (5) days, require the licensed driver to submit to an examination, an investigation of the driver's continued fitness to operate a motor vehicle safely, including requesting medical information from the driver or the driver's health care sources, or both an examination and an investigation.

(b) Upon the conclusion of all examinations and investigations of a driver under this section, the bureau:

(1) shall take appropriate action; and

(2) may:

(A) suspend or revoke the **driver's** license or driving privileges of the licensed driver;

(B) permit the licensed driver to retain the **driver's** license or driving privileges of the licensed driver; or

(C) issue restricted driving privileges subject to restrictions the bureau considers necessary in the interest of public safety.

(c) If a licensed driver refuses or neglects to submit to an examination or investigation under this section, the bureau may suspend or revoke the **driver's** license or driving privileges of the licensed driver. The bureau may not suspend or revoke the **driver's** license or driving privileges of the licensed driver until a reasonable investigation of the driver's continued fitness to operate a motor vehicle safely has been made by the bureau.

(d) A licensed driver may appeal an action taken by the bureau under this section to the circuit court or superior court of the county in which the licensed driver resides.

SECTION 477. IC 9-24-11-1, AS AMENDED BY P.L.125-2012, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The bureau shall issue a permit or **driver's** license to every applicant who meets the following conditions:

(1) Qualifies as required.

(2) Makes the proper application.

(3) Pays the required fee.

(4) Passes the required examinations.

SECTION 478. IC 9-24-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The bureau may issue all permits and **driver's** licenses required by law for the operation of a motor vehicle in a manner the bureau considers necessary and

prudent.

SECTION 479. IC 9-24-11-3.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3.3: (a) This section applies to a probationary operator's license issued after June 30, 2009:

(b) A license issued to or held by an individual less than twenty-one (21) years of age is a probationary license. An individual holds a probationary license subject to the following conditions:

(1) Except as provided in subdivision (3), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license:

(2) Except as provided in subdivision (3), after one hundred eighty (180) days after issuance of the probationary license, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) The individual may operate a motor vehicle during the periods described in subdivisions (1) and (2) if the individual operates the motor vehicle while:

(A) participating in, going to, or returning from:

(i) lawful employment;

(ii) a school sanctioned activity; or

(iii) a religious event; or

(B) accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

(i) at least twenty-five (25) years of age; or

(ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(4) The individual may not operate a motor vehicle while using a telecommunications device until the individual becomes twenty-one (21) years of age unless the telecommunications device is being used to make a 911 emergency call.

(5) Except as provided in subdivision (6), during the one hundred eighty (180) days after the issuance of the probationary license;

the individual may not operate a motor vehicle in which there are passengers until the individual becomes twenty-one (21) years of age unless accompanied in the front seat of the motor vehicle by:

- (A) a certified driver education instructor; or
- (B) a licensed driver with valid driving privileges who is:
 - (i) at least twenty-five (25) years of age; or
 - (ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(6) The individual may operate a motor vehicle and transport:

- (A) a child or stepchild of the individual;
- (B) a sibling of the individual; including step or half siblings;
- (C) the spouse of the individual; or
- (D) any combination of individuals described in clauses (A) through (C);

without another accompanying individual present in the motor vehicle.

(7) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle are:

- (A) properly restrained by a properly fastened safety belt; or
- (B) if the occupant is a child; restrained in a properly fastened child restraint system according to the manufacturer's instructions under IC 9-19-11;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section for at least one hundred eighty (180) days may be eligible to receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in IC 9-24-12-1(d), a probationary license issued under this section:

- (1) expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder; and
- (2) may not be renewed.

(e) Nothing in this section limits the authority of a court to require an individual who holds a probationary license to attend and complete:

- (1) a driver safety program under IC 9-30-3-12; or
- (2) a driver improvement or safety course under IC 9-30-3-16;

if the individual is otherwise eligible or required to attend the program or course:

SECTION 480. IC 9-24-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) This section applies:**

- (1) to an individual who is less than twenty-one (21) years of age; and**
- (2) during the period ending one hundred eighty (180) days after the individual is issued a driver's license under this article.**

(b) An individual may not operate a motor vehicle:

(1) from 10 p.m. until 5 a.m. of the following morning, unless the individual is:

(A) participating in, going to, or returning from:

- (i) lawful employment;**
- (ii) a school sanctioned activity; or**
- (iii) a religious event; or**

(B) accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

- (i) at least twenty-five (25) years of age; or**
- (ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age; or**

(2) in which there are passengers, unless:

(A) each passenger in the motor vehicle is:

- (i) a child or stepchild of the individual;**
- (ii) a sibling of the individual, including step or half siblings;**
- (iii) the spouse of the individual; or**
- (iv) any combination of individuals described in items (i) through (iii); or**

(B) the individual is accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

- (i) at least twenty-five (25) years of age; or**
- (ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.**

SECTION 481. IC 9-24-11-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: **Sec. 3.6. (a) This section applies to an individual who is less than eighteen (18) years of age.**

(b) An individual may not operate at any time:

- (1) a medical services vehicle; or**
- (2) a vehicle transporting passengers for hire.**

(c) Except as provided in subsection (d), an individual may not operate a motor vehicle during the following periods:

- (1) Between 1 a.m. and 5 a.m. on a Saturday or Sunday.**
- (2) After 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday.**
- (3) Before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.**

(d) An individual may operate a motor vehicle during a period described in subsection (c) if the individual is:

- (1) participating in, going to, or returning from:**
 - (A) lawful employment;**
 - (B) a school sanctioned activity; or**
 - (C) a religious event; or**
- (2) accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:**
 - (A) at least twenty-five (25) years of age; or**
 - (B) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.**

SECTION 482. IC 9-24-11-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.7. An individual who is less than twenty-one (21) years of age may not operate a motor vehicle while using a telecommunications device, unless the individual is using the telecommunications device to make a 911 emergency call.**

SECTION 483. IC 9-24-11-4, AS AMENDED BY P.L.197-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. (a) An individual may not hold or possess more than one (1) ~~credential driver's license, bureau issued identification card issued to the individual under IC 9-24, or photo exempt identification card issued under IC 9-24-16.5~~ at a time.**

(b) An individual may not hold a driver's license and:

- (1) an identification card issued under IC 9-24; or**
- (2) a photo exempt identification card issued under IC 9-24-16.5;**

at the same time:

(~~e~~) (b) ~~A person~~ **An individual** may not hold or possess:

(1) **a credential; and**

(2) ~~an Indiana~~ **a driver's license or identification card issued under IC 9-24 and a driver's license or identification card that is issued by a government authority that issues driver's licenses and identification cards from another state, territory, federal district, commonwealth, or possession of the United States. the District of Columbia, or the Commonwealth of Puerto Rico.**

(c) An individual shall destroy or surrender to the bureau any and all credentials, driver's licenses, or identification cards that would cause the individual to violate subsection (a) or (b).

(d) ~~A person~~ **An individual** who violates subsection (a), (b), or (c) **this section** commits a Class C infraction.

(~~e~~) ~~The bureau may adopt rules under IC 4-22-2 to administer this section:~~

SECTION 484. IC 9-24-11-5, AS AMENDED BY P.L.149-2015, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsection (h), a **learner's** permit or **driver's** license issued under this **chapter article** must contain the following information:

- (1) The full legal name of the permittee or licensee.
- (2) The date of birth of the permittee or licensee.
- (3) The address of the principal residence of the permittee or licensee.
- (4) The hair color and eye color of the permittee or licensee.
- (5) The date of issue and expiration date of the permit or license.
- (6) The gender of the permittee or licensee.
- (7) The unique identifying number of the permit or license.
- (8) The weight of the permittee or licensee.
- (9) The height of the permittee or licensee.
- (10) A reproduction of the signature of the permittee or licensee.
- (11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates, **printed prominently**, on which the permittee or licensee will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (12) If the permittee or licensee is at least eighteen (18) years of

age but less than twenty-one (21) years of age at the time of issuance, the date, **printed prominently**, on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in ~~subsections~~ **subsection (b), (c), and (f)**; a digital photograph of the permittee or licensee.

~~(b) A motorcycle learner's permit issued under IC 9-24-8 does not require a digital photograph:~~

~~(c) (b) The bureau may provide for the omission of a photograph or computerized image from any **driver's** license or **learner's** permit if there is good cause for the omission. However, a **driver's** license or **learner's** permit issued without a digital photograph must include the language described in subsection (f): **a statement that indicates that the driver's license or learner's permit may not be accepted by a federal agency for federal identification or any other federal purpose.**~~

~~(d) The information contained on the permit or license as required by subsection (a)(11) or (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license:~~

~~(e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.~~

~~(f) Any license or permit issued by the state that does not require a digital photograph must include a statement that indicates that the license or permit may not be accepted by any federal agency for federal identification or any other federal purpose:~~

~~(g) (c) A **driver's** license or **learner's** permit issued by the state to an individual who:~~

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary **driver's** license or **learner's** permit. A temporary **driver's** license or **learner's** permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

~~(h) The bureau may adopt rules under IC 4-22-2 to carry out this section:~~

~~(i) (d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.~~

SECTION 485. IC 9-24-11-5.5, AS AMENDED BY P.L.77-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. **(a)** If a ~~permittee or licensee~~ **an individual** has: ~~under IC 9-24-9-2(d):~~

- (1) indicated on the application **for a driver's license or learner's permit** that the ~~permittee or licensee~~ **individual** is a ~~member of the armed forces of the United States~~ **veteran** and wishes to have an indication of the ~~permittee's or licensee's~~ **individual's** ~~veteran or active military or naval service~~ status appear on the **driver's** license or **learner's** permit; and
- (2) provided proof **at the time of application** of
 - ~~(A) discharge or separation, other than a dishonorable discharge, from the armed forces of the United States; or~~
 - ~~(B) active military or naval service~~ **the individual's veteran** status;

an indication of the ~~permittee's or licensee's~~ **individual's** veteran or active military or naval service status shall be shown on the **driver's** license or **learner's** permit.

(b) If an individual submits information concerning the individual's medical condition in conjunction with the individual's application for a driver's license or learner's permit, the bureau shall place an identifying symbol on the face of the driver's license or learner's permit to indicate that the individual has a medical condition of note. The bureau shall include information on the individual's driver's license or learner's permit that briefly describes the individual's medical condition. The information must be printed in a manner that alerts an individual reading the driver's license or learner's permit to the existence of the medical condition. The individual submitting the information concerning the medical condition is responsible for its accuracy.

SECTION 486. IC 9-24-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The bureau, when issuing a permit or **driver's** license, ~~under this article,~~ may, whenever good cause appears, impose restrictions suitable to the licensee's or permittee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee operates. The bureau may impose other restrictions applicable to the licensee or permittee that the bureau determines ~~is~~ **are** appropriate to assure the safe operation of a motor vehicle by the licensee or permittee, including a requirement to take prescribed medication. When the restrictions are imposed, the bureau may issue either a special restricted license or shall set forth the restrictions upon the usual license form.

SECTION 487. IC 9-24-11-8, AS AMENDED BY P.L.188-2015, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as provided in subsections (b) and (c), ~~a person~~ **an individual** who violates this chapter commits a Class C infraction.

(b) ~~A person~~ **An individual** who:

- (1) has been issued a permit or **driver's** license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and
- (2) operates a motor vehicle in violation of the restriction;

commits a Class C infraction.

(c) ~~A person~~ **An individual** who causes serious bodily injury to or the death of another ~~person~~ **individual** when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the ~~operator's~~ restricted **driver's** license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Level 6 felony if, within the five (5) years preceding the commission of the offense, the ~~person~~ **individual** had a prior unrelated conviction under this subsection.

(d) ~~A person~~ **An individual** who violates subsection (c) commits a separate offense for each ~~person~~ **individual** whose serious bodily injury or death is caused by the violation of subsection (c).

SECTION 488. IC 9-24-11-10, AS AMENDED BY P.L.217-2014, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section 8(b) of this chapter, the court may recommend that the ~~person's~~ **individual's** driving privileges be suspended for a fixed period of not more than two (2) years and the court may also order specialized driving privileges under IC 9-30-16.

(b) The court shall specify:

- (1) the length of the fixed period of suspension; and
- (2) the date the fixed period of suspension begins;

whenever the court issues an order under subsection (a).

SECTION 489. IC 9-24-12-0.5, AS ADDED BY P.L.101-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. ~~(a) This section applies beginning January 1, 2010.~~ A learner's permit issued under this article expires two (2) years after the date of issuance.

(b) A motorcycle permit expires one (1) year after the date of issuance. A motorcycle permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle endorsement under IC 9-24-8.5 before the expiration of the renewed motorcycle permit may not reapply for a new motorcycle permit for a period of one (1) year after the date of expiration of the renewed motorcycle permit.

(c) A commercial learner's permit expires one hundred eighty (180) days after the date of issuance. The bureau may issue not

more than three (3) commercial learner's permits to an individual within a twenty-four (24) month period.

(d) The fee to renew a permit that expires under this section is the applicable fee to issue the permit under this article.

SECTION 490. IC 9-24-12-1, AS AMENDED BY P.L.150-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Notwithstanding subsection (c) and except as provided in subsection (b) and sections 10 **and 11 and 12** of this chapter, the expiration date of an operator's license that is the renewal license for **a an operator's** license that contains a 2012 expiration date is as follows:

(1) If the **operator's** license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the ~~renewal license~~ **renewal operator's license** expires at midnight on the birthday of the holder that occurs in 2017.

(2) If the **operator's** license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the ~~renewal license~~ **renewal operator's license** expires at midnight on the birthday of the holder that occurs in 2018.

(3) If the **operator's** license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the ~~renewal license~~ **renewal operator's license** expires at midnight on the birthday of the holder that occurs in 2016.

This subsection expires January 1, 2019.

(b) Except as provided in sections 10 **and 11 and 12** of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (a), (b), and ~~(e)~~ **(d)** and sections 10 **and 11 and 12** of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(d) A probationary operator's license issued under IC 9-24-11-3.3 to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:~~

~~(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or~~

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.

(c) Except as provided in subsection (d), (d) a probationary An operator's license issued under IC 9-24-11-3.3 to an individual who is less than twenty-one (21) years of age expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder. **However, if the individual complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), the operator's license expires:**

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.

SECTION 491. IC 9-24-12-2, AS AMENDED BY P.L.125-2012, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b) and sections 10 and 11 and 12 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) Except as provided in sections 10 and 11 and 12 of this chapter, a chauffeur's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) This section expires July 1, 2023.

SECTION 492. IC 9-24-12-3, AS AMENDED BY P.L.85-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in sections section 11

~~and 12~~ of this chapter, a public passenger chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 ~~and 11~~ ~~and 12~~ of this chapter, a public passenger chauffeur's license issued under this article to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

(c) This section expires July 1, 2021.

SECTION 493. IC 9-24-12-4, AS AMENDED BY P.L.197-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

- (1) an operator's license;
- (2) a chauffeur's license **(before the expiration of IC 9-24-4 on July 1, 2024);**
- (3) a public passenger chauffeur's license **(before the expiration of IC 9-24-5 on July 1, 2022);**
- (4) an identification card; or
- (5) a photo exempt identification card;

under this article may be filed not more than twelve (12) months before the expiration date of the license, identification card, or photo exempt identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10), an application for renewal of a driver's license in subsection (a)(1), (a)(2), or (a)(3) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(J), an application for renewal of an identification card under subsection (a)(4) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 494. IC 9-24-12-5, AS AMENDED BY P.L.85-2013, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsection (b), **and subject to subsection (d)**, an individual applying for renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license, **including any endorsements in effect with respect to the license,**

must apply in person at a license branch and do the following:

- (1) Pass an eyesight examination.
- (2) Pass a written examination if:
 - (A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau;
 - (B) the applicant ~~holds a valid operator's license~~, has not reached the applicant's twenty-first birthday and has active points on the applicant's driving record maintained by the bureau; or
 - (C) the applicant is in possession of a driver's license that is expired beyond one hundred eighty (180) days.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license, **including any endorsements in effect with respect to the license**, by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal ~~of a license~~ by mail or by electronic service is subject to the following conditions:

- (1) A valid computerized image of the individual must exist within the records of the bureau.
- (2) The previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.
- (3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.
- (4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.
- (5) The individual must be a citizen of the United States, as shown in the records of the bureau.
- (6) There must not have been any change in the:
 - (A) address; or
 - (B) name;of the individual since the issuance or previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license.
- (7) The operator's, chauffeur's, or public passenger chauffeur's

license of the individual must not be:

(A) suspended; or

(B) expired more than one hundred eighty (180) days; at the time of the application for renewal.

(8) The individual must be less than seventy-five (75) years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license, **including any endorsements in effect with respect to the license**, must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

(d) The bureau may not issue or renew a chauffeur's or a public passenger chauffeur's license after December 31, 2016. If a holder of a chauffeur's or a public passenger chauffeur's license applies after December 31, 2016, for renewal of the chauffeur's or public passenger chauffeur's license, the bureau shall issue to the holder an operator's license with a for-hire endorsement if the holder:

(1) applies in a form and manner prescribed by the bureau; and

(2) satisfies the requirements for renewal of an operator's license, including the fee and examination requirements under this section.

(e) An individual applying for the renewal of an operator's license shall pay the following applicable fee:

(1) If the individual is less than seventy-five (75) years of age, seventeen dollars and fifty cents (\$17.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) Two dollars (\$2) to the crossroads 2000 fund.

(C) Four dollars and fifty cents (\$4.50) to the motor vehicle highway account.

(D) For an operator's license renewed before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Nine dollars and twenty-five cents (\$9.25) to the

commission fund.

(E) For an operator's license renewed after June 30, 2019, ten dollars and fifty cents (\$10.50) to the commission fund.

(2) If the individual is at least seventy-five (75) years of age and less than eighty-five (85) years of age, eleven dollars (\$11). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.

(C) Three dollars (\$3) to the motor vehicle highway account.

(D) For an operator's license renewed before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(E) For an operator's license renewed after June 30, 2019, six dollars (\$6) to the commission fund.

(3) If the individual is at least eighty-five (85) years of age, seven dollars (\$7). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar (\$1) to the crossroads 2000 fund.

(C) Two dollars (\$2) to the motor vehicle highway account.

(D) For an operator's license renewed before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Two dollars and twenty-five cents (\$2.25) to the commission fund.

(E) For an operator's license renewed after June 30, 2019, three dollars and fifty cents (\$3.50) to the commission fund.

A fee paid under this subsection after December 31, 2016, includes the renewal of any endorsements that are in effect with respect to the operator's license at the time of renewal.

(f) An individual applying for the renewal of a chauffeur's

license shall pay the following applicable fee:

(1) For an individual who is less than seventy-five (75) years of age, twenty-two dollars and fifty cents (\$22.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) Four dollars (\$4) to the crossroads 2000 fund.

(C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(D) Seven dollars and seventy-five cents (\$7.75) to the commission fund.

(E) Nine dollars (\$9) to the motor vehicle highway account.

(2) For an individual who is at least seventy-five (75) years of age, eighteen dollars and fifty cents (\$18.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) Four dollars (\$4) to the crossroads 2000 fund.

(C) Six dollars (\$6) to the motor vehicle highway account.

(D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(E) Six dollars and seventy-five cents (\$6.75) to the commission fund.

This subsection expires December 31, 2016.

(g) An individual applying for the renewal of a public passenger chauffeur's license shall pay a fee of eighteen dollars and fifty cents (\$18.50). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) Six dollars (\$6) to the motor vehicle highway account.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Six dollars and seventy-five cents (\$6.75) to the commission fund.

This subsection expires December 31, 2016.

SECTION 495. IC 9-24-12-7, AS AMENDED BY P.L.221-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A motorcycle endorsement or motorcycle

endorsement with a Class A motor driven cycle restriction **(a) An endorsement added to a driver's license** remains in effect for the same term as the **driver's** license being endorsed and is subject to renewal at and after the expiration of the **driver's** license in accordance with this chapter.

(b) After December 31, 2016, there is no fee to renew an endorsement that is in effect with respect to a driver's license.

SECTION 496. IC 9-24-12-10, AS AMENDED BY P.L.85-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. Except as provided in section 11 of this chapter, ~~after June 30, 2005:~~

- (1) ~~an operator's;~~
- (2) ~~a chauffeur's; or~~
- (3) ~~a public passenger chauffeur's;~~ **a driver's** license issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 497. IC 9-24-12-11, AS AMENDED BY P.L.149-2015, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to a driver's license issued under:

- (1) ~~IC 9-24-3;~~
- (2) ~~IC 9-24-4; or~~
- (3) ~~IC 9-24-5;~~ **other than a commercial driver's license.**

(b) If the birthday of a holder on which the holder's driver's license issued under a chapter referred to in subsection (a) would otherwise expire falls on:

- (1) Sunday;
- (2) a legal holiday (as set forth in IC 1-1-9-1); or
- (3) a weekday when all license branches in the county of residence of the holder are closed;

the driver's license of the holder does not expire until midnight of the first day after the birthday on which a license branch is open for business in the county of residence of the holder.

(c) A driver's license issued to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

- (1) **at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual**

to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 498. IC 9-24-12-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12. (a) This section applies to a driver's license issued under:

(1) IC 9-24-3;

(2) IC 9-24-4; and

(3) IC 9-24-5.

(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 499. IC 9-24-12-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. An individual who fails to renew the individual's driver's license on or before the driver's license expiration date shall pay to the bureau an administrative penalty as follows:

(1) Before January 1, 2017, an administrative penalty of five dollars (\$5).

(2) After December 31, 2016, an administrative penalty of six

dollars (\$6).

An administrative penalty shall be deposited in the commission fund.

SECTION 500. IC 9-24-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. An individual ~~licensed~~ **holding a driver's license issued** under this article may exercise the privilege granted by the **driver's** license upon all ~~Indiana streets and~~ highways and is not required to obtain any other **driver's** license to exercise the privilege by a county, municipal, or local board or by any body having authority to adopt local police regulations.

SECTION 501. IC 9-24-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. An individual holding a permit or **driver's** license issued under this article must have the permit or **driver's** license in the individual's immediate possession when driving or operating a motor vehicle. The ~~permittee or licensee~~ **individual** shall display the **driver's** license or permit upon demand of a court or a police officer authorized by law to enforce motor vehicle rules.

SECTION 502. IC 9-24-13-4, AS AMENDED BY P.L.109-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. If:

- (1) an individual holding a **driver's** license or permit issued under this article changes the address shown on the **driver's** license or permit application; or
- (2) the name of a licensee or permittee is changed by marriage or otherwise;

the licensee or permittee shall make application for an amended driver's license or permit under IC 9-24-9 containing the correct information within thirty (30) days of the change.

SECTION 503. IC 9-24-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Subject to subsection (b), in a proceeding to enforce section 3 of this chapter, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a ~~driving~~ **driver's** license or permit that was valid at the time of the alleged violation.

(b) ~~A person~~ **An individual** may not be convicted of violating section 3 of this chapter if the ~~person,~~ **individual**, within five (5) days from the time of apprehension, produces to the apprehending officer or

headquarters of the apprehending officer satisfactory evidence of a permit or **driver's** license issued to the **person individual** that was valid at the time of the **person's individual's** apprehension.

SECTION 504. IC 9-24-14-1, AS AMENDED BY P.L.125-2012, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If a permit or **driver's** license issued under this article is lost or destroyed, and as provided in section 3.5 of this chapter, the individual to whom the permit or **driver's** license was issued may obtain a replacement if the individual pays the required a fee for a replacement permit or license under ~~IC 9-29-9~~: as follows:

(1) For a replacement permit or driver's license, other than a commercial driver's license, issued before January 1, 2017, ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.

(C) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(E) Five dollars and seventy-five cents (\$5.75) to the commission fund.

(2) For a replacement commercial driver's license issued before January 1, 2017, five dollars and fifty cents (\$5.50).

The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar (\$1) to the crossroads 2000 fund.

(C) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(D) Two dollars and fifty cents (\$2.50) to the commission fund.

(3) For a replacement permit or driver's license issued after December 31, 2016, nine dollars (\$9). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the motor vehicle highway account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar and twenty-five cents (\$1.25) as follows:

(i) For a replacement issued before July 1, 2019, to the integrated public safety communications fund.

(ii) For a replacement issued after June 30, 2019, to the commission fund.

(D) Two dollars (\$2) to the crossroads 2000 fund.

(E) Five dollars (\$5) to the commission fund.

SECTION 505. IC 9-24-14-3.5, AS AMENDED BY P.L.109-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) The bureau may adopt rules under IC 4-22-2 concerning the ability of an individual to apply for a replacement of ~~an operator's, a chauffeur's, or a public passenger chauffeur's~~ **a driver's** license or a learner's permit ~~to the holder of the license or learner's permit~~ by electronic service. If rules are adopted under this subsection, the rules must provide that issuance of a replacement **driver's** license or learner's permit by electronic service is subject to the following conditions:

(1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.

(2) The individual must be a citizen of the United States, as shown in the records of the bureau.

(b) An individual applying for a replacement of ~~an operator's, a chauffeur's, or a public passenger chauffeur's~~ **a driver's** license or a learner's permit must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 506. IC 9-24-14-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) If a holder of a chauffeur's license applies after December 31, 2016, for a replacement of the chauffeur's license, the bureau shall issue to the holder an operator's license with a for-hire endorsement if the holder:**

(1) applies in a form and manner prescribed by the bureau; and

(2) satisfies the requirements for replacement of an operator's license, including the fee requirements under this chapter.

(b) An operator's license with a for-hire endorsement issued under this section remains valid until the date on which the chauffeur's license that was replaced expires.

(c) This section expires July 1, 2023.

SECTION 507. IC 9-24-14-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6. (a) If a holder of a public passenger chauffeur's license applies after December 31, 2016, for a replacement of the public passenger chauffeur's license, the bureau shall issue to the holder an operator's license with a for-hire endorsement if the holder:**

(1) applies in a form and manner prescribed by the bureau; and

(2) satisfies the requirements for replacement of an operator's license, including the fee requirements under this chapter.

(b) An operator's license with a for-hire endorsement issued under this section remains valid until the date on which the public passenger chauffeur's license that was replaced expires.

(c) This section expires July 1, 2021.

SECTION 508. IC 9-24-16-1, AS AMENDED BY P.L.184-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1. The bureau shall issue an identification card to an individual who meets the following conditions:**

(1) Makes an application.

(2) Is a ~~an~~ **Indiana resident. ~~of Indiana.~~**

(3) Has presented valid documentary evidence to the bureau of the individual's legal status in the United States, as required by section 3.5 of this chapter.

SECTION 509. IC 9-24-16-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. **Sec. 1.5: An individual must have:**

(1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under this chapter; or

(2) a valid driver's license described in IC 9-24-1-1(a); to operate a Class B motor driven cycle upon an Indiana highway.

SECTION 510. IC 9-24-16-2, AS AMENDED BY P.L.77-2015,

SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An application for an identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:
 - (A) valid Social Security number; or
 - (B) verification of an applicant's:
 - (i) ineligibility to be issued a Social Security number; and
 - (ii) identity and lawful status.
- (7) A digital photograph of the applicant.
- (8) The signature of the applicant showing the applicant's legal name as it will appear on the identification card.
- (9) If the applicant is also applying for a Class B motor driven cycle endorsement, verification that the applicant has satisfactorily completed the test required under section 3.6 of this chapter.

~~The bureau shall maintain records of the information provided under subdivisions (1) through (9):~~

- (b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.
- (c) The bureau:
 - (1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and
 - (2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.
- (d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.
- (e) In addition to the information required under subsection (a), an

application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a ~~member of the armed forces of the United States~~ **veteran** and wishes to have an indication of the applicant's ~~veteran or active military or naval service~~ status appear on the identification card. An applicant who wishes to have an indication of the applicant's ~~veteran or active military or naval service~~ status appear on the identification card must:

- (1) indicate on the application that the applicant:
 - (A) is a ~~member of the armed forces of the United States;~~ **veteran;** and
 - (B) wishes to have an indication of the applicant's ~~veteran or active military or naval service~~ status appear on the identification card; and
- (2) ~~verify~~ **provide proof at the time of application of the** applicant's ~~(A) veteran status. by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States; or~~
 - ~~(B) active military or naval service status by means of a current armed forces identification card.~~

The bureau shall maintain records of the information provided under this subsection:

SECTION 511. IC 9-24-16-3, AS AMENDED BY P.L.77-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) The address of the principal residence.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Unique identification number.
- (6) Gender.
- (7) Weight.
- (8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the identification card.

(d) If the individual

~~(1) indicated on the application that the individual is a member of the armed forces of the United States and wishes to have an indication of the individual's veteran or active military or naval service status appear on the identification card; and~~

~~(2) provided proof of:~~

~~(A) any discharge or separation, other than a dishonorable discharge, from the armed forces of the United States; or~~

~~(B) active military or naval service status;~~

complies with section 2(e) of this chapter, an indication of the individual's veteran or active military or naval service status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The

bureau shall inform an applicant that submission of information under this subsection is voluntary.

- (f) An identification card issued by the state to an individual who:
- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
 - (2) has a pending application for asylum in the United States;
 - (3) has a pending or approved application for temporary protected status in the United States;
 - (4) has approved deferred action status; or
 - (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(h) The bureau shall validate an identification card for Class B motor driven cycle operation upon a highway by endorsement to an individual who:

- (1) applies for or has previously been issued an identification card under this chapter;
- (2) makes the appropriate application for endorsement; and
- (3) satisfactorily completes the test required under section 3.6 of this chapter.

The bureau shall place a designation on the face of the identification card to indicate that the individual has received a Class B motor driven cycle endorsement.

SECTION 512. IC 9-24-16-4.5, AS AMENDED BY P.L.125-2012, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) The bureau may adopt rules

under IC 4-22-2 concerning the ability of an individual to renew an identification card under section 5 of this chapter, apply for a replacement identification card under section 9 of this chapter, or apply for a replacement identification card under section 6 of this chapter by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal, amendment, or replacement of an identification card by electronic service is subject to the following conditions:

(1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.

(2) The individual must be a citizen of the United States, as shown in the records of the bureau.

(3) There must not have been any change in the:

(A) legal address; or

(B) name;

of the individual since the issuance or previous renewal of the identification card of the individual.

(4) The identification card of the individual must not be expired more than one hundred eighty (180) days at the time of the application for renewal.

(b) An individual applying for:

(1) the renewal of an identification card; or

(2) a replacement identification card;

must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 513. IC 9-24-16-10, AS AMENDED BY P.L.149-2015, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The bureau may:

(1) adopt rules under IC 4-22-2, including rules to:

(A) verify an applicant's identity, lawful status, and residence; and

(B) invalidate on a temporary basis a license or permit that was issued based on fraudulent documentation; and

(2) prescribe all forms necessary;

to implement this chapter.

(b) The bureau may not impose a fee for the issuance of:

(1) an original;

- (2) a renewal of an;
- (3) a replacement; or
- (4) an amended;

identification card to an individual described in subsection (c). For purposes of this subsection, the amendment of an identification card includes the addition of a Class B motor driven cycle endorsement to the identification card.

(c) An identification card must be issued without the payment of a fee or charge to an individual who:

- (1) does not have a valid Indiana driver's license; and
- (2) will be at least eighteen (18) years of age and eligible to vote in the next general, municipal, or special election.

(d) The fee to issue, renew, replace, or amend an identification card issued before January 1, 2017, is as follows:

(1) To an individual who is less than sixty-five (65) years of age, eleven dollars and fifty cents (\$11.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(C) Two dollars and seventy-five cents (\$2.75) to the motor vehicle highway account.

(D) Seven dollars (\$7) to the commission fund.

(2) To an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license, nine dollars (\$9). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(D) Five dollars and seventy-five cents (\$5.75) to the commission fund.

(e) The fee to issue, renew, replace, or amend an identification card issued after December 31, 2016, is nine dollars (\$9). The fee

shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) One dollar and twenty-five cents (\$1.25) as follows:
 - (A) For a replacement issued before July 1, 2019, to the integrated public safety communications fund.
 - (B) For a replacement issued after June 30, 2019, to the commission fund.
- (4) Two dollars (\$2) to the crossroads 2000 fund.
- (5) Five dollars (\$5) to the commission fund.

SECTION 514. IC 9-24-16-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14: (a) An individual may not hold an identification card and a photo exempt identification card issued under IC 9-24-16.5 at the same time:

(b) An individual who violates this section commits a Class C infraction:

SECTION 515. IC 9-24-16.5-1, AS ADDED BY P.L.197-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The bureau shall issue a photo exempt identification card to an individual who meets the following conditions:

- (1) Makes an application.
- (2) Is a **an Indiana** resident. ~~of Indiana:~~
- (3) Has provided valid documentary evidence to the bureau of the lawful status in the United States of the individual, as required by section 2(a)(10) of this chapter.

SECTION 516. IC 9-24-16.5-2, AS ADDED BY P.L.197-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An application for a photo exempt identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:

- (A) valid Social Security number;
 - (B) verification of the applicant's ineligibility to be issued a Social Security number; or
 - (C) statement from the applicant in which the applicant swears or affirms that the applicant has a sincerely held religious belief against the issuance of a Social Security number to the applicant and a copy of Form 4029 from the United States Internal Revenue Service concerning the applicant.
- (7) A digital image of the applicant.
- (8) A statement:
- (A) from the applicant in which the applicant swears or affirms that the applicant has a sincerely held religious belief against the taking of a photograph of the applicant; and
 - (B) from a member of the clergy of the religious organization of which the applicant is a member regarding the prohibition of photography of members of the religious organization.
- (9) The signature of the applicant.
- (10) Valid documentary evidence that the applicant is a citizen or national of the United States. The bureau shall maintain records of the information provided under this subdivision.
- (b) The image required under subsection (a)(7) is a confidential public record in accordance with IC 5-14-3-4(a) ~~IC 9-14-3-1~~, and ~~IC 9-14-3-5~~; **IC 9-14-13-2**.
- (c) The bureau may invalidate a photo exempt identification card that the bureau believes to have been issued as a result of fraudulent documentation.
- (d) The bureau:
- (1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity; and
 - (2) may adopt rules to establish a procedure to temporarily invalidate a photo exempt identification card that the bureau believes to have been issued based on fraudulent documentation.
- SECTION 517. IC 9-24-16.5-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 7. The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter.~~
- SECTION 518. IC 9-24-16.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 14. (a) The fee to issue, renew,**

replace, or amend a photo exempt identification card issued before January 1, 2017, is as follows:

(1) To an individual who is less than sixty-five (65) years of age, eleven dollars and fifty cents (\$11.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(C) Two dollars and seventy-five cents (\$2.75) to the motor vehicle highway account.

(D) Seven dollars (\$7) to the commission fund.

(2) To an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license, nine dollars (\$9). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(D) Five dollars and seventy-five cents (\$5.75) to the commission fund.

(b) The fee to issue, renew, replace, or amend a photo exempt identification card issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the motor vehicle highway account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar and twenty-five cents (\$1.25) as follows:

(A) For a replacement issued before July 1, 2019, to the integrated public safety communications fund.

(B) For a replacement issued after June 30, 2019, to the commission fund.

(4) Two dollars (\$2) to the crossroads 2000 fund.

(5) Five dollars (\$5) to the commission fund.

SECTION 519. IC 9-24-17-1, AS AMENDED BY P.L.197-2015,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The application form for a ~~driver's license, an identification card issued under IC 9-24-16, and a photo exempt identification card issued under IC 9-24-16.5~~ **credential** must allow an applicant to acknowledge the making of an anatomical gift under ~~IC 29-2-16.1~~. **IC 29-2-16.1-4.**

SECTION 520. IC 9-24-17-2, AS AMENDED BY P.L.197-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The bureau shall ~~verbally ask~~ **inquire of** every individual who applies for a ~~credential driver's license, an identification card issued under IC 9-24-16, or a photo exempt identification card issued under IC 9-24-16.5~~ whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall provide the individual the form by which the individual makes the gift.

SECTION 521. IC 9-24-17-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3: ~~The bureau shall make available the anatomical gift program in a separate brochure and by other means the bureau considers necessary:~~

SECTION 522. IC 9-24-17-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: ~~The form described in section 1 of this chapter must allow the person making the gift to make an election under IC 29-2-16.1-4.~~

SECTION 523. IC 9-24-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Before an individual who is less than eighteen (18) years of age may make an anatomical gift, the bureau must obtain and document the consent **of the individual** required under section 8 of this chapter and the consent of the individual's parent or guardian.

(b) ~~The bureau may charge a fee to an individual making an anatomical gift under section 1 of this chapter. The fee must equal an amount necessary to cover the cost of making available a document that acknowledges the making of the gift.~~

SECTION 524. IC 9-24-17-8, AS AMENDED BY P.L.197-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of

the anatomical gift by signing the application form for the ~~driver's license, photo exempt identification card, or identification card~~ **credential** under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor:

- (1) at the donor's direction and in the donor's presence; and
- (2) in the presence of two (2) witnesses who must sign the document in the donor's and each other's presence.

(b) The bureau shall place an identifying symbol on the face of the ~~license, photo exempt identification card, or identification card~~ **credential** to indicate that the person to whom the ~~license, photo exempt identification card, or identification card~~ **credential** is issued has acknowledged the making of an anatomical gift on the application form for the ~~license, photo exempt identification card, or identification card~~ **credential** as set forth in subsection (a).

(c) Revocation, suspension, ~~or~~ cancellation, **or expiration** of the ~~license or expiration of the license, photo exempt identification card, or identification card~~ **credential** does not invalidate the anatomical gift.

(d) An anatomical gift is valid if the ~~person~~ **individual** acknowledges the making of the anatomical gift by signing the application form for a ~~driver's license, photo exempt identification card, or identification card~~ **credential** under subsection (a). No other acknowledgment is required to make an anatomical gift.

SECTION 525. IC 9-24-17-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 9: The bureau shall keep a record containing information concerning each individual who has made an anatomical gift under this chapter.~~

SECTION 526. IC 9-24-18-0.5, AS ADDED BY P.L.217-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. If a court suspends or revokes a ~~person's~~ **an individual's** driving privileges under this title, the court shall inform the bureau of the action in a format designated by the bureau.

SECTION 527. IC 9-24-18-1, AS AMENDED BY P.L.221-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~A person;~~ **An individual**, except a ~~person~~ **an individual** exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid ~~driving driver's~~ license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if ~~the~~

~~person~~ **the individual** has a prior unrelated conviction under this section.

(b) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

- (1) had been issued a driver's license or permit that was valid; or
- (2) was operating a Class B motor driven cycle;

at the time of the alleged offense. However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.

SECTION 528. IC 9-24-18-2, AS AMENDED BY P.L.158-2013, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person may not do any of the following:

- (1) Display, cause or ~~permit allow~~ to be displayed, or ~~have in possession possess~~ a **driver's** license or permit issued under this article knowing that the **driver's** license or permit is fictitious or has been canceled, revoked, suspended, or altered.
- (2) Lend to a ~~person an individual~~ or knowingly permit the use by a ~~person an individual~~ not entitled to use a **driver's** license or permit a **driver's** license or permit issued under this article.
- (3) Display or represent as the ~~person's individual's driver's~~ license or permit issued under this article a **driver's** license or permit not issued to the ~~person: individual~~.
- (4) Fail or refuse to surrender, upon demand of the proper official, a **driver's** license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.
- (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a **driver's** license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state **or country**.

A person ~~who that~~ knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) ~~A person~~ **An individual** who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:
 - (A) for a **driver's** license or permit issued under this article;

or

(B) for a renewal, amendment, or replacement of a **driver's** license or permit issued under this article; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a **driver's** license or permit issued under this article;

commits application fraud, a Level 6 felony.

SECTION 529. IC 9-24-18-3, AS AMENDED BY P.L.85-2013, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person that has a motor vehicle in the person's custody may not cause or knowingly permit a ~~person an individual~~ to operate the vehicle upon a highway unless the ~~person individual~~ holds a valid **driver's** license or permit under this article for the type of **motor** vehicle that the ~~person individual~~ is operating.

(b) A person ~~who that~~ violates this section commits a Class C infraction.

SECTION 530. IC 9-24-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. In a proceeding to enforce IC 9-24-1 requiring the operator of a **motor** vehicle to have a certain type of **driver's** license, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued the applicable **driver's** license or permit and that the **driver's** license was valid at the time of the alleged offense.

SECTION 531. IC 9-24-18-7.5, AS ADDED BY P.L.188-2015, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. A person ~~who that~~ knowingly or intentionally counterfeits or falsely reproduces a driver's license:

(1) with intent to use the **driver's** license; or

(2) to permit ~~another person an individual~~ to use the **driver's** license;

commits a Class B misdemeanor.

SECTION 532. IC 9-24-18-9, AS AMENDED BY P.L.217-2014, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when the bureau receives an abstract of court conviction for the type of conviction that would appear on an official driver's record.

(b) If an unlicensed driver applies for and receives any type of driver's license in Indiana, the ~~person's~~ **individual's** driving record as an unlicensed driver shall be recorded on the permanent record file.

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driver's license.

(d) A driving record established under this section must include the following:

(1) The individual's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) Any suspensions, revocations, or reinstatements of the individual's driving privileges, license, or permit.

(4) If the driving privileges of the individual have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed to the individual by the bureau and the date of the mailing of the notice.

(5) Any requirement that the individual may operate only a motor vehicle equipped with a certified ignition interlock device.

A driving record may not contain voter registration information.

SECTION 533. IC 9-24-18-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a driver's license issued under this article:

(b) A person may not create or use a reproduction of a driver's license issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection. The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars (\$10,000).

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement

entered into under subsection (a); or
 (2) a civil penalty imposed under subsection (b);
 shall be collected and deposited in the motor vehicle highway account.

SECTION 534. IC 9-24-19-1, AS AMENDED BY P.L.217-2014, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Except as provided in sections 2 and 3 of this chapter, a ~~person~~ **an individual** who operates a motor vehicle upon a highway while the ~~person's individual's~~ driving ~~privilege, privileges, driver's~~ license, or permit is suspended or revoked commits a Class A infraction.

SECTION 535. IC 9-24-19-2, AS AMENDED BY P.L.33-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~A person~~ **An individual** who:

- (1) knows that the ~~person's individual's~~ driving ~~privilege, privileges, driver's~~ license, or permit is suspended or revoked; and
- (2) operates a motor vehicle upon a highway less than ten (10) years after the date on which judgment was entered against the ~~person individual~~ **person individual** for a prior unrelated violation of section 1 of this chapter, this section, IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(a) (repealed July 1, 2000);

commits a Class A misdemeanor.

SECTION 536. IC 9-24-19-3, AS AMENDED BY P.L.217-2014, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) ~~A person~~ **An individual** who operates a motor vehicle upon a highway when:

- (1) the ~~person individual~~ **person individual** knows that the ~~person's individual's~~ driving ~~privilege, privileges, driver's~~ license, or permit is suspended or revoked; ~~when and~~
- (2) the ~~person's individual's~~ suspension or revocation was a result of the ~~person's individual's~~ conviction of an offense (as defined in IC 35-31.5-2-215);

commits a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a:

- (1) Level 6 felony if the operation of the motor vehicle results in bodily injury; or
- (2) Level 5 felony if the operation of the motor vehicle results in the death of another person.

SECTION 537. IC 9-24-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. Service by the bureau of motor vehicles of a notice of an order or an order suspending or revoking ~~a person's~~ **an individual's** driving privileges by mailing the notice or order by first class mail to the ~~defendant~~ **individual** under this chapter at the last address shown for the ~~defendant~~ **individual** in the records of the bureau of motor vehicles establishes a rebuttable presumption that the ~~defendant~~ **individual** knows that the ~~person's~~ **individual's** driving privileges are suspended **or revoked, as applicable.**

SECTION 538. IC 9-25-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. This article applies to a person ~~who that~~ **is not a resident of Indiana a nonresident** under the same conditions as this article applies to a **an Indiana** resident. ~~of Indiana.~~

SECTION 539. IC 9-25-1-7, AS ADDED BY P.L.259-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. This article does not apply to:

- (1) off-road vehicles;
- (2) ~~or~~ snowmobiles; **or**
- (3) **Class B motor driven cycles.**

SECTION 540. IC 9-25-3-2, AS AMENDED BY P.L.59-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Whenever under Indiana law the bureau may suspend or revoke a driver's license or driving privileges if the operator of a motor vehicle is ~~a~~ **an Indiana** resident, ~~of Indiana,~~ the bureau may suspend or revoke the driver's license or driving privileges of or forbid the operation of a motor vehicle in Indiana by an operator who is a nonresident.

(b) Whenever under Indiana law the bureau may suspend or revoke the registration certificate and registration plates of a motor vehicle if the owner of the motor vehicle is ~~a~~ **an Indiana** resident, ~~of Indiana,~~ the bureau may forbid the operation within Indiana of a motor vehicle if the owner of the motor vehicle is a nonresident.

(c) The bureau shall transmit to the motor vehicle bureau or state officer performing the functions of a bureau in the state in which a nonresident resides a certified copy of the following:

- (1) A conviction of, or an administrative action concerning, the

nonresident that has resulted in the suspension of the nonresident's driving privilege in Indiana.

(2) An unsatisfied judgment rendered against a nonresident that has resulted in the suspension of the nonresident's driving privilege in Indiana.

SECTION 541. IC 9-25-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The minimum standards for financial responsibility for a ~~Class A~~ recovery vehicle **with a gross vehicle weight rating greater than sixteen thousand (16,000) pounds** are a combined single limit of seven hundred fifty thousand dollars (\$750,000) for bodily injury and property damage in any one (1) accident or as follows:

(1) Subject to the limit set forth in subdivision (2), five hundred thousand dollars (\$500,000) for bodily injury to or the death of one (1) individual.

(2) One million dollars (\$1,000,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(3) One hundred thousand dollars (\$100,000) for damage to or the destruction of property in one (1) accident.

(b) The minimum standards for financial responsibility for a ~~Class B~~ recovery vehicle **with a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds** are a combined single limit of three hundred thousand dollars (\$300,000) for bodily injury and property damage in any one (1) accident or as follows:

(1) Subject to the limit set forth in subdivision (2), one hundred thousand dollars (\$100,000) for bodily injury to or the death of one (1) individual.

(2) Three hundred thousand dollars (\$300,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(3) Fifty thousand dollars (\$50,000) for damage to or the destruction of property in one (1) accident.

(c) A person that operates a recovery vehicle in violation of this section commits a Class B infraction.

SECTION 542. IC 9-25-6-3.5, AS AMENDED BY P.L.59-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. If a person violates:

(1) IC 9-25-4;

(2) IC 9-25-5;
 (3) section 2 or 3 of this chapter; or
 (4) IC 9-25-10 (before its repeal);
 more than one (1) time within a three (3) year period, the person's driving privileges ~~or motor vehicle registration may~~ **shall** be suspended for ~~not more than~~ one (1) year.

SECTION 543. IC 9-25-6-15, AS AMENDED BY P.L.125-2012, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. **(a) A person: An individual:**

(1) whose driving privileges are suspended under this article; and
 (2) who seeks the reinstatement of the driving privileges;
 must pay a reinstatement fee to the bureau as provided in ~~IC 9-29-10-1:~~
subsection (b).

(b) The reinstatement fee under subsection (a) is as follows:

- (1) For a first suspension, two hundred fifty dollars (\$250).**
- (2) For a second suspension, five hundred dollars (\$500).**
- (3) For a third or subsequent suspension, one thousand dollars (\$1,000).**

(c) Each fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7 as follows:

- (1) One hundred twenty dollars (\$120) for a fee paid after a first suspension.**
- (2) One hundred ninety-five dollars (\$195) for a fee paid after a second suspension.**
- (3) Two hundred seventy dollars (\$270) for a fee paid after a third or subsequent suspension.**

The remaining amount of each fee paid under this section must be deposited in the motor vehicle highway account.

(d) If:

- (1) a person's driving privileges are suspended for registering or operating a vehicle in violation of IC 9-25-4-1;**
 - (2) the person is required to pay a fee for the reinstatement of the person's license under this section; and**
 - (3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;**
- the fee paid by the person under this section shall be refunded.**

SECTION 544. IC 9-25-6-15.1 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.1. (a) An individual who is liable for a reinstatement fee imposed under section 15 of this chapter may file a petition for waiver of the reinstatement fee in a criminal court of record in the person's county of residence.**

(b) The clerk of the court shall forward a copy of the petition to the prosecuting attorney of the county and to the bureau. The prosecuting attorney may appear and be heard on the petition.

(c) The bureau is not a party in a proceeding under this chapter.

(d) Upon its own motion, or upon a petition filed by an individual under this section, a court may waive a reinstatement fee imposed under section 15 of this chapter if the court finds that:

(1) the individual who owes the fee:

(A) is indigent; and

(B) has presented proof of future financial responsibility; and

(2) waiver of the fee is appropriate in light of the individual's character and the circumstances surrounding the suspension.

(e) If a court waives a reinstatement fee under this section for an individual, the court may impose other reasonable conditions on the individual.

(f) If a court waives a reinstatement fee under this section, the clerk shall forward a copy of the court's order to the bureau.

SECTION 545. IC 9-25-7-3, AS AMENDED BY P.L.59-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. (a) The bureau shall, upon request, cancel a bond or return a certificate of insurance, direct the treasurer of state to return to the person entitled any money or securities deposited under this article as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following circumstances:**

(1) At any time after three (3) years from the date the proof was required, if during the three (3) year period preceding the request the person furnishing the proof has not been convicted of an offense referred to in ~~IC 9-30-4-6~~. **IC 9-30-4-6.1.**

(2) If the person on whose behalf the proof was filed dies or the person becomes permanently incapable of operating a motor vehicle.

(3) If the person who has given proof of financial responsibility surrenders the person's driver's license, registration certificates, and registration plates to the bureau. The bureau may not release the proof if an action for damages upon a liability referred to in this article is pending, a judgment upon a liability is outstanding and unsatisfied, or the bureau has received notice that the person has, within the period of three (3) months immediately preceding, been involved as a driver in a motor vehicle accident. An affidavit of the applicant of the nonexistence of the facts referred to in this subdivision is sufficient evidence of the nonexistence of the facts in the absence of evidence to the contrary in the records of the department.

(b) Whenever a person to whom proof has been surrendered under subsection (a)(3) applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of three (3) years from the date the proof of financial responsibility was originally required, the bureau shall reject the application unless the applicant reestablishes the proof for the remainder of the period.

SECTION 546. IC 9-25-7-6, AS AMENDED BY P.L.59-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section does not apply to a ~~person who is a~~ **an Indiana** resident of ~~Indiana~~ or **an individual** who operates a motor vehicle in Indiana.

(b) Subject to subsection (c), ~~a person:~~ **an individual:**

(1) whose driver's license, driving privileges, or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the ~~person's~~ **individual's** driving privileges reinstated; and

(2) who no longer operates a motor vehicle in Indiana and has become a ~~resident of another state or foreign jurisdiction;~~ **nonresident;**

is not required to prove financial responsibility into the future in order to have the ~~person's individual's~~ driver's license, driving privileges, or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

(c) ~~A person~~ **An individual** described in subsection (b) who, during the three (3) year period following the suspension described in subsection (b)(1), applies to the bureau for a driver's license or registers

a motor vehicle in Indiana must maintain proof of future financial responsibility for the unexpired portion of the three (3) year period as required under this article.

SECTION 547. IC 9-25-8-2, AS AMENDED BY P.L.188-2015, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person ~~who~~ **that** knowingly:

- (1) operates; or
- (2) permits the operation of;

a motor vehicle on a public highway in Indiana without financial responsibility in effect as set forth in IC 9-25-4-4 commits a Class A infraction. However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

- (1) the owner of a rental company under IC 9-25-6-3(f)(1); and
- (2) an employer under IC 9-25-6-3(f)(2).

(c) In addition to any other penalty imposed on a person for violating this section, the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges and **motor** vehicle registration for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges and **motor** vehicle registration, as applicable, for the period recommended by the court. If no suspension is recommended by the court, or if the court recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this article. The suspension of a person's driving privileges or **motor** vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-6 for the same incident.

SECTION 548. IC 9-25-8-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3: ~~The commissioner may adopt rules under IC 4-22-2 necessary to implement this chapter.~~

SECTION 549. IC 9-25-9-7 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The financial responsibility compliance verification fund is established to defray expenses incurred by the bureau in verifying compliance with financial responsibility requirements under this chapter.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are as follows:

- (1) The portion of the driving license reinstatement fee that is to be deposited in the fund under ~~IC 9-29-10-1~~. **IC 9-25-6-15.**
- (2) Accrued interest and other investment earnings of the fund.
- (3) Appropriations made by the general assembly.
- (4) Gifts and donations from any person to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 550. IC 9-26-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9. Accident Reports and Fees

Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:

- (1) The response by a local law enforcement agency to a motor vehicle accident.**
- (2) The investigation by a local law enforcement agency of a motor vehicle accident.**

Sec. 2. As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

Sec. 3. (a) Except as provided in subsection (c), the main department, office, agency, or other person under whose supervision a law enforcement officer carries out the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body and is at least five dollars (\$5) for each report.

(b) The fee collected under subsection (a) or (c) shall be deposited in the following manner:

(1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) The superintendent of the state police department may charge a fee in an amount that is at least five dollars (\$5) for:

(1) each report; and

(2) the inspection and copying of other report related data maintained by the department.

Sec. 4. A political subdivision or a local law enforcement agency may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

(1) the driver of a motor vehicle; or

(2) any other person;

involved in a motor vehicle accident.

SECTION 551. IC 9-27-7-2, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "~~certified chief instructor~~" "**rider coach trainer**" means a licensed motorcycle operator who meets standards established by the bureau that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for instructors in motorcycle safety and education.

SECTION 552. IC 9-27-7-3, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 3. The bureau shall develop and administer a motorcycle operator safety education program that, at a minimum, must:

- (1) provide motorcycle operator education;
- (2) ~~provide instructor training;~~ **train and certify rider coach trainers;**
- (3) increase public awareness of motorcycle safety; and
- (4) evaluate and recommend improvements to the motorcycle operator licensing system.

SECTION 553. IC 9-27-7-4, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The commissioner shall appoint:

- (1) a program coordinator of the motorcycle operator safety education program developed under section 3 of this chapter who shall administer the motorcycle operator safety education program and conduct an annual evaluation; and
- (2) a training specialist of the motorcycle operator safety education program developed under section 3 of this chapter who shall:
 - (A) establish approved motorcycle driver education and training courses throughout Indiana;
 - ~~(B) set program and funding guidelines;~~ and
 - ~~(C)~~ **(B)** supervise ~~instructors~~ **rider coach trainers** and other personnel as necessary.

The training specialist must be a ~~certified chief instructor~~ **rider coach trainer** and hold a valid license, **including any necessary endorsements**, to operate a motorcycle.

SECTION 554. IC 9-27-7-7, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The motorcycle operator safety education fund is established. The commissioner shall administer the fund. The fund consists of money received from motorcycle registrations as provided under ~~IC 9-29~~ **IC 9-18 (before its expiration) or IC 9-18.1-5-3**. The money in the fund may be used for the administration of the program and expenses related to the program, including:

- (1) reimbursement for course sites;
- (2) ~~instructor~~ **rider coach trainer** training;
- (3) purchase of equipment and course materials; and

(4) technical assistance.

SECTION 555. IC 9-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If by the laws of any other state, commonwealth, District of Columbia, or foreign country or its political subdivisions, any taxes, fees, charges, penalties, obligations, prohibitions, restrictions, or limitations of any kind are imposed upon the vehicles of **Indiana** residents of ~~Indiana~~ in addition to those imposed by Indiana upon the vehicles of residents of the other state, commonwealth, District of Columbia, or foreign country or its political subdivisions, the bureau, with the approval of the governor, may impose and collect fees or charges in a like amount and provide for similar obligations, prohibitions, restrictions, or limitations upon the owner or operator of a vehicle registered in the other state, commonwealth, District of Columbia, or foreign country or its political subdivisions as long as the laws of the other state, commonwealth, District of Columbia, or foreign country or its political subdivisions requiring the imposition remain in force and effect. All taxes, fees, charges, and penalties collected in this manner shall be paid into the state highway fund.

SECTION 556. IC 9-28-5.1-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5. The bureau may adopt rules under IC 4-22-2 to carry out this chapter.~~

SECTION 557. IC 9-29-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. (General Provisions).

SECTION 558. IC 9-29-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-14).

SECTION 559. IC 9-29-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-17).

SECTION 560. IC 9-29-5-9, AS AMENDED BY P.L.216-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. ~~(a) As used in this section, "church bus" means a bus that is:~~

- ~~(1) owned and operated by a religious or nonprofit youth organization; and~~
- ~~(2) used to transport persons to religious services or used for the benefit of the members of the religious or nonprofit youth organization.~~

~~(b)~~ (a) The fee to register a church bus is as follows:

(1) For a church bus registered before August 1 of a year, twenty-nine dollars and seventy-five cents (\$29.75).

(2) For a church bus registered after July 31 of a year, seventeen dollars and seventy-five cents (\$17.75).

~~(c)~~ **(b)** A fee described in subsection ~~(b)~~ **(a)** shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a church bus registered before August 1 of a year, four dollars (\$4).

(B) For a church bus registered after July 31 of a year, two dollars (\$2).

(4) For a church bus registered before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(5) For a church bus registered after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 561. IC 9-29-5-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 21: The fee for a special motor number is two dollars and fifty cents (\$2.50):~~

SECTION 562. IC 9-29-5-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 22: The fee for a special serial number is thirteen dollars (\$13). The fee shall be distributed as follows:~~

~~(1) Fifty cents (\$0.50) to the state motor vehicle technology fund:~~

~~(2) One dollar (\$1) to the highway, road and street fund:~~

~~(3) One dollar (\$1) to the motor vehicle highway account:~~

~~(4) One dollar and fifty cents (\$1.50) to the integrated public safety communications fund:~~

~~(5) Four dollars (\$4) to the crossroads 2000 fund:~~

~~(6) Five dollars (\$5) to the commission fund:~~

SECTION 563. IC 9-29-5-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 24: The fee for a nonresident transport vehicle decal under IC 9-18 is twenty-three dollars and seventy-five cents (\$23.75). The fee shall be distributed as follows:~~

~~(1) Twenty-five cents (\$0.25) to the state police building account:~~

- ~~(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.~~
- ~~(3) One dollar (\$1) to the motor vehicle highway account.~~
- ~~(4) Two dollars (\$2) to the crossroads 2000 fund.~~
- ~~(5) Twenty dollars (\$20) to the commission fund.~~

SECTION 564. IC 9-29-5-25 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 25: The fee for a fleet permit under ~~IC 9-18~~ shall be determined as follows:

- ~~(1) Divide instate miles by total fleet miles.~~
- ~~(2) Determine the total amount necessary to register each interstate bus in the fleet for which registration is requested based on the regular annual registration fees prescribed by section 7 of this chapter.~~
- ~~(3) Multiply the amount obtained under subdivision (2) by the fraction obtained under subdivision (1).~~

SECTION 565. IC 9-29-5-26 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 26: (a) The fee for the special registration permit under ~~IC 9-18~~ is ten dollars (\$10).

~~(b) A special registration permit may be renewed one (1) time only for a renewal fee of ten dollars (\$10).~~

SECTION 566. IC 9-29-5-30, AS AMENDED BY P.L.216-2014, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) The fee to register **under IC 9-18-13** a **Class A** recovery vehicle ~~under IC 9-18-13~~ **that has a gross vehicle weight rating that is greater than sixteen thousand (16,000) pounds** is as follows:

- ~~(1) For a **Class A** recovery vehicle registered before August 1 of a year, five hundred nine dollars and seventy-five cents (\$509.75).~~
- ~~(2) For a **Class A** recovery vehicle registered after July 31 of a year, two hundred fifty-seven dollars and seventy-five cents (\$257.75).~~
- ~~(b) A fee described in subsection (a) shall be distributed as follows:~~
 - ~~(1) Twenty-five cents (\$0.25) to the state police building account.~~
 - ~~(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.~~
 - ~~(3) To the crossroads 2000 fund as follows:~~
 - ~~(A) For a **Class A** recovery vehicle registered before August 1 of a year, four dollars (\$4).~~
 - ~~(B) For a **Class A** recovery vehicle registered after July 31 of a year, two dollars (\$2).~~

- (4) For a ~~Class A~~ recovery vehicle registered before July 1, 2019:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.
- (5) For a ~~Class A~~ recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.
- (6) Any remaining amount to the motor vehicle highway account.

SECTION 567. IC 9-29-5-30.1, AS ADDED BY P.L.216-2014, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30.1. (a) The fee to register **under IC 9-18-13 a Class B recovery vehicle under IC 9-18-13 that has a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds** is as follows:

- (1) For a ~~Class B~~ recovery vehicle registered before August 1 of a year, eighty-three dollars and seventy-five cents (\$83.75).
- (2) For a ~~Class B~~ recovery vehicle registered after July 31 of a year, forty-four dollars and seventy-five cents (\$44.75).
- (b) A fee described in subsection (a) shall be distributed as follows:
 - (1) Twenty-five cents (\$0.25) to the state police building account.
 - (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (3) To the crossroads 2000 fund as follows:
 - (A) For a ~~Class B~~ recovery vehicle registered before August 1 of a year, three dollars (\$3).
 - (B) For a ~~Class B~~ recovery vehicle registered after July 31 of a year, one dollar and fifty cents (\$1.50).
- (4) For a ~~Class B~~ recovery vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.
- (5) For a ~~Class B~~ recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.
- (6) Any remaining amount to the motor vehicle highway account.

SECTION 568. IC 9-29-5-32.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 32.5: (a) The fee for a personalized license plate under ~~IC 9-18-15~~ is forty-five dollars (\$45). The fee shall be distributed as follows:

- (1) Four dollars (\$4) to the crossroads 2000 fund.

(2) Seven dollars (\$7) to the motor vehicle highway account.

(3) Thirty-four dollars (\$34) to the commission fund.

(b) The fee for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5 is thirty-seven dollars (\$37). The fee shall be distributed as follows:

(1) Seven dollars (\$7) to the motor vehicle highway account.

(2) Thirty dollars (\$30) to the commission fund.

SECTION 569. IC 9-29-5-33 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 33: The fee to register a vehicle owned by an eligible person under IC 9-18-18 is the applicable fee for a vehicle of the same class under this chapter. There is no additional fee for a license plate issued under IC 9-18-18.

SECTION 570. IC 9-29-5-34.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 34.5: A vehicle registered under IC 9-18-24.5 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title. There is no additional fee for a license plate issued under IC 9-18-24.5.

SECTION 571. IC 9-29-5-34.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 34.7: In addition to the fee described in IC 9-18-52-7(a)(2), a vehicle registered under IC 9-18-52 is subject to an annual registration fee for a vehicle of the same classification under this chapter and any other fee or tax required of a person registering a vehicle under this title.

SECTION 572. IC 9-29-5-35 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 35: There is no fee in addition to the regular registration fee to register a vehicle under IC 9-18-22.

SECTION 573. IC 9-29-5-36 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 36: The fee to register a vehicle under IC 9-18-23 is as follows:

(1) The applicable excise tax imposed under IC 6-6-5.

(2) The regular vehicle registration fee imposed under this chapter.

(3) Eight dollars (\$8); distributed as follows:

(A) Two dollars (\$2) to the motor vehicle highway account.

(B) Two dollars (\$2) to the crossroads 2000 fund.

(C) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated

public safety communications fund.

(ii) Two dollars and seventy-five cents (\$2.75) to the commission fund.

(D) For a vehicle registered after June 30, 2019, four dollars (\$4) to the commission fund.

SECTION 574. IC 9-29-5-37 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 37: The bureau shall set the fee for a license plate issued under IC 9-18-24 by rule.

SECTION 575. IC 9-29-5-38 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 38: (a) Except as provided in subsections (c) and (d), vehicles registered under IC 9-18-25 are subject to the following:

(1) The appropriate annual registration fee under this chapter for the vehicle.

(2) An annual supplemental fee of fifteen dollars (\$15).

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

(4) Any other fee or tax required to register a vehicle under this title.

(b) The bureau shall distribute the money collected under the annual supplemental fee under subsection (a)(2) or (d)(2) as follows:

(1) Five dollars (\$5) from each registration is appropriated to the motor vehicle highway account.

(2) Five dollars (\$5) from each registration shall be deposited in the commission fund under IC 9-29-14.

(3) Five dollars (\$5) from each supplemental fee under subsection (a)(2) shall be distributed as follows:

(A) One dollar (\$1) to the crossroads 2000 fund.

(B) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Two dollars and seventy-five cents (\$2.75) to the commission fund.

(C) For a vehicle registered after June 30, 2019, four dollars (\$4) to the commission fund.

(c) A vehicle registered under IC 9-18-25 that is owned by a former prisoner of war or by the prisoner's surviving spouse is exempt from the fees described in subsection (a). However, the vehicle is subject to a service charge of five dollars and seventy-five cents (\$5.75). The fee

shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) For a vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Three dollars and seventy-five cents (\$3.75) to the commission fund.
- (4) For a vehicle registered after June 30, 2019, five dollars (\$5) to the commission fund.

(d) A motor vehicle that is registered and for which is issued a special group recognition license plate under IC 9-18-25 and IC 9-18-49 is subject to the following:

- (1) The appropriate annual registration fee under this chapter for the vehicle.
- (2) An annual supplemental fee of ten dollars (\$10).
- (3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.
- (4) The annual fee of twenty dollars (\$20) imposed by IC 9-18-49-4(a)(2).
- (5) Any other fee or tax required to register a vehicle under this title.

SECTION 576. IC 9-29-5-38.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. See: 38.5. (a) A vehicle registered under IC 9-18-50 is subject to:

- (1) an annual registration fee;
- (2) an annual supplemental fee of fifteen dollars (\$15); and
- (3) any other fee or tax required of a person registering a vehicle under this title.

(b) A vehicle registered under IC 9-18-51 is subject to:

- (1) an annual registration fee;
- (2) an annual supplemental fee of twenty dollars (\$20); and
- (3) any other fee or tax required of a person registering a vehicle under this title.

(c) The bureau shall distribute the annual supplemental fees described in subsections (a)(2) and (b)(2) that are collected from each registration to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

SECTION 577. IC 9-29-5-38.6 IS REPEALED [EFFECTIVE JULY 1, 2016]. **Sec. 38.6:** A vehicle registered under IC 9-18-54 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title.

SECTION 578. IC 9-29-5-45 IS REPEALED [EFFECTIVE JULY 1, 2016]. **Sec. 45:** The bureau may adopt rules under IC 4-22-2 to impose a pull service charge. However, the bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the Lewis and Clark expedition.

SECTION 579. IC 9-29-5-47.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 47.2. This chapter expires December 31, 2016.**

SECTION 580. IC 9-29-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-20).

SECTION 581. IC 9-29-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-22).

SECTION 582. IC 9-29-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-24).

SECTION 583. IC 9-29-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-25).

SECTION 584. IC 9-29-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-26).

SECTION 585. IC 9-29-11.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Accident Response Service Fees).

SECTION 586. IC 9-29-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-27).

SECTION 587. IC 9-29-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Miscellaneous Fees).

SECTION 588. IC 9-29-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. (State License Branch Fund).

SECTION 589. IC 9-29-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-31).

SECTION 590. IC 9-29-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. (State Motor Vehicle Technology Fund).

SECTION 591. IC 9-29-17-16 IS REPEALED [EFFECTIVE JULY

1, 2016]. Sec. 16. (a) The fee to obtain a dealer plate under IC 9-31-3-19 is ten dollars (\$10):

(b) The fee is retained by the secretary of state.

SECTION 592. IC 9-30-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on an Indiana highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on an Indiana highway unless at the time of the arrest the officer is:

- (1) wearing a distinctive uniform and a badge of authority; or
- (2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle. This section does not apply to an officer making an arrest when there is a uniformed officer present at the time of the arrest.

SECTION 593. IC 9-30-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If a person who is an Indiana resident:

- (1) is arrested for a misdemeanor regulating the use and operation of motor vehicles, other than the misdemeanor of operating a vehicle while intoxicated; and
- (2) is not immediately taken to court as provided in section 4 of this chapter;

the person **Indiana resident** shall be released from custody by the arresting officer upon signing a written promise to appear in the proper court at a time and date indicated on the promise. The **Indiana** resident shall be given a copy of the promise.

(b) Except as provided in IC 9-28-1 and IC 9-28-2, if a person who is not an **Indiana resident nonresident** is arrested for a violation of a traffic ordinance or a statute punishable as an infraction or a misdemeanor that regulates the use and operation of a motor vehicle and is not immediately taken to court as provided in section 4 of this chapter, the person shall be released upon the deposit of a security. The security shall be:

- (1) the amount of the fine and costs for the violation in the form of cash, a money order, or a traveler's check made payable to the

clerk of the court; or

- (2) a valid motor club card of a motor club that, by written plan approved by the secretary of state as provided in section 8 of this chapter, guarantees the nonresident's deposit in the amount of the fine and costs.

The proper court shall provide a list of security deposits, which must be equal to the fine and costs for the violation, and a security deposit agreement that acts as a receipt for the deposit. A nonresident who does not choose to deposit a security shall be taken to the proper court.

(c) The agreement for the security deposit and the written promise or notice to appear in court must contain the following:

- (1) A citation of the violation.
- (2) The name and address of the person accused of committing the violation.
- (3) The number of the person's license to operate a motor vehicle.
- (4) The registration number of the person's vehicle, if any.
- (5) The time and place the person must appear in court.

If the violation is a misdemeanor, the time specified for appearance must be at least five (5) days after the arrest unless the arrested person demands an earlier hearing. The place specified for appearance must be in the proper court within the county where the person was arrested or given a notice to appear in the case of an infraction or ordinance. The nonresident shall be properly informed of the consequences of a guilty plea or an agreed judgment. The agreement for the security must also contain a provision in which the nonresident agrees that the court shall take permanent possession of the deposit, and if the nonresident fails to appear in court or is not represented in court, a guilty plea or an offer of judgment shall be entered on the court's record on behalf of the nonresident. Upon proper appearance or representation, the security shall be returned to the nonresident.

(d) A nonresident licensed by a jurisdiction that has entered into an agreement with Indiana under IC 9-28-2 may deposit the nonresident's license to operate a motor vehicle with the law enforcement officer as security for release. A nonresident shall, by the date required on the security deposit agreement, do one (1) of the following:

- (1) Appear in court.
- (2) Be represented in court.
- (3) Deliver to the court by mail or courier the amount of the fine

and costs prescribed for the violation.

The license to operate a motor vehicle shall be returned to the nonresident upon payment of the fine and costs and entry of a guilty plea or upon other judgment of the court. Until a judgment has been entered upon the court's records, the nonresident's copy of the security deposit agreement acts as a temporary license to operate a motor vehicle. Upon failure to appear or to be represented, the nonresident's license to operate a motor vehicle and a copy of the judgment shall be sent by the court to the bureau, which shall notify the appropriate agency in accordance with IC 9-30-3-8.

(e) A nonresident who requests to deposit a security in the amount of the fine and costs shall be accompanied to the nearest United States mail receptacle and instructed by the law enforcement officer to place:

(1) the amount of the fine and costs; and

(2) one (1) signed copy of the security deposit agreement;

into a stamped, addressed envelope, which the proper court shall supply to the officer for the nonresident. The officer shall observe this transaction and shall observe the nonresident deposit the envelope in the mail receptacle. The nonresident shall then be released and given a copy of the security deposit agreement. If the nonresident does not appear in court or is not represented in court at the time and date specified on the receipt, a guilty plea or judgment against the nonresident shall be entered and the security deposit shall be used to satisfy the amount of the fine and costs prescribed for the violation.

(f) A nonresident motorist may deposit with the law enforcement officer a valid motor club card as a guarantee of security if the motor club or its affiliated clubs have a written plan approved by the secretary of state that guarantees the payment of the security in the amount of the fine and costs if the motorist:

(1) does not appear in court; or

(2) is not represented in court on the date and time specified in the security agreement.

(g) The recipient court may refuse acceptance of a security deposit agreement for a second moving traffic charge within a twelve (12) month period. The court may send notice requiring a personal court appearance on a date specified. Upon failure to appear the court shall take the appropriate action as described in this section.

SECTION 594. IC 9-30-3-12, AS AMENDED BY P.L.85-2013,

SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) If during any twelve (12) month period a **person an individual** has committed moving traffic violations for which the **person individual** has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the **person; individual;** or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the **person; individual;**

the bureau may require the **person individual** to attend and satisfactorily complete a driver safety program approved by the bureau. The **person individual** shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who ~~holds a probationary license under IC 9-24-11-3.3 or is less than eighteen (18) years of age.~~ **is less than twenty-one (21) years of age.** An individual is required to attend and satisfactorily complete a driver safety program approved by the bureau if either of the following occurs at least twice or if both of the following have occurred when the individual was less than ~~eighteen (18)~~ **twenty-one (21)** years of age:

- (1) The individual has been convicted of a moving traffic offense, other than an offense that solely involves motor vehicle equipment.
- (2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving privileges of any **person individual** who:

- (1) fails to attend a driver safety program; or
- (2) fails to satisfactorily complete a driver safety program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a **person an individual** is liable due to a traffic violation if the **person individual** enrolls in and completes a driver safety program or a similar school conducted by an agency of the state or local government.

SECTION 595. IC 9-30-3-15, AS AMENDED BY P.L.125-2012, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in ~~IC 9-14-3-4~~ made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's driver's license number or by any other identification method utilized by the bureau.

SECTION 596. IC 9-30-4-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1:~~ (a) Upon any reasonable ground appearing on the records of the bureau and specified in rules adopted under subsection (b); the bureau may do the following:

- (1) Suspend or revoke the current driving privileges or driver's license of any person:
- (2) Suspend or revoke the certificate of registration and license plate for any motor vehicle:

(b) The bureau shall adopt rules under ~~IC 4-22-2~~ to specify reasonable grounds for suspension or revocation permitted under subsection (a):

SECTION 597. IC 9-30-4-6, AS AMENDED BY P.L.149-2015, SECTION 98, IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 6:~~ (a) The bureau shall suspend or revoke the current driver's license or driving privileges and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

- (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle:
- (2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways:
- (3) ~~Three~~ (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months:
- (4) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident

that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200):

However, and unless otherwise required by law, the bureau may not suspend a certificate of registration or license plate if the person gives and maintains, during the three (3) years following the date of suspension or revocation, proof of financial responsibility in the future in the manner specified in this section:

(b) The bureau shall suspend a driver's license or driving privileges of a person upon conviction in another jurisdiction for the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle:

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways:

(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months:

(4) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200):

However, if property damage is less than two hundred dollars (\$200), the bureau may determine whether the driver's license or driving privileges and certificates of registration and license plates shall be suspended or revoked:

(c) A person whose driving privileges are suspended under this chapter is eligible for specialized driving privileges under IC 9-30-16.

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivision (2), for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later.

(2) Upon conviction of an offense described in subsection (a)(1) or (b)(1), or (a)(4) or (b)(4) when the accident has resulted in death, for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or

reinstated driver's license or driving privileges may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

- (1) A conviction upon a plea of guilty.
 - (2) A determination of guilt by a jury or court, even if:
 - (A) no sentence is imposed; or
 - (B) a sentence is suspended.
 - (3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.
 - (4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.
- (g) A suspension or revocation under this section or under IC 9-30-13-0.5 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.
- (h) A person aggrieved by an order or act of the bureau under this section or IC 9-30-13-0.5 may file a petition for a court review.

SECTION 598. IC 9-30-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6.1. (a) The bureau shall suspend or revoke the current driver's license or driving privileges and all certificates of registration and proof of registration issued to or registered in the name of an individual who is convicted of any of the following:**

- (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.**
- (2) Knowingly making a false application, or committing perjury with respect to an application made, under:**
 - (A) this chapter; or**
 - (B) any other law requiring the registration of motor vehicles or regulating motor vehicle operation on highways.**
- (3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.**
- (4) Failure to stop and give information or assistance or**

failure to stop and disclose the individual's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).

However, and unless otherwise required by law, the bureau may not suspend a certificate of registration or proof of registration if the individual gives and maintains, during the three (3) years following the date of suspension or revocation, proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend a driver's license or driving privileges of an individual upon conviction in another jurisdiction for the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Knowingly making a false application, or committing perjury with respect to an application made, under:

(A) this chapter; or

(B) any other law requiring the registration of motor vehicles or regulating motor vehicle operation on highways.

(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(4) Failure to stop and give information or assistance or failure to stop and disclose the individual's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).

However, if property damage under subdivision (4) is equal to or less than two hundred dollars (\$200), the bureau may determine whether the driver's license or driving privileges and certificates of registration and proof of registration shall be suspended or revoked.

(c) An individual whose driving privileges are suspended under this chapter is eligible for specialized driving privileges under IC 9-30-16.

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the individual and a motor vehicle may not be registered in the name of the individual as

follows:

(1) Except as provided in subdivision (2), for six (6) months after the date of conviction or on the date on which the individual is otherwise eligible for a license, whichever is later.

(2) Upon conviction of an offense described in subsection (a)(1), (a)(4), (b)(1), or (b)(4), when the accident has resulted in death, for a fixed period of at least two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated driver's license or driving privileges may not be issued to the individual unless that individual, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount must be deducted from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits that exceed the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead

against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of an individual in another state.

(f) A suspension or revocation under this section or IC 9-30-13-0.5 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(g) A person aggrieved by an order or act of the bureau under this section or IC 9-30-13-0.5 may file a petition for a court review.

(h) An entry in the driving record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the records of the bureau.

SECTION 599. IC 9-30-4-9, AS AMENDED BY P.L.188-2015, SECTION 105, IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9-

(a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or permit or applying for a driver's license, permit, or renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the person's license, permit, or driving privileges upon any of the following charges or allegations:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided:

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage:

(3) That the person is incompetent to drive a motor vehicle or is

afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle:

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law:

(b) Whenever the bureau determines a hearing is necessary upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder of the hearing. The notice must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation of, or decline to suspend or revoke, the driver's license, permit, or driving privileges of the person.

(c) The bureau or the deputy or agent may suspend or revoke the driver's license, permit, or driving privileges of a person and any of the certificates of registration and license plates for a motor vehicle or require the person to operate for a period of one (1) year under restricted driving privileges and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a driver's license, a permit, or driving privileges in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) Except as provided in subsections (h), (i), and (j), the bureau may suspend or revoke the driver's license, permit, or driving privileges of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, permit, or driving privileges. A person whose driver's license, permit, or driving privileges are suspended under this subsection is eligible for specialized driving privileges under IC 9-30-16-4.

(g) The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(h) The bureau shall suspend the driver's license, permit, or driving privileges of an Indiana resident for a period of one (1) year upon receiving notice of the conviction of the person in another state of an offense that:

(1) involves the use of a motor vehicle; and

(2) caused or resulted in serious bodily injury to another person.

A person whose driver's license, permit, or driving privileges are suspended under this subsection is eligible for specialized driving privileges under IC 9-30-16-4.

(i) The bureau shall suspend the driver's license, permit, or driving privileges of an Indiana resident for a period of one (1) year upon receiving notice of the conviction of the person in another state of an offense that involves the operation of a motor vehicle while the person is intoxicated and the person has a prior conviction:

(1) in another state of an offense that involves the operation of a motor vehicle while the person is intoxicated; or

(2) under IC 9-30-5.

A person whose driver's license, permit, or driving privileges are suspended under this subsection is eligible for specialized driving privileges under IC 9-30-16-4.

(j) The bureau shall suspend the driver's license, permit, or driving privileges of an Indiana resident for a period of two (2) years upon receiving notice of the conviction of the person in another state of an offense that:

(1) involves the operation of a motor vehicle; and

(2) caused the death of another person.

A person whose driver's license, permit, or driving privileges are suspended under this subsection is not eligible for specialized driving privileges under IC 9-30-16-4 during the period for which the person's driver's license, permit, or driving privileges are suspended under this subsection.

(k) A suspension or revocation under this section stands pending any proceeding for review of an action of the bureau taken under this

section.

(f) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 600. IC 9-30-4-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14. The bureau may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 601. IC 9-30-6-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. The bureau shall adopt rules under IC 4-22-2 necessary to carry out this chapter, IC 9-30-5, IC 9-30-9, or IC 9-30-15.

SECTION 602. IC 9-30-10-14.1, AS ADDED BY P.L.188-2015, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.1. (a) This section does not apply to any person who has the person's license driving privileges suspended for life under:

- (1) ~~IC 9-30-10-5(b)(2)~~; **section 5(b)(2) of this chapter**; or
- (2) ~~IC 9-30-10-17(b)~~ **section 17(b) of this chapter** for an offense that occurred after December 31, 2014.

(b) Except as provided in subsection (f), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

- (1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.
- (2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(c) A petition for rescission and reinstatement under this section must meet the following conditions:

- (1) Be verified by the petitioner.
- (2) State the petitioner's age, date of birth, and place of residence.
- (3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.
- (4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are

reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) That indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (b) and (f).

(6) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(7) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides. If the petitioner resides in a state other than Indiana, the petition must be filed in the county in which the most recent Indiana moving violation conviction occurred.

(8) If the petition is being filed under subsection (f), aver the existence of the conditions listed in subsection (f)(1) through (f)(3).

(d) The petitioner shall serve the prosecuting attorney of the county in which the petition is filed and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(e) The prosecuting attorney of the county in which the petition is filed shall represent the state in the matter.

(f) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of a conviction for operating a motor vehicle while the person's driving privileges were suspended because the person is a habitual violator.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter other than a judgment or conviction for operating a motor vehicle while the

person's driver's license or driving privileges were revoked or suspended as a result of a conviction of an offense under IC 9-1-4-52 (repealed July 1, 1992), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3.

SECTION 603. IC 9-30-10-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.2. (a) Upon receiving a petition filed after June 30, 2016, under section 14.1 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following parties:**

- (1) The petitioner.**
- (2) The prosecuting attorney of the county where the petitioner resides.**
- (3) The bureau.**

(b) At a hearing described in subsection (a), the petitioner must prove the following by a preponderance of the evidence:

- (1) The petitioner has no prior convictions for a violation described in section 4(a) of this chapter.**
- (2) The petitioner no longer presents a safety risk to others while operating a motor vehicle.**
- (3) The ongoing suspension of the petitioner's driving privileges is unreasonable.**
- (4) The reinstatement of the petitioner's driving privileges serves the best interests of society.**
- (5) If the petitioner is seeking reinstatement under section 14.1(b) of this chapter, at least ten (10) years have elapsed since the suspension of the petitioner's driving privileges.**
- (6) If the petitioner is seeking reinstatement under section 14.1(f) of this chapter, at least three (3) years have elapsed since the suspension of the petitioner's driving privileges.**

(c) If the court finds that a petitioner meets all applicable requirements in subsection (b), the court may do the following:

- (1) Rescind the order requiring the suspension of the petitioner's driving privileges.**
- (2) Order the bureau to reinstate the petitioner's driving privileges.**

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to grant the petitioner specialized driving privileges:

- (1) for a specified period; and
 - (2) subject to additional conditions imposed by the court.
 - (e) Additional terms and conditions imposed by the court may include one (1) or more of the following:
 - (1) Specified hours during which the petitioner may operate a motor vehicle.
 - (2) An order prohibiting the petitioner from operating a motor vehicle:
 - (A) with an alcohol concentration equivalent to at least two hundredths (0.02) of a gram of alcohol per:
 - (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;
 - or
 - (B) while intoxicated (as defined under IC 9-13-2-86).
 - (3) Electronic monitoring to determine the petitioner's compliance with subdivision (2).
 - (4) Use of a vehicle equipped with an ignition interlock device.
 - (5) Submission to a chemical breath test as part of a lawful traffic stop conducted by a law enforcement officer.
 - (6) Use of an electronic monitoring device that detects and records the petitioner's use of alcohol.
 - (f) The court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle.
 - (g) After the expiration date of the specialized driving privileges ordered by the court under subsection (d) and the petitioner's fulfillment of any imposed conditions specified by the court, the bureau shall reinstate the petitioner's driving privileges.
 - (h) If the bureau receives a judicial order granting rescission of a suspension order under subsection (c) for an individual who, according to the records of the bureau, does not qualify for the rescission of a suspension order, the bureau shall do the following:
 - (1) Process the judicial order and notify the prosecuting attorney of the county from which the order was received that the individual is not eligible for the rescission of the suspension order and reinstatement of driving privileges.
 - (2) Send a certified copy of the individual's driving record to the prosecuting attorney described in subdivision (1).
- Upon receiving a certified copy under subdivision (2), the

prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days of sending the petitioner's driving record to the prosecuting attorney described in subdivision (1), the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order within sixty (60) days of receiving notice from the bureau.

(i) An order reinstating a petitioner's driving privileges is a final order that may be appealed by any party to the action.

SECTION 604. IC 9-30-13-0.5, AS AMENDED BY P.L.188-2015, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court ~~shall~~ **may** recommend the suspension of the convicted person's driving privileges for a ~~fixed~~ period ~~established by the court~~ that does not exceed the **maximum** period of incarceration ~~to for the offense of~~ which the ~~convicted~~ person was ~~sentenced.~~ **convicted.**

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or under IC 9-30-5-7, the court may obtain and destroy the defendant's current driver's license.

(e) An abstract required by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

SECTION 605. IC 9-30-15-3, AS AMENDED BY P.L.290-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section does not apply to the following:

(1) A container possessed by a person, other than the operator of the motor vehicle, who is in the:

- (A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or
- (B) living quarters of a house coach or house trailer.

(2) A container located in a fixed center console or other similar fixed compartment that is locked.

(3) A container located:

(A) behind the last upright seat; or

(B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.

(b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container:

(1) that has been opened;

(2) that has a broken seal; or

(3) from which some of the contents have been removed;

in the passenger compartment of the motor vehicle commits a Class C infraction.

(c) A violation of this section is not considered a moving traffic violation:

(1) for purposes of ~~IC 9-14-3~~; **IC 9-14-12-3**; and

(2) for which points are assessed by the bureau under the point system.

SECTION 606. IC 9-30-15.5-1, AS AMENDED BY P.L.188-2015, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "vehicular substance offense" means any misdemeanor or felony in which operation of a vehicle while intoxicated, operation of a vehicle in excess of the statutory limit for alcohol, or operation of a vehicle with a controlled substance or its metabolite in the person's body, is a material element. The term includes an offense under IC 9-30-5, IC 9-24-6-15 (**before its repeal**), **IC 9-24-6.1-7**, and ~~an offense under IC 9-11-2 (before its repeal)~~.

SECTION 607. IC 9-30-16-1, AS AMENDED BY SEA 248-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving ~~permit~~ **privileges** under this chapter:

(1) A person who has never been an Indiana resident.

(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5; or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, ~~for any criminal conviction in which the operation of a motor vehicle is an element of the offense, or any criminal conviction for an offense under IC 9-30-5,~~ a court may suspend the ~~person's~~ driving privileges ~~of a person convicted of any of the following offenses~~ for a period up to the maximum allowable period of incarceration under the penalty for the offense:

(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5.

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

SECTION 608. IC 9-30-16-3, AS AMENDED BY SEA 248-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;**
- (2) state the petitioner's age, date of birth, and address;**
- (3) state the grounds for relief and the relief sought;**
- (4) be filed in a circuit or superior court; and**
- (5) be served on the bureau and the prosecuting attorney.**

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

~~(b)~~ **(c)** Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

~~(c)~~ **(d)** **The terms of** specialized driving privileges must be determined by a court. ~~and may include, but are not limited to:~~

- ~~(1) requiring the use of certified ignition interlock devices; and~~
- ~~(2) restricting a person to being allowed to operate a motor vehicle:~~
 - ~~(A) during certain hours of the day; or~~
 - ~~(B) between specific locations and the person's residence.~~

~~(d)~~ **(e)** A stay of a suspension and specialized driving privileges may not be granted to a ~~person~~ **an individual** who:

- (1) has previously been granted specialized driving privileges; and the person**
- (2) has more than one (1) conviction under section 5 of this**

chapter.

~~(e)~~ **(f) An individual** who has been granted specialized driving privileges shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the ~~person;~~ **individual;**
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued state identification card or driver's license.

~~(f)~~ **(g) An individual** who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the ~~person~~ **individual** to hold a commercial driver's license to operate the vehicle.

~~(g) A person may independently file a petition for specialized driving privileges in the court from which the ordered suspension originated.~~

SECTION 609. IC 9-30-16-4, AS AMENDED BY P.L.188-2015, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) ~~A person~~ **An individual** whose driving privileges have been suspended by the bureau by an administrative action and not by a court order may petition a court for specialized driving privileges as described in section 3(b) through ~~3(e)~~ **3(d)** of this chapter.

(b) A petition filed under this section must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the **appropriate** county, ~~in which the petitioner resides;~~ **as determined under subsection (d);**
- (5) be filed in a circuit or superior court; and
- (6) be served on the bureau and the prosecuting attorney.

(c) A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this section.

(d) ~~A person who was an Indiana resident and~~ **An individual** whose driving privileges are suspended in Indiana ~~but who is currently a resident of a state other than Indiana;~~ **may must file a petition a court for specialized driving privileges as follows:**

(1) If the individual is an Indiana resident, in the county in which the individual resides.

(2) If the individual was an Indiana resident at the time the individual's driving privileges were suspended but is currently a nonresident, in the county in which the ~~person's individual's~~ most recent Indiana moving violation judgment was entered against the ~~person:~~ **individual.**

SECTION 610. IC 9-30-16-5, AS AMENDED BY SEA 248-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, 3.5, or 4 of this chapter, **or imposed under IC 9-30-10-14.2,** commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension.

SECTION 611. IC 9-30-16-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. If the bureau issues a driver's license to an individual who has been issued specialized driving privileges, the individual shall pay a specialized driving privileges charge of ten dollars (\$10). The charge is in addition to any applicable fees under IC 9-24 and shall be deposited in the commission fund.**

SECTION 612. IC 9-31-1-4, AS AMENDED BY P.L.125-2012, SECTION 376, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The bureau may utilize the services and facilities of:

(1) license branches operated under IC 9-14.1;

(2) full service providers (as defined in IC 9-14.1-1-2); and

(3) partial services providers (as defined in IC 9-14.1-1-3);

to carry out the bureau's responsibilities under this article.

~~However, (b) An additional charge may not be imposed under this chapter for the use of the services or facilities of license branches under this chapter. a person described in subsection (a)(1).~~

SECTION 613. IC 9-31-1-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5. The bureau may adopt rules under IC 4-22-2 to implement this article.~~

SECTION 614. IC 9-31-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Watercraft are classified for the purposes of this article ~~and IC 9-29-15~~ as follows:

Class	Length in Feet	
	At Least	But Less Than
1	0	13
2	13	16
3	16	20
4	20	26
5	26	40
6	40	50
7	50	

SECTION 615. IC 9-31-1-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 8. "Operator" has the meaning set forth in 33 CFR 174.3.**

SECTION 616. IC 9-31-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 9. "Owner" has the meaning set forth in 33 CFR 174.3.**

SECTION 617. IC 9-31-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Watercraft Certificates of Title).

SECTION 618. IC 9-31-3-2, AS AMENDED BY P.L.171-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A motorboat does not have to be registered and numbered under this chapter if any of the following conditions are met:

- (1) The motorboat is legally registered in another state and:
 - (A) the motorboat has not been within Indiana for more than sixty (60) consecutive days;
 - (B) the owner of the motorboat has paid:
 - (i) the excise tax required under IC 6-6-11; ~~and~~

(ii) the fees required under IC 6-6-11-13; and ~~IC 9-29-15-9;~~

(iii) a two dollar (\$2) fee to the bureau; or

(C) the motorboat is moored on the Indiana part of Lake Michigan for not more than one hundred eighty (180) consecutive days.

(2) The motorboat is from a country other than the United States temporarily using the waters of Indiana.

(3) The motorboat is a ship's lifeboat.

(4) The motorboat belongs to a class of boats that has been exempted from registration and numbering by the bureau after the bureau has found the following:

(A) That the registration and numbering of motorboats of that class will not materially aid in their identification.

(B) That an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs.

(C) That the motorboat would also be exempt from numbering if the motorboat were subject to the federal law.

(b) The following are prima facie evidence that a motorboat will be operated on the waters of Indiana for more than sixty (60) consecutive days and is not exempt from registration under subsection (a)(1)(A):

(1) The rental or lease for more than sixty (60) consecutive days of a mooring facility that is located on the waters of Indiana for the motorboat.

(2) The purchase of a mooring facility that is located on the waters of Indiana for the motorboat.

(3) Any other contractual agreement that allows the use of a mooring facility that is located on the waters of Indiana for:

(A) the motorboat; and

(B) more than sixty (60) consecutive days.

(c) A fee imposed under subsection (a)(1)(B) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) One dollar and seventy-five cents (\$1.75) to the commission fund.

SECTION 619. IC 9-31-3-8, AS AMENDED BY P.L.262-2013, SECTION 128, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 8. The owner of a motorboat that is required to be registered and numbered by Indiana shall request to register the motorboat with the bureau. At the time of filing the request, the requesting party must provide proof of ownership and a hull identification number to the bureau. If ~~there is the motorboat has not a manufacturer's been previously assigned a~~ hull identification number, ~~for the owner of the motorboat the bureau shall assign~~ **apply for** a hull identification number **under IC 9-17** at the time of registration. ~~in the same manner as a hull identification number is assigned under IC 9-31-2-8. The fee prescribed under IC 9-29-15-2 shall be paid to the bureau for assigning a hull identification number.~~ For purposes of registering a motorboat or obtaining a hull identification number to register a motorboat, ownership may be established by any one (1) of the following:

- (1) A manufacturer's or importer's certificate.
- (2) A sworn statement of ownership as prescribed by the bureau. An affidavit executed, under penalties for perjury, by the person filing the application shall be accepted as proof of ownership for any motorboat or sailboat that:
 - (A) is a Class 5 or lower motorboat under IC 6-6-11-11 (the boat excise tax) and the motorboat is not titled under ~~IC 9-31-2; IC 9-17~~; or
 - (B) is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means, including sailboats that are equipped with such a motor or engine when the sailboat is in operation whether or not the sails are hoisted, if:
 - (i) the motorboat was made by an individual for the use of the individual and not for resale; and
 - (ii) the motorboat is not titled under ~~IC 9-31-2; IC 9-17~~.
- (3) A certificate of title or bill of sale.
- (4) Other evidence of ownership required by the law of another state from which the motorboat is brought into Indiana.

SECTION 620. IC 9-31-3-9, AS AMENDED BY P.L.262-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in subsection (b), a request for registration under section 8 of this chapter must be signed by the owner of the motorboat and accompanied by the

fee specified under ~~IC 9-29-15-4~~. **subsection (c).**

(b) A motorboat that is owned by the United States, a state, or a subdivision of a state is exempt from the payment of a fee to register the motorboat.

(c) The fee to register a motorboat is based on the length in feet of the motorboat as follows:

Watercraft Length (in feet)

At Least	But Less Than	Fee (\$) (before January 1, 2017)	Fee (\$) (after December 31, 2016)
0	13	16.50	15
13	26	18.50	18
26	40	21.50	21
40		26.50	24

(d) A fee collected under subsection (c) before January 1, 2017, shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (2) One dollar (\$1) to the commission fund.**
- (3) Three dollars (\$3) to the crossroads 2000 fund.**
- (4) Any remaining amount to the department of natural resources.**

~~(e)~~ **(e)** The bureau shall transfer the money derived from the fees collected under subsection ~~(a)~~ **(c) after December 31, 2016**, to the department of natural resources.

(f) The owner of a motorboat that is registered under this section is not required to renew the registration under subsection (c). However, the person must pay any applicable fees and excise tax under IC 6-6-11-13 on the motorboat each year.

SECTION 621. IC 9-31-3-12, AS AMENDED BY P.L.262-2013, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. ~~Upon the transfer of ownership of~~ **(a) A person that transfers ownership of or sells a motorboat the owner** shall provide proper ownership documents and the certificate of registration to the new owner at the time of delivering the motorboat.

(b) The new owner shall submit a request for registration, along with apply to register the motorboat proper fee, with the bureau and a new registration certificate shall be issued in the same manner as an

~~original issue of a registration certificate. as provided in this chapter.~~

SECTION 622. IC 9-31-3-13, AS AMENDED BY P.L.216-2014, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. ~~The bureau shall charge and collect the fee provided under IC 9-29-15-5 for the reissuance of a certificate of registration If:~~

- (1) ~~the an original certificate of registration or decal issued under this chapter~~ has been lost or destroyed;
- (2) a ~~duplicate replacement certificate or decal~~ is needed; or
- (3) an amendment or a correction is needed to the registration information;

the bureau shall issue a replacement certificate or decal under the procedures set forth in IC 9-18.1-11 for a vehicle, including the payment of fees required by IC 9-18.1.

SECTION 623. IC 9-31-3-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 16: A registration number awarded under this chapter continues in full force and effect as long as the annual registration fee is paid under IC 6-6-11 unless the number is sooner terminated or discontinued under this chapter.~~

SECTION 624. IC 9-32-2-18.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.6. "Person" does not include the state, an agency of the state, or a municipal corporation.**

SECTION 625. IC 9-32-5-6, AS AMENDED BY HEA 1365-2016, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a dealer purchases or acquires ownership of a motor vehicle in a state that does not have a certificate of title law, the dealer shall apply for an Indiana certificate of title for the motor vehicle not more than ~~thirty-one (31)~~ **forty-five (45)** days after the date of purchase or the date ownership of the motor vehicle was acquired.

(b) The bureau shall collect a ~~delinquent title fee~~ **an administrative penalty** as provided in ~~IC 9-29-4-4~~ **IC 9-17-2-14.7** if a dealer fails to apply for a certificate of title for a motor vehicle as described in subsection (a).

SECTION 626. IC 9-32-6-11, AS AMENDED BY HEA 1365-2016, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer that is licensed and has been issued a license plate

under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) A dealer may provide a person with an interim license plate issued by the secretary when the dealer:

- (1) sells or leases a motor vehicle to the person; or
- (2) allows a person that buys a motor vehicle to take delivery of the motor vehicle before the sale of the motor vehicle is fully funded.

The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a person to operate the motor vehicle until the earlier of the following dates:

- (1) Forty-five (45) days after the date of sale or lease of the motor vehicle to the person.
- (2) The date on which a regular license plate is issued.

A person that violates this subsection commits a Class A infraction.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the motor vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26 **(before its expiration) or IC 9-18.1-4-3**; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the person at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

(i) The fee for an interim dealer license plate is three dollars (\$3). The fee shall be distributed as follows:

- (1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

(j) The secretary may issue an interim license plate to a person that purchases a motor vehicle from a dealer if the dealer has not timely delivered the certificate of title for the motor vehicle under IC 9-32-4-1.

(k) The secretary may design and issue to a dealer a motor driven cycle decal to be used in conjunction with an interim license plate upon the sale of a motor driven cycle.

(l) A new motor vehicle dealer may issue an interim license plate for use on a motor vehicle that the new motor vehicle dealer delivers to a purchaser under a written courtesy agreement between the new motor vehicle dealer and another new motor vehicle dealer or manufacturer with whom the new motor vehicle dealer has a franchise agreement. A person that violates this subsection commits a Class C infraction.

(m) A person that fails to display an interim license plate as prescribed in subsection (f)(1) or (f)(2) commits a Class C infraction.

SECTION 627. IC 9-32-6.5-2, AS ADDED TO THE INDIANA CODE BY HEA 1365-2016, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A dealer designee license plate may be displayed only on a motor vehicle in a dealer's inventory.

(b) A person may not:

- (1) lend;
- (2) lease;
- (3) sell;
- (4) transfer;
- (5) copy;
- (6) alter; or
- (7) reproduce;

a dealer designee license plate.

(c) A dealer designee license plate may not be used:

- (1) on a motor vehicle that is required to be registered under IC 9-18 **(before its expiration) or IC 9-18.1;**
- (2) on a motor vehicle for which a dealer charges and receives compensation from an individual other than an employee of the dealer; or

(3) on a motor vehicle that a dealer leases or rents.

SECTION 628. IC 9-32-6.5-10, AS ADDED TO THE INDIANA CODE BY HEA 1365-2016, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A manufacturer may use either the license plate issued under this chapter or IC 9-18-27 (before its repeal) or a permit issued under IC 9-18-7 **(before its expiration) or IC 9-18.1-2.**

SECTION 629. IC 9-32-9-1, AS AMENDED BY HEA 1365-2016, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person must be licensed by the secretary under this chapter before the person may do any of the following:

- (1) Sell a used major component part of a motor vehicle.
- (2) Wreck, dismantle, shred, compact, crush, or otherwise destroy a motor vehicle for resale of the major component parts of the motor vehicle or scrap material.
- (3) Rebuild a wrecked or dismantled motor vehicle for resale.
- (4) Possess for more than thirty (30) days more than two (2) inoperable motor vehicles of a type subject to registration under IC 9-18 **(before its expiration) or IC 9-18.1** unless the person holds a mechanic's lien on each motor vehicle over the quantity of two (2).
- (5) Engage in the business of storing, disposing, salvaging, or recycling of motor vehicles, vehicle hulks, or parts of motor vehicles.

(b) A person who violates this section commits a Class A infraction.

SECTION 630. IC 9-33-1-1, AS ADDED BY P.L.149-2015, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This article applies to the following:

- (1) Actions taken under a court order.
- (2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or IC 9-24-2-4.**
- (3) Actions required under IC 9-24-6 (before its repeal on July 1, 2016).**
- (4) Actions required under IC 9-24-6.5-6(c) (before its repeal on July 1, 2016).**
- (5) Actions taken under IC 9-24-6.1.**
- ~~(6)~~ **(6) Actions required under IC 9-25.**

(7) Actions taken under IC 9-28.

~~(8)~~ **(8)** Actions required under IC 9-30.

(9) Refunds claimed after June 30, 2016, of fees imposed by the bureau.

SECTION 631. IC 9-33-2-3, AS ADDED BY P.L.149-2015, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person aggrieved by an action under this ~~chapter~~ **article** may file a petition in the circuit or superior court of the county in which the person resides. ~~If the person is not an Indiana resident, the person~~ **A nonresident** may file a petition for review in the Marion County circuit court.

(b) The person must file the petition not more than fifteen (15) days after the earlier of:

- (1) the date on which the person receives written notice under section 1 of this chapter; or
- (2) the expiration of the thirty (30) day period under section 1(b) of this chapter.

(c) A petition filed under subsection (a) must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, place of residence, and driver's license identification number;
- (3) state the action under section 1 of this chapter from which the person seeks relief;
- (4) include a copy of any written order or determination made by the bureau with respect to the action;
- (5) state the grounds for relief, including all facts showing that the bureau's action is wrongful or unlawful; and
- (6) state the relief sought.

(d) The filing of a petition under this section does not automatically stay the underlying action. The court in which the petition is filed may stay the underlying action pending final judicial review if the court determines that the petition states facts that show a reasonable probability that the action is wrongful or unlawful.

(e) This subsection applies to a petition that alleges a material error with respect to an action taken by the bureau under IC 9-30-10. Not more than six (6) months after the petition is filed, the court shall hear the petition, take testimony, and examine the facts of the case. In disposing of the petition, the court may modify, affirm, or reverse the

action of the bureau in whole or in part and shall issue an appropriate order. If the court fails to hear the petition in a timely manner, the original action of the bureau is reinstated in full force and effect.

SECTION 632. IC 9-33-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 3. Refunds of Certain Fees

Sec. 1. (a) This section applies if:

- (1) the bureau charges a person a fee in an amount greater than required by law and the person pays the fee;**
- (2) the bureau charges a person a fee in error and the person pays the fee; or**
- (3) a person pays a fee in error to the bureau.**

(b) A person described in subsection (a) may file a claim for a refund with the bureau on a form furnished by the bureau. The claim must:

- (1) be filed within three (3) years after the date on which the person pays the fee;**
- (2) set forth the amount of the refund that the person is claiming;**
- (3) set forth the reasons the person is claiming the refund; and**
- (4) include any documentation supporting the claim.**

(c) After considering the claim and all evidence relevant to the claim, the bureau shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The bureau shall mail a copy of the decision to the claimant. However, if the bureau allows the full refund claimed, a warrant for the payment of the claim is sufficient notice of the decision.

(d) If a person disagrees with all or part of the bureau's decision, the person may file a petition under IC 9-33-2-3.

Sec. 2. If the bureau determines that a person is entitled to a refund under section 1 of this chapter, the bureau shall refund the amount of overpayment by:

- (1) placing a credit on the person's account with the bureau;**
- or**
- (2) warrant issued by the auditor of state drawn on the treasurer of state.**

A person may affirmatively elect to receive a refund in the form of

a warrant rather than as a credit.

Sec. 3. A class action for refunds under this chapter may not be maintained in any court on behalf of any person who has not complied with the requirement of section 1 of this chapter before the class is certified. A refund under this chapter to a member of a class in a class action is subject to the time limits set forth in section 1 of this chapter based on the time the class member filed the claim with the bureau.

SECTION 633. IC 10-11-2-26, AS AMENDED BY P.L.217-2014, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21 **(before its expiration) or IC 9-18.1-7.**
- (15) IC 9-24-1-1. ~~through IC 9-24-1-1.5.~~
- (16) IC 9-24-1-7.
- (17) Except as provided in subsection (c), ~~IC 9-24-1-6, IC 9-24-6-17, and IC 9-24-6-18, IC 9-24-6.1-6 and IC 9-24-6.1-7,~~ commercial driver's license.

- (18) IC 9-24-4.
- (19) IC 9-24-5.
- (20) IC 9-24-11-4.
- (21) IC 9-24-13-3.
- (22) IC 9-24-18-1 through IC 9-24-18-2.
- (23) IC 9-25-4-3.
- (24) IC 9-28-4.
- (25) IC 9-28-5.
- (26) IC 9-28-6.
- (27) IC 9-29-5-11 through IC 9-29-5-13 **(before their expiration)**.
- (28) IC 9-29-5-42 **(before its expiration)**.
- (29) IC 10-14-8.
- (30) IC 13-17-5-1, ~~IC 13-17-5-2~~, IC 13-17-5-3, or IC 13-17-5-4.
- (31) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce ~~IC 9-24-6-14 or IC 9-24-6-15~~. **IC 9-24-6.1-7.**

SECTION 634. IC 10-15-3-6, AS AMENDED BY P.L.101-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Fees from license plates issued under IC 9-18-45 **(before its expiration) or IC 9-18.5-23** shall be deposited in the fund.

SECTION 635. IC 10-17-12-9, AS AMENDED BY P.L.113-2010, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Donations to the fund.
- (3) Interest.
- (4) Money transferred to the fund from other funds.
- (5) Annual supplemental fees collected under ~~IC 9-29-5-38.5~~. **IC 9.**
- (6) Money from any other source authorized or appropriated for the fund.

(b) The commission shall transfer the money in the fund not currently needed to provide assistance or meet the obligations of the

fund to the veterans' affairs trust fund established by IC 10-17-13-3.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(d) There is annually appropriated to the commission for the purposes of this chapter all money in the fund not otherwise appropriated to the commission for the purposes of this chapter.

SECTION 636. IC 13-11-2-245, AS AMENDED BY P.L.1-2006, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

- (1) Mobile homes (house trailers).
- (2) Trailers weighing not more than three thousand (3,000) pounds.
- (3) ~~Antique motor vehicles.~~ **A vehicle that is at least twenty-five (25) years old.**
- (4) Special machinery (as defined in IC 9-13-2-170.3).

~~(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank:~~

~~(c) (b) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.~~

~~(d) (c) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include a lawn and garden tractor that is propelled by a motor of not more than twenty-five (25) horsepower.~~

~~(e) (d) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.~~

SECTION 637. IC 14-12-2-25, AS AMENDED BY HEA 1353-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) The President Benjamin Harrison conservation trust fund is established for the purpose of purchasing property as provided in this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from environmental license plates issued under IC 9-18-29 **(before its expiration) or IC 9-18.5-13.**
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The department shall administer the fund. The director must approve any purchase of property using money from the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter.

SECTION 638. IC 14-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "bureau" refers to the bureau of motor vehicles established by ~~IC 9-14-1-1.~~ **IC 9-14-7-1.**

SECTION 639. IC 14-16-1-8, AS AMENDED BY P.L.259-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as otherwise provided, the following may not be operated on public property unless registered:

- (1) An off-road vehicle.
- (2) A snowmobile (including a collector snowmobile).

(b) Except as provided under subsection (c), the following must be registered under this chapter:

- (1) A vehicle that is purchased after December 31, 2003.
- (2) A collector snowmobile.

(c) Registration is not required for the following vehicles:

- (1) An off-road vehicle that is exclusively operated in a special event of limited duration that is conducted according to a

prearranged schedule under a permit from the governmental unit having jurisdiction.

(2) A vehicle being operated by a nonresident of Indiana ~~as authorized under section 19 of this chapter.~~ **for a period not to exceed twenty (20) days in one (1) year.**

(3) A vehicle being operated for purposes of testing or demonstration with temporary placement of numbers as set forth in section 16 of this chapter.

(4) A vehicle the operator of which has in the operator's possession a bill of sale from a dealer or private individual that includes the following:

(A) The purchaser's name and address.

(B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale.

(C) The make, model, and vehicle number of the vehicle provided by the manufacturer as required by section 13 of this chapter.

(5) A vehicle that is owned or leased and used for official business by:

(A) the state;

(B) a municipal corporation (as defined in IC 36-1-2-10); or

(C) a volunteer fire department (as defined in IC 36-8-12-2).

(d) This section expires January 1, 2017.

SECTION 640. IC 14-16-1-18, AS AMENDED BY P.L.219-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) A dealer shall maintain in safe operating condition all vehicles rented, leased, or furnished by the dealer. The dealer or the dealer's agents or employees shall explain the operation of a vehicle being rented, leased, or furnished. If the dealer or the dealer's agent or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to the person or others, the dealer or the dealer's agent or employee shall refuse to rent, lease, or furnish the vehicle.

(b) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to the vehicle as follows:

(1) Twenty thousand dollars (\$20,000) for bodily injury to or

death of one (1) person in any one (1) accident.

(2) Subject to the limit for one (1) person, forty thousand dollars (\$40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.

(3) Ten thousand dollars (\$10,000) for injury to or destruction of property of others in any one (1) accident.

(c) In the alternative, a dealer may demand and must be shown proof that the person renting, leasing, or being furnished a vehicle carries a liability policy of at least the type and coverage specified in subsection (b).

(d) A dealer:

(1) shall prepare an application for a certificate of title as required by ~~IC 9-17-2-1.5~~ **IC 9-17-2-1** for a purchaser of an off-road vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles; and

(2) may charge a processing fee for this service that may not exceed ten dollars (\$10).

(e) This subsection does not apply to an off-road vehicle that is at least five (5) model years old. After January 1, 2008, a dealer may not have on its premise an off-road vehicle that does not have a certificate of:

(1) origin from its manufacturer; or

(2) title issued by;

(A) the bureau of motor vehicles or its equivalent in another state; or

(B) a foreign country.

SECTION 641. IC 14-16-1-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 19: A vehicle registered in another state or country to a nonresident of Indiana may be operated within Indiana under authority of the registration for a period not to exceed twenty (20) days in one (1) year.~~

SECTION 642. IC 14-16-1-20, AS AMENDED BY P.L.259-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an individual may not operate a vehicle required to be registered under this chapter, ~~or~~ under IC 9-18-2.5 (**before its expiration**), ~~or under IC 9-18.1-14~~ upon a public highway, street, or

rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:

(1) A vehicle may be operated on the public right-of-way adjacent to the traveled part of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

(2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.

(3) Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.

(4) A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the public highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(5) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(b) An individual less than fourteen (14) years of age may not operate a vehicle without immediate supervision of an individual at least eighteen (18) years of age, except on land owned or under the control of the individual or the individual's parent or legal guardian.

(c) An individual may not operate a vehicle on a public highway without a valid motor vehicle driver's license.

(d) A vehicle may not be used to hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

SECTION 643. IC 14-16-1-30, AS AMENDED BY P.L.259-2013,

SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) As used in this section, "fund" refers to the off-road vehicle and snowmobile fund established by subsection (b).

(b) The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.

(c) The fund consists of the revenues obtained under this chapter, ~~and IC 9-18-2.5 (before its expiration), and IC 9-18.1-14,~~ appropriations, and donations. Money in the fund shall be used for the following purposes:

- (1) Enforcement and administration of this chapter.
- (2) Constructing and maintaining off-road vehicle trails.
- (3) Constructing and maintaining snowmobile trails.
- (4) Paying the operational expenses of properties:
 - (A) that are managed by the department; and
 - (B) on which are located off-road vehicle or snowmobile trails.
- (5) Costs incurred by the bureau of motor vehicles to operate and maintain the off-road vehicle and snowmobile registration program established under IC 9-18-2.5 **(before its expiration) or IC 9-18.1-14.**

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

SECTION 644. IC 14-20-15-6, AS AMENDED BY P.L.203-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The commission may do the following:

- (1) Educate Indiana residents and the nation about Indiana's important role in the Lewis and Clark expedition.
- (2) Assist local governments and organizations with planning, preparation, and grant applications for Lewis and Clark expedition events and projects.
- (3) Coordinate state, local, and nonprofit organizations' Lewis and Clark expedition activities occurring in Indiana.
- (4) Act as a point of contact for national Lewis and Clark expedition organizations wishing to distribute information to state and local groups about grant opportunities, meetings, and national events.

- (5) Plan and implement appropriate events to commemorate the Lewis and Clark expedition.
- (6) Seek federal grants and philanthropic support for Lewis and Clark expedition activities.
- (7) Perform other duties necessary to highlight Indiana's role in the Lewis and Clark expedition.
- (8) Recommend the establishment of a nonprofit corporation under section 7 of this chapter.
- (9) Transfer funds received under IC 9-18-47 (**before its expiration**) or **IC 9-18.5-26** and other property to a nonprofit corporation established under section 7 of this chapter.

SECTION 645. IC 14-20-15-9, AS AMENDED BY P.L.203-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The expenses of the commission shall be paid from the money transferred to the commission from the Lewis and Clark expedition fund established by ~~IC 9-18-47~~ **IC 9-18.5-26-4**.

SECTION 646. IC 15-17-11-6, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If an applicant for a disposal plant license complies with this chapter and any rules adopted under this chapter, the state veterinarian shall issue a disposal plant license to the applicant and a transport vehicle license certificate for each transport vehicle listed in the license application.

(b) A truck or trailer that is to be used as a transport vehicle must bear a license certificate issued by the state veterinarian.

(c) A transport vehicle license issued under this section entitles the licensee to operate a transport vehicle in Indiana.

(d) This section does not relieve an owner of a transport vehicle from any requirement related to the titling, registration, or operation of a transport vehicle.

SECTION 647. IC 15-20-4-5, AS ADDED BY HEA 1201-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A deposit made under section 4(a)(2)(B), 4(a)(3)(B), or 4(b)(2) of this chapter shall be held by the animal care facility in a separate account. The deposit shall be:

- (1) returned to the depositor not later than one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility if proof is given that a spay-neuter procedure has

been completed on the companion animal; or
 (2) forfeited after one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility, if proof is not given under subdivision (1).

(b) If a deposit is forfeited under subsection (a)(2), the animal care facility holding the deposit shall remit the forfeited deposit amount to the bureau of motor vehicles within a reasonable time. The bureau of motor vehicles shall deposit any amounts received under this section in a trust fund established under ~~IC 9-18-25-17.5(g)~~ **IC 9-18.5-12-14(f)**, for a special group that provides spay-neuter services.

SECTION 648. IC 16-41-27-29, AS AMENDED BY P.L.87-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) Subject to subsection (b), the owner, operator, or caretaker of a mobile home community has a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien.

(b) With regard to a lienholder:

(1) if the property has a properly perfected secured interest; ~~under IC 9-17-6-7;~~ and

(2) the lienholder has notified the owner, operator, or caretaker of the mobile home community of the lienholder's lien by certified mail;

the maximum amount of the innkeeper's lien may not exceed the actual late rent owed for not more than a maximum of sixty (60) days immediately preceding notification by certified mail to the lienholder that the owner of the property has vacated the property or is delinquent in the owner's rent.

(c) If the notification to the lienholder under subsection (b) informs the lienholder that the lienholder will be responsible to the owner, operator, or caretaker of the mobile home community for payment of rent from the time the notice is received until the mobile home or manufactured home is removed from the mobile home community, the lienholder is liable for the payment of rent that accrues after the notification.

SECTION 649. IC 20-19-2-2.3, AS ADDED BY P.L.224-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 2.3. (a) After May 31, 2015, a reference to the state board in a statute, rule, or other document is considered a reference to the state board established by section 2.1 of this chapter.

(b) After May 31, 2015, a rule adopted by the state board established by section 2 of this chapter (expired June 1, 2015) is considered a rule adopted by the state board established by section 2.1 of this chapter. However, a rule ~~described in IC 9-14-2-2(c)~~ **concerning driver education** is considered a rule of the bureau of motor vehicles.

(c) On June 1, 2015, the property and obligations of the state board established by section 2 of this chapter (expired June 1, 2015) are transferred to the state board established by section 2.1 of this chapter.

(d) An action taken by the state board established by section 2 of this chapter (expired June 1, 2015) before June 1, 2015, shall be treated after May 31, 2015, as if it were originally taken by the state board established by section 2.1 of this chapter.

SECTION 650. IC 20-27-9-16, AS AMENDED BY P.L.70-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) Except as provided in subsection (b), whenever a school bus is purchased for and is being used for any purpose except to transport students, the purchaser shall:

- (1) remove the flasher lights;
- (2) remove the stop arm; and
- (3) paint the bus any color except the national standard school bus chrome yellow.

(b) Whenever a school bus is purchased for use, and is being used, as a church bus (as defined in ~~IC 9-29-5-9(a)~~, **IC 9-13-2-24**), the purchaser:

- (1) may retain the flasher lights if the purchaser renders the flasher lights inoperable;
- (2) may retain the stop arm if the purchaser renders the stop arm inoperable; and
- (3) shall paint the bus any color except the national standard school bus chrome yellow.

SECTION 651. IC 22-12-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. "Manufactured home" has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003. **The term includes a mobile home (as defined in**

IC 16-41-27-4).

SECTION 652. IC 23-20-1-10, AS ADDED BY P.L.114-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A claimant's personal information (as defined in ~~IC 9-14-3.5-5~~) **IC 9-14-6-6**) is confidential.

SECTION 653. IC 24-4-9-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.5. As used in this chapter, "vehicle license cost recovery fee" means a charge imposed by a rental company to recover costs incurred by the rental company in licensing, titling, registering, plating, and inspecting a vehicle.**

SECTION 654. IC 24-4-9-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.1. (a) A rental company may include in a rental agreement separately stated surcharges, fees, and charges, including vehicle license cost recovery fees, airport access fees, airport concession fees, and any applicable taxes.**

(b) A vehicle license cost recovery fee that is included as a separately stated fee in a rental agreement must represent the rental company's good faith estimate of the rental company's daily charge necessary to recover the rental company's actual total annual vehicle licensing, titling, registration, plating, and inspection costs.

(c) If a rental company collects, in a calendar year, vehicle license cost recovery fees in an amount that exceeds the rental company's actual total vehicle licensing, titling, registration, plating, and inspection costs for the calendar year, the rental company shall do the following:

(1) Retain the excess amount.

(2) Reduce the vehicle license cost recovery fee for the following year by a corresponding, proportionate amount.

(d) This section may not be construed to prevent a rental company from adjusting its vehicle license cost recovery fee during a calendar year.

SECTION 655. IC 24-4.6-5-8, AS ADDED BY P.L.97-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The bureau of motor vehicles shall adopt rules under IC 4-22-2 to implement a system by which an association

of retailers may obtain the name and mailing address of the owner of a vehicle involved in an incident in which motor fuel is pumped into the vehicle and proper payment is not made. The bureau of motor vehicles may integrate any system established under this section with its existing programs for the release of information under ~~IC 9-14-3~~; **IC 9-14-12 and IC 9-14-13.**

(b) The bureau of motor vehicles may enter into an agreement with an association of retailers to establish:

- (1) a fee different from the fees provided for in ~~IC 9-29-2-2(a)~~; **IC 9-14-12-7**; or
- (2) other negotiated terms for the release of vehicle owner records;

for purposes of the system established under this section.

(c) Any release of information by the bureau of motor vehicles under this section must be:

- (1) consistent with the authority of the bureau of motor vehicles under ~~IC 9-14-3.5~~; **IC 9-14-13**; and
- (2) in compliance with 18 U.S.C. 2721 et seq.

(d) The name and mailing address of the owner of a vehicle released by the bureau of motor vehicles under subsection (a) may be used by an association of retailers only for purposes of collection efforts under this chapter.

(e) If the owner of a vehicle makes complete payment:

- (1) as set forth in section 4(a) of this chapter for the:
 - (A) price of motor fuel that has been pumped into the vehicle;
 - (B) service charge of fifty dollars (\$50); and
 - (C) cost of certified mail; or
- (2) for an amount equal to triple the pump price of the motor fuel received plus other damages under IC 34-24-3-1, as set forth in section 5(b)(4) of this chapter;

no criminal prosecution for a violation of IC 35-43-4 may be brought against the owner of the vehicle for the failure to make proper payment to a retailer under this chapter.

SECTION 656. IC 24-5-13-5, AS AMENDED BY P.L.221-2014, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. As used in this chapter, "motor vehicle" or "vehicle" means any self-propelled vehicle that:

- (1) has a declared gross vehicle weight of less than ten thousand

(10,000) pounds;

(2) is sold to:

(A) a buyer in Indiana and registered in Indiana; or

(B) a buyer in Indiana who is **not an Indiana resident a nonresident** (as defined in ~~IC 9-13-2-78~~; **IC 9-13-2-113**);

(3) is intended primarily for use and operation on public highways; and

(4) is required to be registered or licensed before use or operation.

The term does not include conversion vans, motor homes, farm tractors, and other machines used in the actual production, harvesting, and care of farm products, road building equipment, truck tractors, road tractors, motorcycles, motor driven cycles, snowmobiles, or vehicles designed primarily for offroad use.

SECTION 657. IC 24-5-13.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "bureau" refers to the bureau of motor vehicles created by ~~IC 9-14-1-1~~. **IC 9-14-7-1.**

SECTION 658. IC 26-2-6-6, AS AMENDED BY P.L.101-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A person who knowingly violates this chapter commits a Class C infraction. Each violation of this chapter constitutes a separate infraction.

(b) In addition to any other available legal remedy, a person who violates the terms of an injunction issued under section 5 of this chapter commits a Class A infraction. Each violation of the terms of an injunction issued under section 5 of this chapter constitutes a separate infraction. Whenever the court determines that the terms of an injunction issued under section 5 of this chapter have been violated, the court shall award reasonable costs to the state.

(c) Notwithstanding ~~IC 34-28-5-1(b)~~, **IC 34-28-5-1(a)**, the prosecuting attorney or the attorney general in the name of the state may bring an action to petition for the recovery of the penalties outlined in this section.

SECTION 659. IC 29-2-16.1-1, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Adult" means an individual at least eighteen (18) years of

age.

(2) "Agent" means an individual who is:

(A) authorized to make health care decisions on behalf of another person by a health care power of attorney; or

(B) expressly authorized to make an anatomical gift on behalf of another person by a document signed by the person.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Bank" or "storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of human bodies.

(5) "Decedent":

(A) means a deceased individual whose body or body part is or may be the source of an anatomical gift; and

(B) includes:

(i) a stillborn infant; and

(ii) except as restricted by any other law, a fetus.

(6) "Disinterested witness" means an individual other than a spouse, child, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift or another adult who exhibited special care and concern for the individual. This term does not include a person to whom an anatomical gift could pass under section 10 of this chapter.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver's license, identification, or donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means:

(A) a data base maintained by:

(i) the bureau of motor vehicles; ~~under IC 9-24-17-9;~~ or

(ii) the equivalent agency in another state;

(B) the Donate Life Indiana Registry maintained by the Indiana Donation Alliance Foundation; or

(C) a donor registry maintained in another state;

that contains records of anatomical gifts and amendments to or

revocations of anatomical gifts.

(10) "Driver's license" means a license or permit issued by the bureau of motor vehicles to operate a vehicle.

(11) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(12) "Guardian" means an individual appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(14) "Identification card" means an identification card issued by the bureau of motor vehicles.

(15) "Minor" means an individual under eighteen (18) years of age.

(16) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(17) "Parent" means an individual whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not mean a whole body.

(19) "Pathologist" means a physician:

(A) certified by the American Board of Pathology; or

(B) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology.

(20) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

(21) "Physician" or "surgeon" means an individual authorized to practice medicine or osteopathy under the laws of any state.

- (22) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.
- (23) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made an appropriate refusal.
- (24) "Reasonably available" means:
- (A) able to be contacted by a procurement organization without undue effort; and
 - (B) willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.
- (25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.
- (26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (27) "Refusal" means a record created under section 6 of this chapter that expressly states the intent to bar another person from making an anatomical gift of an individual's body or part.
- (28) "Sign" means, with the present intent to authenticate or adopt a record:
- (A) to execute or adopt a tangible symbol; or
 - (B) to attach to or logically associate with the record an electronic symbol, sound, or process.
- (29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an eye enucleator.
- (31) "Tissue" means a part of the human body other than an organ or an eye. The term does not include blood or other bodily fluids unless the blood or bodily fluids are donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of organ transplant patients.

SECTION 660. IC 31-26-4-12, AS ADDED BY P.L.145-2006, SECTION 272, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Fees from kids first trust license plates issued under IC 9-18-30 **(before its expiration) or IC 9-18.5-14.**

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter. However, the department may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

SECTION 661. IC 32-17-13-1, AS AMENDED BY P.L.125-2012, SECTION 408, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "nonprobate transfer" means a valid transfer, effective at death, by a

transferor:

- (1) whose last domicile was in Indiana; and
- (2) who immediately before death had the power, acting alone, to prevent transfer of the property by revocation or withdrawal and:
 - (A) use the property for the benefit of the transferor; or
 - (B) apply the property to discharge claims against the transferor's probate estate.

(b) The term does not include a transfer at death (other than a transfer to or from the decedent's probate estate) of:

- (1) a survivorship interest in a tenancy by the entireties real estate;
 - (2) a life insurance policy or annuity;
 - (3) the death proceeds of a life insurance policy or annuity;
 - (4) an individual retirement account or a similar account or plan;
- or
- (5) benefits under an employee benefit plan.

(c) With respect to a nonprobate transfer involving a multiple party account, a nonprobate transfer occurs if the last domicile of the depositor whose interest is transferred under IC 32-17-11 was in Indiana.

(d) With respect to a motor vehicle or a watercraft, a nonprobate transfer occurs if the transferee obtains a certificate of title in Indiana for:

- (1) the motor vehicle under IC 9-17-2-2(b); or
- (2) the watercraft as required by IC 9-31-2-16(a). **IC 9-17.**

(e) A transfer on death transfer completed under IC 32-17-14 is a nonprobate transfer.

SECTION 662. IC 32-17-14-2, AS AMENDED BY P.L.6-2010, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided elsewhere in this chapter, this chapter applies to a transfer on death security, transfer on death securities account, and pay on death account created before July 1, 2009, unless the application of this chapter would:

- (1) adversely affect a right given to an owner or beneficiary;
- (2) give a right to any owner or beneficiary that the owner or beneficiary was not intended to have when the transfer on death security, transfer on death securities account, or pay on death account was created;

- (3) impose a duty or liability on any person that was not intended to be imposed when the transfer on death security, transfer on death securities account, or pay on death account was created; or
- (4) relieve any person from any duty or liability imposed:
 - (A) by the terms of the transfer on death security, transfer on death securities account, or pay on death account; or
 - (B) under prior law.

(b) Subject to section 32 of this chapter, this chapter applies to a transfer on death transfer if at the time the owner designated the beneficiary:

- (1) the owner was a resident of Indiana;
- (2) the property subject to the beneficiary designation was situated in Indiana;
- (3) the obligation to pay or deliver arose in Indiana;
- (4) the transferring entity was a resident of Indiana or had a place of business in Indiana; or
- (5) the transferring entity's obligation to make the transfer was accepted in Indiana.

(c) This chapter does not apply to property, money, or benefits paid or transferred at death under a life or accidental death insurance policy, annuity, contract, plan, or other product sold or issued by a life insurance company unless the provisions of this chapter are incorporated into the policy or beneficiary designation in whole or in part by express reference.

(d) This chapter does not apply to a transfer on death transfer if the beneficiary designation or an applicable law expressly provides that this chapter does not apply to the transfer.

(e) Subject to IC 9-17-3-9(h), ~~and IC 9-31-2-30(h)~~, this chapter applies to a beneficiary designation for the transfer on death of a motor vehicle or a watercraft.

- (f) The provisions of:
- (1) section 22 of this chapter; and
 - (2) section 26(b)(9) of this chapter;

relating to distributions to lineal descendants per stirpes apply to a transfer on death or payable on death transfer created before July 1, 2009.

SECTION 663. IC 32-34-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The affidavit of sale

under this chapter constitutes proof of ownership and right to possession under ~~IC 9-31-2-16~~. **IC 9-17.**

SECTION 664. IC 33-37-5-16, AS AMENDED BY P.L.195-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. In addition to any other duties, a clerk shall do the following:

- (1) Collect and transfer additional judgments to a county auditor under IC 9-18-2-41 **(before its expiration) or IC 34-28-5-17.**
- (2) Deposit funds collected as judgments in the state highway fund under IC 9-20-18-12.
- (3) Deposit funds in the conservation officers fish and wildlife fund under IC 14-22.
- (4) Deposit funds collected as judgments in the state general fund under IC 34-28-5-4.

SECTION 665. IC 33-39-1-8, AS AMENDED BY P.L.209-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

- (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- (2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 - (A) intoxication; or
 - (B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

- (1) who is arrested for or charged with an offense under:
 - (A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;
 - (B) IC 9-30-4-8(a), if the alleged offense occurred while the

- person was operating a motor vehicle;
- (C) IC 35-44.1-2-13(b)(1); or
- (D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and
- (2) who held a probationary license (as defined in ~~IC 9-24-11-3.3(b)~~) and was less than eighteen (18) years of age at the time of the alleged offense.
- (d) A prosecuting attorney may withhold prosecution against an accused person if:
- (1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;
 - (2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;
 - (3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and
 - (4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.
- (e) An agreement under subsection (d) may include conditions that the person:
- (1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;
 - (2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;
 - (3) undergo available medical treatment or mental health counseling and remain in a specified facility required for that purpose, including:
 - (A) addiction counseling;
 - (B) inpatient detoxification; and
 - (C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;
 - (4) receive evidence based mental health and addiction, intellectual disability, developmental disability, autism, and

co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism;

(5) support the person's dependents and meet other family responsibilities;

(6) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(7) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(8) report to the prosecuting attorney at reasonable times;

(9) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(10) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(7):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 666. IC 34-13-3-2, AS AMENDED BY SEA 146-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. This chapter applies to a claim or suit in tort against any of the following:

(1) A member of the bureau of motor vehicles commission **board** established under ~~IC 9-15-1-1~~. **IC 9-14-9-2.**

(2) An employee of the bureau of motor vehicles commission. ~~who is employed at a license branch under IC 9-16, except for an employee employed at a license branch operated under a contract with the commission under IC 9-16.~~

(3) A member of the driver education advisory board established

by IC 9-27-6-5.

(4) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)(1)), or an association acting on behalf of an approved postsecondary educational institution, that:

(A) shares data with the commission for higher education under IC 21-12-12-1; and

(B) is named as a defendant in a claim or suit in tort based on any breach of the confidentiality of the data that occurs after the institution has transmitted the data in compliance with IC 21-12-12-1.

SECTION 667. IC 34-28-5-1, AS AMENDED BY P.L.125-2012, SECTION 412, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~(a) As used in this section, "probationary license" refers to a license described in IC 9-24-11-3.3(b).~~

~~(b)~~ (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

~~(c)~~ (b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

~~(d)~~ (c) Actions under this chapter (or IC 34-4-32 before its repeal):

- (1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and
- (2) must be brought within two (2) years after the alleged conduct or violation occurred.

~~(e)~~ (d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

~~(f)~~ (e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

~~(g)~~ (f) Subsection ~~(h)~~ (g) does not apply to an individual holding a probationary license who is alleged to have committed an infraction

under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5
IC 9-30-10
IC 9-30-15.

~~(f)~~ (g) This subsection does not apply to an offense or violation under IC 9-24-6 (**before its repeal**) or **IC 9-24-6.1** involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

- (1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;
- (2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);
- (3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;
- (4) the defendant in the action agrees to pay a fee of seventy dollars (\$70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);
- (5) the agreement is filed in the court in which the action is brought; and
- (6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under

this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) **(h)** If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 668. IC 34-28-5-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17. (a) This section applies after December 31, 2016.**

(b) In addition to:

(1) the penalty described under IC 9-18.1-2-10; and

(2) any judgment assessed under IC 34-28-5 (or IC 34-4-32 before its repeal);
a person that violates IC 9-18.1-2-3 shall be assessed a judgment equal to the amount of excise tax due under IC 6-6-5 or IC 6-6-5.5 on the vehicle involved in the violation.

(c) The clerk of the court shall do the following:

(1) Collect the additional judgment described under subsection (b) in an amount specified by a court order.

(2) Transfer the additional judgment to the county auditor on a calendar year basis.

(d) The county auditor shall distribute the judgments described under subsection (c) to law enforcement agencies, including the state police department, responsible for issuing citations to enforce IC 9-18.1-2-3.

(e) The percentage of funds distributed to a law enforcement agency under subsection (d):

(1) must equal the percentage of the total number of citations issued by the law enforcement agency for the purpose of enforcing IC 9-18.1-2-3 during the applicable year; and

(2) may be used for the following:

(A) Any law enforcement purpose.

(B) Contributions to the pension fund of the law enforcement agency.

SECTION 669. IC 34-30-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. ~~IC 9-14-4-6~~ **IC 9-14-11-7** (Concerning members of the driver licensing medical advisory board).

SECTION 670. IC 34-30-2-28.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28.6. IC 9-17-6-18 (Concerning the bureau of motor vehicles for false information contained in a certificate of title for a manufactured home).**

SECTION 671. IC 35-38-9-6, AS AMENDED BY P.L.142-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If the court orders conviction records expunged under sections 2 through 3 of this chapter, the court shall do the following with respect to the specific records expunged by the court:

(1) Order:

- (A) the department of correction;
- (B) the bureau of motor vehicles; and
- (C) each:
 - (i) law enforcement agency; and
 - (ii) other person;

who incarcerated, provided treatment for, or provided other services for the person under an order of the court; to prohibit the release of the person's records or information in the person's records to anyone without a court order, other than a law enforcement officer acting in the course of the officer's official duty.

(2) Order the central repository for criminal history information maintained by the state police department to seal the person's expunged conviction records. Records sealed under this subdivision may be disclosed only to:

- (A) a prosecuting attorney, if:
 - (i) authorized by a court order; and
 - (ii) needed to carry out the official duties of the prosecuting attorney;
- (B) a defense attorney, if:
 - (i) authorized by a court order; and
 - (ii) needed to carry out the professional duties of the defense attorney;
- (C) a probation department, if:
 - (i) authorized by a court order; and
 - (ii) necessary to prepare a presentence report;
- (D) the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an agreement relating to the sharing of criminal history information;
- (E) the:
 - (i) supreme court;
 - (ii) members of the state board of law examiners;
 - (iii) executive director of the state board of law examiners; and
 - (iv) employees of the state board of law examiners, in accordance with rules adopted by the state board of law

examiners;

for the purpose of determining whether an applicant possesses the necessary good moral character for admission to the bar; (F) a person required to access expunged records to comply with the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted under the Secure and Fair Enforcement for Mortgage Licensing Act; and (G) the bureau of motor vehicles, the Federal Motor Carrier Administration, and the Commercial Drivers License Information System (CDLIS), if disclosure is required to comply with ~~IC 9-24-6-2(d)~~ **federal law** relating to reporting a conviction for a violation of a traffic control law.

(3) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction.

A probation department may provide an unredacted version of a presentence report disclosed under subdivision (2)(C) to any person authorized by law to receive a presentence report.

(b) Except as provided in subsection (c), if a petition to expunge conviction records is granted under sections 2 through 3 of this chapter, the records of:

- (1) the sentencing court;
- (2) a juvenile court;
- (3) a court of appeals; and
- (4) the supreme court;

concerning the person shall be permanently sealed. However, a petition for expungement granted under sections 2 through 3 of this chapter does not affect an existing or pending driver's license suspension.

(c) If a petition to expunge conviction records is granted under sections 2 through 3 of this chapter with respect to the records of a person who is named as an appellant or an appellee in an opinion or memorandum decision by the supreme court or the court of appeals, the court shall:

- (1) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the petitioner's name (in the same manner that opinions involving juveniles are redacted); and
- (2) provide a redacted copy of the opinion to any publisher or organization to whom the opinion or memorandum decision is

provided after the date of the order of expungement.

The supreme court and court of appeals are not required to destroy or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the petitioner's name.

(d) Notwithstanding subsection (b), a prosecuting attorney may submit a written application to a court that granted an expungement petition under this chapter to gain access to any records that were permanently sealed under subsection (b), if the records are relevant in a new prosecution of the person. If a prosecuting attorney who submits a written application under this subsection shows that the records are relevant for a new prosecution of the person, the court that granted the expungement petition shall:

- (1) order the records to be unsealed; and
- (2) allow the prosecuting attorney who submitted the written application to have access to the records.

If a court orders records to be unsealed under this subsection, the court shall order the records to be permanently resealed at the earliest possible time after the reasons for unsealing the records cease to exist. However, if the records are admitted as evidence against the person in a new prosecution that results in the person's conviction, or are used to enhance a sentence imposed on the person in a new prosecution, the court is not required to reseat the records.

(e) If a person whose conviction records are expunged under sections 2 through 5 of this chapter is required to register as a sex offender based on the commission of a felony which has been expunged:

- (1) the expungement does not affect the operation of the sex offender registry web site, any person's ability to access the person's records, records required to be maintained concerning sex or violent offenders, or any registration requirement imposed on the person; and
- (2) the expunged conviction must be clearly marked as expunged on the sex offender registry web site.

(f) Expungement of a crime of domestic violence under section 2 of this chapter does not restore a person's right to possess a firearm. The right of a person convicted of a crime of domestic violence to possess a firearm may be restored only in accordance with IC 35-47-4-7.

(g) If the court issues an order granting a petition for expungement

under sections 2 through 3 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter.

SECTION 672. IC 35-38-9-7, AS AMENDED BY P.L.142-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) This section applies only to a person who has filed a petition for expungement under section 4 or 5 of this chapter and whose records have been ordered marked as expunged.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged. A petition for expungement granted under sections 4 through 5 of this chapter does not affect an existing or pending driver's license suspension.

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged. Nothing in this chapter prevents the bureau of motor vehicles from reporting information about a conviction for a violation of a traffic control law to the Commercial Drivers License Information System (CDLIS), in accordance with ~~IC 9-24-6-2(d)~~, **federal law**, even if the conviction has been expunged under section 4 or 5 of this chapter.

(d) If the court issues an order granting a petition for expungement under section 4 or 5 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter.

SECTION 673. IC 35-44.1-3-1, AS AMENDED BY P.L.168-2014, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law

enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop; commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Level 6 felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (c) may not be suspended.

(e) If a person is convicted of an offense involving the use of a motor vehicle under:

- (1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (b)(2); or
- (3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with ~~IC 9-30-4-6(b)(3)~~ **IC 9-30-4-6.1(b)(3)** for the period described in ~~IC 9-30-4-6(d)(4)~~ **IC 9-30-4-6.1(d)(1)** or ~~IC 9-30-4-6(d)(5)~~ **IC 9-30-4-6.1(d)(2)**. The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(f) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

SECTION 674. IC 35-52-9-1, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~IC 9-14-3-5-15~~ **IC 9-14-13-11** defines a crime concerning the bureau of motor vehicles.

SECTION 675. IC 35-52-9-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2. ~~IC 9-14-5-9~~ defines a crime concerning parking placards for persons with physical disabilities:

SECTION 676. IC 35-52-9-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8. ~~IC 9-18-22-6~~ defines a crime concerning motor vehicle registration, and license plates:

SECTION 677. IC 35-52-9-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.1. **IC 9-18.5-8-3** defines a crime concerning license plates and placards.

SECTION 678. IC 35-52-9-8.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8.5. ~~IC 9-18-27-2~~ defines a crime concerning motor vehicle registration and license plates:

SECTION 679. IC 35-52-9-8.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8.8. ~~IC 9-18-27-5~~ defines a crime concerning motor vehicle registration and license plates:

SECTION 680. IC 35-52-9-30 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 30. ~~IC 9-22-5-19~~ defines a crime concerning scrapping

and dismantling vehicles.

SECTION 681. IC 35-52-9-31 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 31. IC 9-24-1-6 defines a crime concerning driver's licenses.~~

SECTION 682. IC 35-52-9-31.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 31.9. IC 9-24-6.1-7 defines a crime concerning commercial motor vehicles.**

SECTION 683. IC 35-52-9-32, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: ~~Sec. 32. IC 9-24-6-17~~ **IC 9-24-6.1-8 defines a crime concerning driver's licenses: commercial motor vehicles.**

SECTION 684. [EFFECTIVE JULY 1, 2016] **(a) A rule that the bureau of motor vehicles determines is contrary to this act is void. The bureau of motor vehicles shall submit a statement to the publisher of the Indiana Administrative Code and Indiana Register under IC 4-22-7-7 indicating which rules the bureau determines are contrary to this act and void. These rules, if any, are void effective thirty (30) days after submission of the statement. The bureau of motor vehicles shall make the determination under this subsection not later than August 31, 2017.**

(b) The publisher of the Indiana Administrative Code and Indiana Register shall remove the rules identified in subsection (a) from the Indiana Administrative Code and the Indiana Register.

(c) This SECTION expires December 31, 2017.

SECTION 685. [EFFECTIVE JULY 1, 2016] **(a) Not later than December 31, 2016, the bureau of motor vehicles shall update the point system for Indiana traffic convictions operated by the bureau of motor vehicles under 140 IAC 1-4.5 to conform with this act.**

(b) This SECTION expires June 30, 2017.

SECTION 686. [EFFECTIVE JULY 1, 2016] **(a) Not later than January 1, 2017, the bureau of motor vehicles shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement the following statutes (before their expiration) in a manner consistent with this act:**

IC 9-18-2-7

IC 9-18-2-8

IC 9-18-2-8.5

IC 9-18-2-14

IC 9-18-2-20

IC 9-18-2-25

IC 9-18-2-36

IC 9-18-2-38

IC 9-18-2-47

IC 9-18-3-4

IC 9-18-3-6

IC 9-18-4

IC 9-18-5.

(b) An emergency rule adopted by the bureau of motor vehicles under this SECTION expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.

(c) This SECTION expires December 31, 2017.

SECTION 687. [EFFECTIVE JULY 1, 2016] (a) The legislative services agency shall prepare legislation for introduction in the 2017 regular session of the general assembly to organize and correct statutes affected by this act.

(b) This SECTION expires December 31, 2016.

SECTION 688. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-18-25 and that HEA 1201-2016 amended IC 9-18-25-17.5. The general assembly intends to repeal IC 9-18-25-17.5.

SECTION 689. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-31-2 and that HEA 1365-2016 amended IC 9-31-2-6 and IC 9-31-2-17. The general assembly intends to repeal IC 9-31-2.

SECTION 690. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-29-4 and that HEA 1365-2016 amends IC 9-29-4-4. The general assembly intends to repeal IC 9-29-4.

SECTION 691. [EFFECTIVE JULY 1, 2016] The general

assembly recognizes that HEA 1087-2016 repealed IC 9-18-29 and that HEA 1353-2016 amends IC 9-18-29-5. The general assembly intends to repeal IC 9-18-29.

SECTION 692. An emergency is declared for this act.

P.L.199-2016

[H.1169. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-3-7.2, AS AMENDED BY P.L.249-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) This section applies to assessment dates occurring after December 31, 2015.

(b) As used in this section, "affiliate" means an entity that effectively controls or is controlled by a taxpayer or is associated with a taxpayer under common ownership or control, whether by shareholdings or other means.

(c) As used in this section, "business personal property" means personal property that:

(1) is otherwise subject to assessment and taxation under this article;

(2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income; and

(3) was:

(A) acquired by the taxpayer in an arms length transaction from an entity that is not an affiliate of the taxpayer, if the personal property has been previously used in Indiana before being placed in service in the county; or

(B) acquired in any manner, if the personal property has never

been previously used in Indiana before being placed in service in the county.

The term does not include mobile homes assessed under IC 6-1.1-7, personal property held as an investment, or personal property that is assessed under IC 6-1.1-8 and is owned by a public utility subject to regulation by the Indiana utility regulatory commission. However, the term does include the personal property of a telephone company or a communications service provider if that personal property meets the requirements of subdivisions (1) through (3), regardless of whether that personal property is assessed under IC 6-1.1-8 and regardless of whether the telephone company or communications service provider is subject to regulation by the Indiana utility regulatory commission.

(d) Notwithstanding section 7 of this chapter, if the acquisition cost of a taxpayer's total business personal property in a county is less than twenty thousand dollars (\$20,000) for that assessment date, the taxpayer's business personal property in the county for that assessment date is exempt from taxation.

(e) ~~A taxpayer that is eligible for the exemption under this section is not required to file a personal property return for the taxpayer's business personal property in the county for that assessment date. However, the taxpayer must, before May 15 of the calendar year in which the assessment date occurs, file with the county assessor an annual notarized certification signed under penalties for perjury stating that the taxpayer's business personal property in the county is exempt from taxation under this section for that assessment date. Except as provided in subsection (f), a taxpayer that is eligible for the exemption under this section for an assessment date shall indicate on the taxpayer's personal property tax return that the taxpayer's business personal property in the county is exempt from property taxation for the assessment date.~~

(f) For purposes of the January 1, 2016, assessment date, a taxpayer that is eligible for the exemption under this section may file with the county assessor before May 17, 2016, a certification of the taxpayer's eligibility for the exemption under this section instead of indicating the taxpayer's eligibility for the exemption on the taxpayer's personal property tax return.

SECTION 2. IC 6-1.1-3-7.3, AS ADDED BY P.L.242-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 7.3. (a) A county fiscal body may adopt an ordinance to impose a local service fee on each person that ~~files an annual certification with the county assessor under section 7.2 of this chapter stating~~ **indicates on the person's personal property tax return or, for purposes of the January 1, 2016, assessment date, on the person's certification under section 7.2(f) of this chapter** that the person's business personal property in the county is exempt from taxation under section 7.2 of this chapter for an assessment date after December 31, 2015.

(b) The county fiscal body shall specify the amount of the local service fee in the ordinance. A local service fee imposed on a person under this section may not exceed fifty dollars (\$50).

(c) A local service fee imposed for an assessment date is due and payable at the same time that property taxes for that assessment date are due and payable. A county may collect a delinquent local service fee in the same manner as delinquent property taxes are collected.

(d) The revenue from a local service fee:

(1) shall be allocated in the same manner and proportion and at the same time as property taxes are allocated to each taxing unit in the county; and

(2) may be used by a taxing unit for any lawful purpose of the taxing unit.

SECTION 3. IC 6-1.1-37-7, AS AMENDED BY P.L.249-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars (\$25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if the person fails to file the personal property return within thirty (30) days after the due date. The amount of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

(b) For purposes of this section, a personal property return is not due until the expiration of any extension period granted by the township or county assessor under IC 6-1.1-3-7(b).

(c) The penalties prescribed under this section do not apply to an individual or the individual's dependents if the individual:

(1) is in the military or naval forces of the United States on the assessment date; and

(2) is covered by the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) or IC 10-16-20.

(d) If a person subject to IC 6-1.1-3-7(c) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars (\$25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) If a person required by IC 6-1.1-3-7.2(e) to ~~file an annual certification with the county assessor fails to timely file the annual certification;~~ **indicate on the taxpayer's personal property tax return or, for purposes of the January 1, 2016, assessment date, on the taxpayer's certification under IC 6-1.1-3-7.2(f) that the taxpayer's business personal property is exempt fails to timely file either the taxpayer's personal property tax return with the indication or, for purposes of the January 1, 2016, assessment date, the certification,** the county auditor shall impose a penalty of twenty-five dollars (\$25) that must be paid by the person with the next property tax installment that is collected.

(g) A penalty is due with an installment under subsection (a), (d),

(e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment.

SECTION 4. An emergency is declared for this act.

P.L.200-2016

[H.1180. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) As used in this section, "qualified property" means property that:**

(1) is located in a tax increment allocation area and:

(A) was located in the tax increment allocation area before the designation of the area and the property has been continuously used since the date the area was designated for a tax exempt purpose; or

(B) was donated for a tax exempt purpose; and

(2) is exempt from property taxation.

(b) A political subdivision may not do any of the following after June 30, 2016:

(1) Except as provided in subsections (c) and (d), impose or otherwise require a payment in lieu of taxes or the payment of any other charge or user fee for or on qualified property.

(2) Except as provided in subsections (c) and (d), enter into an agreement that does any of the following:

(A) Requires a payment in lieu of taxes or the payment of any other charge or user fee for or on qualified property as a condition of:

(i) granting, issuing, or approving a building permit, an

improvement location permit, a certificate of occupancy, a primary or secondary plat, or any other permit related to the use of qualified property;

(ii) granting or approving any zoning variance, special exception, special use, contingent use, or conditional use or any other zoning requirement or permit related to qualified property; or

(iii) continuing governmental services to qualified property.

This clause does not prohibit an application fee that is reasonably related to the cost of reviewing or processing the application.

(B) Requires a person to limit the person's rights to challenge any of the following:

(i) The imposition of a payment in lieu of taxes or the payment of any other charge or user fee on qualified property.

(ii) The assessment of property taxes imposed on qualified property.

(c) This section does not prohibit the imposing of utility fees or charges, sewer fees or charges, ditch or drainage assessments, storm water fees or charges, or waste collection or disposal fees or charges on qualified property or property that will be used as qualified property.

(d) Upon the request of the owner of qualified property, a political subdivision may do the following:

(1) Impose or otherwise require a payment in lieu of taxes or the payment of any other charge or user fee for or on the qualified property.

(2) Enter in an agreement described in subsection (b)(2) concerning the qualified property.

SECTION 2. IC 36-7-4-1314 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1314. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, an impact fee ordinance must apply to any development:

(1) that is in an impact zone; and

(2) for which a unit may require a structural building permit.

(b) An impact fee ordinance may not apply to an improvement that does not create a need for additional infrastructure, including the

erection of a sign, the construction of a fence, or the interior renovation of a building not resulting in a change in use.

(c) As used in this section, "qualified property" has the meaning set forth in IC 36-1-8-18. Except as provided in subsection (d), an impact fee ordinance may not apply to qualified property, and an impact fee may not be imposed on qualified property.

(d) Upon the request of the owner of qualified property, an impact fee may be imposed on the qualified property.

SECTION 3. IC 36-7-25-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **Subject to section 6.5 of this chapter**, a commission may enter into an agreement with a taxpayer in an allocation area that limits the taxpayer's rights to challenge the taxpayer's assessment or property taxes or that guarantees, enhances, or otherwise further secures bonds or lease obligations of the commission. The obligation to make payments under a taxpayer agreement that guarantee, enhance, or otherwise further secure bonds or lease obligations of the commission under this section shall be treated in the same manner as property taxes for purposes of IC 6-1.1-22-13, if, and to the extent that, the taxpayer agreement provides for a property tax lien.

SECTION 4. IC 36-7-25-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6.5. (a) As used in this section, "qualified property" has the meaning set forth in IC 36-1-8-18.**

(b) Notwithstanding section 6 of this chapter or any other law, and except as provided in subsections (c) and (d), an agreement entered into by a commission after June 30, 2016, may not include any of the following:

(1) A provision requiring a person to:

(A) make any payments in lieu of taxes; or

(B) except as provided in subsection (c), pay any other charge or user fee;

for or on qualified property.

(2) A provision requiring a person to limit the person's rights to challenge any of the following:

(A) The imposition of a payment in lieu of taxes or the payment of any other charge or user fee on qualified property.

(B) The assessment of property taxes imposed on qualified property.

(c) This section does not prohibit the imposing of utility fees or charges, sewer fees or charges, ditch or drainage assessments, storm water fees or charges, or waste collection or disposal fees or charges on qualified property.

(d) Upon the request of the owner of qualified property, a commission may enter into an agreement described in subsection (b) concerning the qualified property.

P.L.201-2016

[H.1201. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 9-18-25-17.5, AS AMENDED BY P.L.216-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17.5. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) Notwithstanding section 2 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a).

(B) An annual special group recognition license plate fee of twenty-five dollars (\$25).

(f) The annual fee referred to in subsection (e)(2)(B) **and any other amounts remitted to the bureau as required under law** shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has:

(1) collected fees under this section; **or**

(2) **received and deposited amounts as required by law.**

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

SECTION 2. IC 15-17-3-13, AS AMENDED BY P.L.50-2010,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
 - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
 - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
 - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions, the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.
- (5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.
- (6) Control the use, sanitation, and disinfection of:
 - (A) public stockyards; and
 - (B) vehicles used to transport animals and objects into and within Indiana;to accomplish the objectives of this article.
- (7) Control the use, sanitation, and disinfection of premises,

facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.

(9) Control the movement and disposal of carcasses of animals and objects.

(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination, or treatment status.

(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.

(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.

(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.

(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories

necessary to make tests of any nature for diseases and pests of animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from

Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.

(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

(33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1).

SECTION 3. IC 15-20-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4. Spay-Neuter Requirement for Animal Care Facilities

Sec. 1. As used in this chapter, "animal care facility" refers to an animal care facility (as defined in IC 6-9-39-1) that has companion animals that are available for adoption. The term includes the following:

- (1) Governmental and private entities.**
- (2) Animal rescues.**

Sec. 2. As used in this chapter, "companion animal" means a dog or a cat.

Sec. 3. Beginning July 1, 2021, except as provided in section 4 of this chapter, a companion animal shall be spayed or neutered before adoption from an animal care facility.

Sec. 4. (a) A companion animal may be exempted from the requirements of section 3 of this chapter if a veterinarian (as defined in IC 15-17-2-102) determines, following an examination, that the companion animal:

- (1) has a permanent health condition that precludes safe administration of a spay-neuter procedure;**
- (2) has a health condition that precludes safe administration of a spay-neuter procedure, but:**
 - (A) the veterinarian determines that the health condition**

is not permanent and can be treated to allow for safe administration of a spay-neuter procedure not more than one hundred twenty (120) days after the date of the examination; and

(B) a deposit of seventy-five dollars (\$75) is made to the animal care facility before adoption; or

(3) is less than six (6) months of age on the date of the examination and:

(A) the veterinarian determines that the companion animal cannot be safely spayed or neutered due to the age of the animal; and

(B) a deposit of seventy-five dollars (\$75) is made to the animal care facility before adoption.

(b) In addition, a companion animal may be exempted from the requirements of section 3 of this chapter if:

(1) the companion animal is less than six (6) months of age, but is at an age as determined by the animal care facility in consultation with a veterinarian (as defined in IC 15-17-2-102) at which the companion animal can be safely spayed or neutered; and

(2) a deposit of seventy-five dollars (\$75) is made to the animal care facility before adoption.

Sec. 5. (a) A deposit made under section 4(a)(2)(B), 4(a)(3)(B), or 4(b)(2) of this chapter shall be held by the animal care facility in a separate account. The deposit shall be:

(1) returned to the depositor not later than one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility if proof is given that a spay-neuter procedure has been completed on the companion animal; or

(2) forfeited after one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility, if proof is not given under subdivision (1).

(b) If a deposit is forfeited under subsection (a)(2), the animal care facility holding the deposit shall remit the forfeited deposit amount to the bureau of motor vehicles within a reasonable time. The bureau of motor vehicles shall deposit any amounts received under this section in a trust fund established under IC 9-18-25-17.5(g) for a special group that provides spay-neuter services.

P.L.202-2016
[H.1215. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-4-37-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.3. As used in this chapter, "division" refers to the division of historic preservation and archeology of the department of natural resources established by IC 14-9-4-1.**

SECTION 2. IC 4-4-37-7, AS ADDED BY P.L.213-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The office may award a grant to a person ~~in~~ **the year in which the person completes who submits plans for** the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) The maximum amount of a grant awarded under this section is equal to ~~twenty percent (20%)~~ **thirty-five percent (35%)** of the qualified expenditures, **not to exceed one hundred thousand dollars (\$100,000)**, that:

- (1) the person makes for the preservation or rehabilitation of historic property; and
- (2) are approved by the office.

(c) **Each grant shall be made under a grant agreement by and between the office and the person receiving the grant. The grant agreement must include all of the following:**

- (1) **A timeline for completing the project, including milestones that the person commits to achieving by the time specified.**
- (2) **The approved plans for the preservation or rehabilitation of the historic property.**
- (3) **The estimated cost of the preservation or rehabilitation of**

the historic property and all sources of money for the project.

(4) The financing plan by the person proposing the project.

(5) The remedies available to the office if the grant is made and the project does not substantially comply with the proposed plan approved under this chapter.

(6) Any other terms or conditions the office considers appropriate.

SECTION 3. IC 4-4-37-8, AS ADDED BY P.L.213-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The office may award a grant to a person if all the following conditions are met:

(1) The historic property is:

(A) located in Indiana;

(B) at least fifty (50) years old; and

(C) owned by the person. **This requirement does not apply to a nonprofit organization facilitating a qualified affordable housing project.**

(2) The office certifies that the historic property is listed in **or eligible to be listed in:**

(A) the register of Indiana historic sites and historic structures;
or

(B) **the National Register of Historic Places, either individually or as a contributing resource in a National Register District.**

(3) The office certifies that the person submitted a proposed preservation or rehabilitation plan to the division that complies with the standards of the division.

~~(4) The office certifies that the preservation or rehabilitation work that is the subject of the grant substantially complies with the proposed plan referred to in subdivision (3):~~

(5) The preservation or rehabilitation work is completed in not more than:

(A) two (2) years; or

(B) five (5) years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases:

The time in which work must be completed begins when the physical work of construction or destruction in preparation for

construction begins.

(4) The submitted plan referenced in section 7 of this chapter complies with the program guidelines established by the office.

~~(6)~~ **(5) The historic property is to be:**

- (A) actively used in a trade or business;
- (B) held for the production of income; or
- (C) held for the rental or other use in the ordinary course of the person's trade or business.

~~(7)~~ **(6) The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars (\$10,000).**

SECTION 4. IC 4-4-37-9, AS ADDED BY P.L.213-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The office may provide the certifications referred to in section 8(3) ~~and 8(4)~~ of this chapter if a person's proposed preservation or rehabilitation plan complies with the standards of the office and the person's preservation or rehabilitation work complies with the plan.

SECTION 5. IC 5-28-15-10, AS AMENDED BY P.L.1-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), an enterprise zone expires ten (10) years after the day on which it is designated by the board.

(b) In the period beginning December 1, 2008, and ending December 31, 2014, an enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located adopts a resolution renewing the enterprise zone for an additional five (5) years. An enterprise zone may be renewed under this subsection regardless of the number of times the enterprise zone has been renewed under subsections ~~(c)~~ **(d)** and ~~(d)~~ **(e)**. A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the board:

- (1) before August 1, 2009, in the case of an enterprise zone that expired after November 30, 2008, or is scheduled to expire before September 1, 2009; or
- (2) at least thirty (30) days before the expiration date of the enterprise zone, in the case of an enterprise zone scheduled to

expire after August 31, 2009.

If an enterprise zone is renewed under this subsection after having been renewed under subsection ~~(d)~~; **(e)**, the enterprise zone may not be renewed after the expiration of this final five (5) year period, **except under subsection (c)**.

(c) An enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located:

(1) has adopted a resolution renewing the enterprise zone under subsection (b); and

(2) adopts a resolution renewing the enterprise zone for an additional one (1) year period beginning on the date on which the enterprise zone would otherwise expire under the resolution adopted under subdivision (1).

An enterprise zone may be renewed for an additional one (1) year period under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (d) and (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the corporation at least thirty (30) days before the expiration date of the enterprise zone. If an enterprise zone is renewed for an additional one (1) year period under this subsection after having been renewed under subsection (e), the enterprise zone may not be renewed after the expiration of this final one (1) year period.

~~(c)~~ **(d)** The two (2) year period immediately before the day on which the enterprise zone expires is the phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the following criteria and may, with the consent of the budget committee, renew the enterprise zone, including all provisions of this chapter, for five (5) years:

(1) Increases in capital investment in the zone.

(2) Retention of jobs and creation of jobs in the zone.

(3) Increases in employment opportunities for residents of the zone.

~~(d)~~ **(e)** If an enterprise zone is renewed under subsection ~~(c)~~; **(d)**, the two (2) year period immediately before the day on which the enterprise zone expires is another phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the

criteria set forth in subsection ~~(c)~~ **(d)** and, with the consent of the budget committee, may again renew the enterprise zone, including all provisions of this chapter, for a final period of five (5) years. The zone may not be renewed after the expiration of this final five (5) year period.

SECTION 6. IC 6-1.1-12-26.2, AS ADDED BY P.L.117-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26.2. (a) The following definitions apply throughout this section:

(1) "Barn" means a building (other than a dwelling) that was designed to be used for:

- (A) housing animals;
- (B) storing or processing crops;
- (C) storing and maintaining agricultural equipment; or
- (D) serving an essential or useful purpose related to agricultural activities conducted on the adjacent land.

(2) "Heritage barn" means a **mortise and tenon** barn that on the assessment date:

- (A) was constructed before 1950; **and**
- (B) retains sufficient integrity of design, materials, and construction to clearly identify the building as a barn.
- ~~(C) is not being used for agricultural purposes in the operation of an agricultural enterprise; and~~
- ~~(D) is not being used for a business purpose.~~

(3) "Eligible applicant" means:

- (A) an owner of a heritage barn; or
- (B) a person that is purchasing property, including a heritage barn, under a contract that:
 - (i) gives the person a right to obtain title to the property upon fulfilling the terms of the contract;
 - (ii) does not permit the owner to terminate the contract as long as the person buying the property complies with the terms of the contract;
 - (iii) specifies that during the term of the contract the person must pay the property taxes on the property; and
 - (iv) has been recorded with the county recorder.

(4) "Mortise and tenon barn" means a barn that was built using heavy wooden timbers, joined together with

wood-pegged mortise and tenon joinery, that form an exposed structural frame.

(b) An eligible applicant is entitled to a deduction against the assessed value of the structure and foundation of a heritage barn beginning with assessments after 2014. The deduction is equal to one hundred percent (100%) of the assessed value of the structure and foundation of the heritage barn.

(c) An eligible applicant that desires to obtain the deduction provided by this section must file a certified deduction application with the auditor of the county in which the heritage barn is located. The application may be filed in person or by mail. The application must contain the information and be in the form prescribed by the department of local government finance. If mailed, the mailing must be postmarked on or before the last day for filing.

(d) Subject to subsection (e) and section 45 of this chapter, the application must be filed during the year preceding the year in which the deduction will first be applied. Upon verification of the application **and that the barn was constructed before 1950** by the county assessor of the county in which the property is subject to assessment or by the township assessor of the township in which the property is subject to assessment (if there is a township assessor for the township), the auditor of the county shall allow the deduction.

(e) The auditor of a county shall, in a particular year, apply the deduction provided under this section to the heritage barn of the owner that received the deduction in the preceding year unless the auditor of the county determines that the property is no longer eligible for the deduction **because the barn was not constructed before 1950**. A person that receives a deduction under this section in a particular year and that remains eligible for the deduction in the following year is not required to file an application for the deduction in the following year. A person that receives a deduction under this section in a particular year and that becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the property is located of the ineligibility in the year in which the person becomes ineligible. A deduction under this section terminates following a change in ownership of the heritage barn. However, a deduction under this section does not terminate following the removal of less than all the joint owners of property or purchasers of property under a contract

described in subsection (a).

(f) A county fiscal body may adopt an ordinance to require a person receiving the deduction under this section to pay an annual public safety fee for each heritage barn for which the person receives a deduction under this section. The fee may not exceed fifty dollars (\$50). The county auditor shall distribute any public safety fees collected under this section equitably among the police and fire departments in whose territories each heritage barn is located. If a county fiscal body adopts an ordinance under this subsection, the county fiscal body shall furnish a copy of the ordinance to the department in the manner prescribed by the department.

SECTION 7. [EFFECTIVE JULY 1, 2016] (a) The general assembly urges the legislative council to assign the study of the personal property audit process to the interim study committee on fiscal policy during the 2016 legislative interim.

(b) This SECTION expires January 1, 2017.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that SEA 21-2016 amends IC 5-28-11-10 and that SEA 378-2016 repeals IC 5-28-11. The general assembly intends to repeal IC 5-28-11 effective July 1, 2016.

(b) This SECTION expires January 1, 2018.

SECTION 9. An emergency is declared for this act.

P.L.203-2016

[H.1273. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-4-25, AS AMENDED BY P.L.111-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor (if any) in a county having a consolidated city, the county assessor if there are no township assessors in a county having a consolidated city, or the county assessor in every other county, shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; ~~and~~

(B) the personal property return characteristics and assessments by return; **and**

(C) the geographic information system characteristics of each parcel;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;
 (3) transmit the data in the file with respect to the assessment date of each year before October 1 of a year ending before January 1, 2016, and before September 1 of a year beginning after December 31, 2015, to:

(A) the legislative services agency and ~~(B)~~ the department of local government finance, **for data described in subdivision (1)(A) and (1)(B); and**

(B) the geographic information office of the office of technology, for data described in subdivision (1)(C);

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency, ~~or~~ the department of local government finance, **or the geographic information office of the office of technology, as applicable**, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency, ~~or~~ the department of local government finance, **or the geographic information office of the office of technology, as applicable.**

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 2. IC 6-1.1-10-37.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 37.8. For assessment dates after December 31, 2015, tangible personal property is exempt from property taxation if that tangible personal property:**

(1) is owned by a homeowners association (as defined in IC 32-25.5-2-4); and

(2) is held by the homeowners association for the use, benefit,

or enjoyment of members of the homeowners association.

SECTION 3. IC 6-1.1-11-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.8. (a) This section applies to real property that after December 31, 2003, is:

- (1) exempt from property taxes:
 - (A) under an application filed under this chapter; or
 - (B) under:
 - (i) IC 6-1.1-10-2; or
 - (ii) IC 6-1.1-10-4; and
- (2) leased to an entity other than:
 - (A) a nonprofit entity;
 - (B) a governmental entity; or
 - (C) an individual who leases a dwelling unit in:
 - (i) a public housing project;
 - (ii) a nursing facility referred to in IC 12-15-14;
 - (iii) an assisted living facility; or
 - (iv) an affordable housing development.

(b) After December 31, 2003, each lessor of real property shall notify the county assessor of the county in which the real property is located in writing of:

- (1) the existence of the lease referred to in subsection (a)(2);
- (2) the term of that lease; and
- (3) the name and address of the lessee.

(c) Each county assessor shall annually notify the department of local government finance in writing of the information received by the county assessor under subsection (b).

(d) The department of local government finance ~~shall~~ **may** adopt rules to:

- (1) establish when the notices under subsections (b) and (c) must be given; and
- (2) otherwise implement this section.

SECTION 4. IC 6-1.1-12-37, AS AMENDED BY SEA 304-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) The following definitions apply throughout this section:

- (1) "Dwelling" means any of the following:
 - (A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

- (B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
 - (C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.
- (2) "Homestead" means an individual's principal place of residence:
- (A) that is located in Indiana;
 - (B) that:
 - (i) the individual owns;
 - (ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;
 - (iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or
 - (iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and
 - (C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

- (1) the assessment date; or
- (2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

If more than one (1) individual or entity qualifies property as a

homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

- (1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or
- (2) forty-five thousand dollars (\$45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement, ~~in duplicate~~, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

- (1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;
- (2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;
- (3) the names of:
 - (A) the applicant and the applicant's spouse (if any):
 - (i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
 - (ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the United States government. ~~and determined by the department of local government finance to be acceptable.~~

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the

immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance may adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that

a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on the assessment date in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on the assessment date in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or ~~IC 6-3.5~~. **IC 6-3.6-5.**

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules ~~that may be~~ adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain

separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction; the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the

- assessment date occurs; or
- (B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;
- (2) on the assessment date:
- (A) the property on which the homestead is currently located was vacant land; or
- (B) the construction of the dwelling that constitutes the homestead was not completed; **and**
- (3) either:
- (A) the individual files the certified statement required by subsection (e); ~~on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section;~~ or
- (B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead. ~~and~~
- ~~(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:~~
- ~~(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and~~
- ~~(B) cancels the deduction described in clause (A) for that property.~~

An individual who satisfies the requirements of subdivisions (1) through ~~(4)~~ (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. ~~The county auditor shall cancel the deduction under this section for any property that is located in the~~

county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues

to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 5. IC 6-1.1-12.1-5, AS AMENDED BY P.L.288-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A property owner who desires to obtain the deduction provided by section 3 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (e), the deduction application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation.

(5) The assessed value of the new structure in the case of redevelopment.

(6) The amount of the deduction claimed for the first year of the deduction.

(7) If the deduction application is for a deduction in a residentially distressed area, the assessed value of the improvement or new structure for which the deduction is claimed.

(d) A deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of a new structure is made and in the following years the deduction is allowed without any additional deduction application being filed.

(e) A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between ~~March~~ **January** 1 and May 10 of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall act as follows:

(1) If:

(A) a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter; **and**

(B) an abatement schedule has been established under section 17 of this chapter;

the county auditor shall make the appropriate deduction.

(2) If:

(A) a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter; **or**

(B) an abatement schedule has not been established under section 17 of this chapter;

the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed **or establishing**

the abatement schedule, as applicable, the county auditor shall make the appropriate deduction.

(3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) continues to use the property in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) The township or county assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township, review the deduction application.

(j) A property owner may appeal a determination of the county auditor under subsection (f) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the person notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 6. IC 6-1.1-12.1-5.3, AS AMENDED BY P.L.146-2008, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 5.3. (a) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter must file a deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the eligible vacant building is located. Except as otherwise provided in this section, the deduction application must be filed before May 10 of the year in which the property owner or a tenant of the property owner initially occupies the eligible vacant building.

(b) If notice of the assessed valuation or new assessment for a year

is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner and, if applicable, the property owner's tenant.
- (2) A description of the property for which a deduction is claimed.
- (3) The amount of the deduction claimed for the first year of the deduction.
- (4) Any other information required by the department of local government finance or the designating body.

(d) A deduction application filed under this section applies to the year in which the property owner or a tenant of the property owner occupies the eligible vacant building and in the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed.

(e) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter but that did not file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between ~~March~~ **January** 1 and May 10 of a subsequent year. A deduction application filed under this subsection applies to the year in which the deduction application is filed and the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed. The amount of the deduction under this subsection is the amount that would have been applicable to the year under section 4.8 of this chapter if the deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall do the following:

- (1) If a determination concerning the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.
- (2) If a determination concerning the number of years the deduction is allowed has not been made in the resolution adopted

under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided by section 4.8 of this chapter are not affected by a change in the ownership of the eligible vacant building or a change in the property owner's tenant, if the new property owner or the new tenant:

(1) continues to occupy the eligible vacant building in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the eligible vacant building is located, or the county assessor if there is no township assessor for the township, review the deduction application.

(i) A property owner may appeal a determination of the county auditor under subsection (f) by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the property owner notice of the determination. An appeal under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(j) In addition to the requirements of subsection (c), a property owner that files a deduction application under this section must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.8 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable:

(1) at the same time that the property owner or the property owner's tenant files a personal property tax return for property located at the eligible vacant building for which the deduction was granted; or

(2) if subdivision (1) does not apply, before May 15 of each year.

(k) The following information is a public record if filed under this

section:

- (1) The name and address of the property owner.
- (2) The location and description of the eligible vacant building for which the deduction was granted.
- (3) Any information concerning the number of employees at the eligible vacant building for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.
- (4) Any information concerning the total of the salaries paid to the employees described in subdivision (3), including estimated totals that are provided as part of the statement of benefits.
- (5) Any information concerning the assessed value of the eligible vacant building, including estimates that are provided as part of the statement of benefits.

(l) Information concerning the specific salaries paid to individual employees by the property owner or tenant is confidential.

SECTION 7. IC 6-1.1-15-10.5, AS ADDED BY P.L.244-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.5. (a) The fiscal officer of a taxing unit may establish a separate fund known as the property tax assessment appeals fund to hold property tax receipts that are attributable to an increase in the taxing unit's tax rate caused by a reduction in the taxing unit's net assessed value under IC 6-1.1-17-0.5.

(b) A taxing unit may transfer property tax receipts from a fund that is not a debt service fund to the taxing unit's property tax assessment appeals fund. A taxing unit may not transfer property tax receipts from a debt service fund to the taxing unit's property tax assessment appeals fund.

~~(b)~~ (c) A taxing unit may use money in a the taxing unit's property tax assessment appeals fund ~~may be used~~ only to pay the following:

- (1) Expenses incurred by a county assessor in defending appeals prosecuted under this chapter with respect to property located in the taxing unit.
- (2) Refunds under section 11 of this chapter.

~~(c)~~ (d) The balance in a taxing unit's property tax assessment appeals fund may not exceed five percent (5%) of the amount budgeted by the taxing unit for a particular year.

~~(d)~~ (e) Money ~~deposited in~~ transferred to a taxing unit's property

tax assessment appeals fund is not considered miscellaneous revenue. Both the taxing unit and the department of local government finance shall disregard any balance in the taxing unit's property tax assessment appeals fund in the determination of the taxing unit's property tax levy, property tax rate, and budget (except for appropriations for the purposes permitted by subsection ~~(b)~~ (c) for a particular calendar year.

(f) Property tax receipts that qualify as levy excess under IC 6-1.1-18.5-17 and IC 20-44-3 must be treated as levy excess and are not eligible for transfer to a taxing unit's property tax assessment appeals fund.

SECTION 8. IC 6-1.1-18.5-7, AS AMENDED BY P.L.182-2009(ss), SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A civil taxing unit is not subject to the levy limits imposed by section 3 of this chapter for an ensuing calendar year if the civil taxing unit did not adopt an ad valorem property tax levy for the immediately preceding calendar year.

(b) If under subsection (a) a civil taxing unit is not subject to the levy limits imposed under section 3 of this chapter for a calendar year, the civil taxing unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for that calendar year to the department of local government finance. The department of local government finance shall make a final determination of the civil taxing unit's budget, ad valorem property tax levy, and property tax rate for that calendar year. However, a civil taxing unit may not impose a property tax levy for a year if the unit did not exist as of ~~March~~ **January** 1 of the preceding year.

SECTION 9. IC 6-1.1-18.5-8.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8.1. (a) ~~This section applies to a township that is allowed an increase in its maximum permissible ad valorem property tax levy under section 13(e) of this chapter for property taxes first due and payable in 2014.~~

(b) ~~The property tax levy limit imposed under section 3 of this chapter on the township may be exceeded in calendar years 2014, 2015, and 2016 by:~~

- ~~(1) the amount of ad valorem property taxes imposed by the township to repay money borrowed under IC 36-6-6-14(f); or~~
- ~~(2) the amount of ad valorem property taxes imposed by the~~

township to repay money borrowed under IC 36-6-6-14(b) in 2012 or 2013;

but not both:

(c) For purposes of computing the ad valorem property tax levy limit imposed on a township under section 3 of this chapter, the township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to repay money borrowed under IC 36-6-6-14(f):

SECTION 10. IC 6-1.1-18.5-13, AS AMENDED BY P.L.245-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas. ~~or persons.~~ With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) ~~A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local~~

government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

- (A) the cost of personal services (including fringe benefits);
 - (B) the cost of supplies; and
 - (C) any other cost directly related to the operation of the court.
- (3) (2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property under IC 6-1.1-4-4 does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

- (i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or
- (ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients

computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

~~(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the~~

immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government

tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4. The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);

(ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);

(iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);

(iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or

(v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of

this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers:

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate

increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal:

(11) Permission to a city having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-one thousand seven hundred twenty-five (31,725) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(12) (3) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(13) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on

the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars (\$300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

(c) In calendar year 2013, the department of local government finance shall allow a township to increase its maximum permissible ad valorem property tax levy in excess of the limitations established under section 3 of this chapter, if the township:

(1) petitions the department for the levy increase on a form prescribed by the department; and

(2) submits proof of the amount borrowed in 2012 or 2013; but not both, under IC 36-6-6-14 to furnish fire protection for the township or a part of the township.

The maximum increase in a township's levy that may be allowed under this subsection is the amount borrowed by the township under IC 36-6-6-14 in the year for which proof was submitted under subdivision (2). An increase allowed under this subsection applies to property taxes first due and payable after December 31, 2013.

SECTION 11. IC 6-1.1-18.5-13.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13.5: A levy increase may not be granted under

this section for property taxes first due and payable after December 31, 2009. With respect to an appeal filed under section 12 of this chapter, the department of local government finance may give permission to a town having a population of more than three hundred (300) but less than four hundred (400) located in a county having a population of more than sixty-eight thousand nine hundred (68,900) but less than seventy thousand (70,000) to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the town needs the increase to pay the costs of furnishing fire protection for the town. However, any increase in the amount of the town's levy under this section for the ensuing calendar year may not exceed the greater of:

- (1) twenty-five thousand dollars (\$25,000); or
- (2) twenty percent (20%) of the sum of:
 - (A) the amount authorized for the cost of furnishing fire protection in the town's budget for the immediately preceding calendar year; plus
 - (B) the amount of any additional appropriations authorized under IC 6-1.1-18-5 during that calendar year for the town's use in paying the costs of furnishing fire protection.

SECTION 12. IC 6-1.1-18.5-13.6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13.6. A levy increase may not be granted under this section for property taxes first due and payable after December 31, 2008. For an appeal filed under section 12 of this chapter, the department of local government finance may give permission to a county to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county needs the increase to pay for:

- (1) a new voting system; or
 - (2) the expansion or upgrade of an existing voting system;
- under IC 3-11-6.

SECTION 13. IC 6-1.1-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The department of local government finance may:

- (1) ~~promulgate~~ **adopt** rules in the manner prescribed in IC 4-22-2; and
- (2) **prescribe forms, including** property tax forms, property tax returns, and notice forms. ~~in the manner prescribed in IC 4-22-2.~~

However, the department of local government finance may, at any time, make a nonsubstantive change in a promulgated property tax form or return if the change is advisable because of the special nature of equipment which is available in a particular county.

(b) The department of local government finance may, through the Indiana archives and records administration, amend at any time the forms that the department of local government finance prescribes under this section.

(c) The department of local government finance may enforce the use of forms that the department of local government finance prescribes under this section.

(d) Forms that were prescribed by the department of local government finance and approved by the Indiana archives and records administration before July 1, 2016, are legalized and validated.

SECTION 14. IC 6-1.1-33.5-3, AS AMENDED BY P.L.257-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The division of data analysis shall:

- (1) conduct continuing studies in the areas in which the department of local government finance operates;
- (2) make periodic field surveys and audits of:
 - (A) tax rolls;
 - (B) plat books;
 - (C) building permits;
 - (D) real estate transfers; and
 - (E) other data that may be useful in checking property valuations or taxpayer returns;
- (3) make assist with the department of local government finance's** test checks of property valuations to serve as the basis for special reassessments under this article;
- (4) conduct annually a assist with the department of local government finance's** review of each coefficient of dispersion study for each township and county;
- (5) conduct annually a assist with the department of local government finance's** review of each sales assessment ratio study for each township and county; and
- (6) report annually to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, the

information obtained or determined under this section for use by the executive director and the general assembly, including:

- (A) all information obtained by the division of data analysis from units of local government; and
- (B) all information included in:
 - (i) the local government data base; and
 - (ii) any other data compiled by the division of data analysis.

SECTION 15. IC 6-1.1-36-17, AS AMENDED BY P.L.5-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) As used in this section, "nonreverting fund" refers to a nonreverting fund established under subsection ~~(c)~~:
(d).

(b) ~~Each~~ **If a county auditor that makes a determination that property was not eligible for a standard deduction under IC 6-1.1-12-37 in a particular year **within three (3) years after the date on which taxes for the particular year are first due, the county auditor may issue a notice of taxes, interest, and penalties due to the owner that improperly received the standard deduction and include a statement that the payment is to be made payable to the county auditor. The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subsection (c)(2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection (e)(2) in the office of the county recorder. The notice must require full payment of the amount owed within:****

- (1) one (1) year with no penalties and interest, if:

 - (A) the taxpayer did not comply with the requirement to return the homestead verification form under IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015); and**
 - (B) the county auditor allowed the taxpayer to receive the standard deduction in error; or****
- (2) thirty (30) days, if subdivision (1) does not apply.**

With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the

deduction.

(c) If a county auditor issues a notice of taxes, interest, and penalties due to an owner under subsection (b), the county auditor shall:

- (1) notify the county treasurer of the determination; and
- (2) do one (1) or more of the following:
 - (A) Make a notation on the tax duplicate that the property is ineligible for the standard deduction and indicate the date the notation is made.
 - (B) Record a notice of an ineligible homestead lien under subsection ~~(d)(2)~~: **(e)(2)**.

The county auditor shall issue a notice of taxes, interest, and penalties due to the owner that improperly received the standard deduction and include a statement that the payment is to be made payable to the county auditor. The notice must require full payment of the amount owed within thirty (30) days. The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subdivision ~~(2)(A)~~ or the date a notice of an ineligible homestead lien is recorded under subsection ~~(d)(2)~~ in the office of the county recorder. With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.

~~(e)~~ **(d)** Each county auditor shall establish a nonreverting fund. Upon collection of the adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b), the county treasurer shall deposit that amount:

- (1) in the nonreverting fund, if the county contains a consolidated city; or
- (2) if the county does not contain a consolidated city:
 - (A) in the nonreverting fund, to the extent that the amount collected, after deducting the direct cost of any contract, including contract related expenses, under which the contractor is required to identify homestead deduction eligibility, does not cause the total amount deposited in the

nonreverting fund under this subsection for the year during which the amount is collected to exceed one hundred thousand dollars (\$100,000); or

(B) in the county general fund, to the extent that the amount collected exceeds the amount that may be deposited in the nonreverting fund under clause (A).

~~(d)~~ (e) Any part of the amount due under subsection (b) that is not collected by the due date is subject to collection under one (1) or more of the following:

(1) After being placed on the tax duplicate for the affected property and collected in the same manner as other property taxes.

(2) Through a notice of an ineligible homestead lien recorded in the county recorder's office without charge.

The adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b) shall be deposited as specified in subsection ~~(e)~~ (d) only in the first year in which that amount is collected. Upon the collection of the amount due under subsection (b) or the release of a lien recorded under subdivision (2), the county auditor shall submit the appropriate documentation to the county recorder, who shall amend the information recorded under subdivision (2) without charge to indicate that the lien has been released or the amount has been paid in full.

~~(e)~~ (f) The amount to be deposited in the nonreverting fund or the county general fund under subsection ~~(e)~~ (d) includes adjustments in the tax due as a result of the termination of deductions or credits available only for property that satisfies the eligibility for a standard deduction under IC 6-1.1-12-37, including the following:

(1) Supplemental deductions under IC 6-1.1-12-37.5.

(2) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-1.1-26, IC 6-3.5-6-13, IC 6-3.5-6-32, IC 6-3.5-7-13.1, or IC 6-3.5-7-26, or any other law.

(3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.

Any amount paid that exceeds the amount required to be deposited under subsection ~~(e)(1)~~ (d)(1) or ~~(e)(2)~~ (d)(2) shall be distributed as property taxes.

~~(f)~~ (g) Money deposited under subsection ~~(e)(1)~~ (d)(1) or ~~(e)(2)~~ (d)(2) shall be treated as miscellaneous revenue. Distributions shall be

made from the nonreverting fund established under this section upon appropriation by the county fiscal body and shall be made only for the following purposes:

(1) Fees and other costs incurred by the county auditor to discover property that is eligible for a standard deduction under IC 6-1.1-12-37.

(2) Other expenses of the office of the county auditor.

The amount of deposits in a reverting fund, the balance of a nonreverting fund, and expenditures from a reverting fund may not be considered in establishing the budget of the office of the county auditor or in setting property tax levies that will be used in any part to fund the office of the county auditor.

SECTION 16. IC 6-1.1-36-18 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 18: (a) As used in this section, "local agency" has the meaning set forth in IC 4-6-3-1.

(b) As used in this section, "tax liability" includes liability for special assessments and refers to liability for property taxes after the application of all allowed deductions and credits. The term does not include any property taxes that a person is not required to pay under IC 6-1.1-15-10 with respect to a pending review of an assessment or an increase in assessment under IC 6-1.1-15.

(c) The fiscal body of a county may adopt an ordinance to allow the county, political subdivisions within the county, and local agencies within the county to use a uniform property tax disclosure form for purposes described in subsection (d):

(d) If the fiscal body of a county adopts an ordinance under this section, a county, a political subdivision within the county, or a local agency within the county may require a person applying for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit to submit a uniform property tax disclosure form prescribed under this section with the person's application for the property tax exemption, property tax deduction, zoning change or zoning variance, building permit, or any other locally issued license or permit.

(e) If the fiscal body of a county adopts an ordinance under this section, the fiscal body shall prescribe the uniform property tax disclosure form used within the county. The state board of accounts and the department of local government finance shall provide

assistance to a fiscal body in prescribing the form upon the request of the fiscal body. The form must require the disclosure of the following information from a person applying for a property tax exemption; a property tax deduction; a zoning change or zoning variance; a building permit; or any other locally issued license or permit:

- (1) A description of each parcel of real property located in the county that is owned by the person;
- (2) A verified statement, made under penalties of perjury, listing the following concerning each parcel of real property disclosed under subdivision (1):
 - (A) The parcels for which the person is current on the tax liability; if any.
 - (B) The parcels for which the person has a delinquent tax liability; if any.
- (3) Any other information necessary for the county; a political subdivision within the county; or a local agency within the county to determine whether the person has a delinquent tax liability on real property located in the county.

SECTION 17. IC 6-1.1-40-11, AS AMENDED BY P.L.245-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 2, 2016 (RETROACTIVE)]: Sec. 11. (a) A person that desires to obtain the deduction provided by section 10 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with:

- (1) the auditor of the county in which the new manufacturing equipment is located; and
- (2) the department of local government finance.

A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment is installed must file the application between ~~March 10~~ **January 1** and May 15 of that year.

(b) The application required by this section must contain the following information:

- (1) The name of the owner of the new manufacturing equipment.
- (2) A description of the new manufacturing equipment.
- (3) Proof of the date the new manufacturing equipment was installed.
- (4) The amount of the deduction claimed for the first year of the

deduction.

(c) A deduction application must be filed under this section in the year in which the new manufacturing equipment is installed and in each of the immediately succeeding nine (9) years.

(d) The department of local government finance shall review and verify the correctness of each application and shall notify the county auditor of the county in which the property is located that the application is approved or denied or that the amount of the deduction is altered. Upon notification of approval of the application or of alteration of the amount of the deduction, the county auditor shall make the deduction.

(e) If the ownership of new manufacturing equipment changes, the deduction provided under section 10 of this chapter continues to apply to that equipment if the new owner:

- (1) continues to use the equipment in compliance with any standards established under section 7(c) of this chapter; and
- (2) files the applications required by this section.

(f) The amount of the deduction is:

- (1) the percentage under section 10 of this chapter that would have applied if the ownership of the property had not changed; multiplied by
- (2) the assessed value of the equipment for the year the deduction is claimed by the new owner.

SECTION 18. IC 6-1.1-41-6, AS AMENDED BY P.L.137-2012, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Not later than noon thirty (30) days after the publication of the notice of adoption required by section 3 of this chapter:

- (1) at least ten (10) taxpayers in the taxing district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, **IC 36-8-19-8.5**, IC 36-9-4-48, or IC 36-10-4-36;
- (2) at least twenty (20) taxpayers in a county served by a hospital, if the fund is authorized under IC 16-22-4-1;
- (3) at least thirty (30) taxpayers in a tax district, if the fund is authorized under IC 36-10-3-21 or IC 36-10-7.5-19;
- (4) at least fifty (50) taxpayers in a municipality, township, or county, if subdivision (1), (2), (3), or (5) does not apply; or

(5) at least one hundred (100) taxpayers in the county, if the fund is authorized by IC 3-11-6; may file a petition with the county auditor stating their objections to an action described in section 2 of this chapter. Upon the filing of the petition, the county auditor shall immediately certify the petition to the department of local government finance.

SECTION 19. IC 6-1.1-42-28, AS AMENDED BY P.L.112-2012, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) Subject to this section and section 34 of this chapter, the amount of the deduction which the property owner is entitled to receive under this chapter for a particular year equals the product of:

- (1) the increase in the assessed value resulting from the remediation and redevelopment in the zone or the location of personal property in the zone, or both; multiplied by
- (2) the percentage determined under subsection (b).

(b) The percentage to be used in calculating the deduction under subsection (a) is as follows:

- (1) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

- (2) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

- (3) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%

6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

(c) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a:

(A) general reassessment of real property under IC 6-1.1-4-4;

or

(B) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(3) The amount of the deduction may not exceed the limitations imposed by the designating body under section 23 of this chapter.

(4) The amount of the deduction must be proportionally reduced by the proportionate ownership of the property by a person that:

(A) has an ownership interest in an entity that contributed; or

(B) has contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

The department of local government finance ~~shall~~ **may** adopt rules under IC 4-22-2 to implement this subsection.

SECTION 20. IC 6-1.1-44-6, AS AMENDED BY P.L.245-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 2, 2016 (RETROACTIVE)]: Sec. 6. (a) To obtain a deduction under this chapter, a manufacturer must file an application on forms prescribed by the department of local government finance

with the auditor of the county in which the investment property is located. A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the investment property is installed must file the application between ~~March 10~~ **January 1** and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the investment property is installed must file the application between ~~March 10~~ **January 1** and the extended due date for that year.

(b) The deduction application required by this section must contain the following information:

- (1) The name of the owner of the investment property.
- (2) A description of the investment property.
- (3) Proof of purchase of the investment property and proof of the date the investment property was installed.
- (4) The amount of the deduction claimed.

SECTION 21. IC 8-25-6-2, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If:

- (1) the fiscal body of the county in which ~~the a~~ township is located does not adopt an ordinance under IC 8-25-2-1; and
- (2) the township is adjacent to: ~~either:~~
 - (A) an eligible county in which:
 - (i) a public transportation project has been approved under IC 8-25-2; or
 - (ii) **an ordinance described in IC 8-25-2 has been adopted; or**
 - (B) ~~a~~ **another** township in which:
 - (i) a public transportation project has been approved under this chapter; **or**
 - (ii) **a resolution described in this section has already been passed;**

the fiscal body of the township may pass a resolution to place on the ballot a local public question on whether the fiscal body of the eligible county should be required to fund and carry out a public transportation project in the township.

(b) The fiscal body of the township shall include in the resolution passed under subsection (a):

- (1) a description of the public transportation services that will be

provided in the township through the proposed public transportation project; and

(2) an estimate of each tax necessary to annually fund the public transportation project in the township.

SECTION 22. IC 8-25-6-8, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If the local public question is defeated in a township, the fiscal body of the township may ~~not~~ adopt a resolution under section 2 of this chapter to place another local public question on the ballot as provided in this chapter at a subsequent general election in the township. **However, a local public question may not be placed on the ballot in the township under this chapter more than two (2) times in any seven (7) year period.**

SECTION 23. IC 8-25-6-10, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If the voters of a township ~~located in an eligible county~~ **described in section 2(a)(2)(A)(i) or 2(a)(2)(B)(i) of this chapter** approve a local public question under this chapter, the fiscal body of the eligible county **in which the township is located** shall adopt an ordinance under IC 6-3.5-1.1-24(s), IC 6-3.5-6-30(t), or IC 6-3.5-7-26(m), whichever is applicable to the eligible county, to impose an additional county adjusted gross income tax rate, county option income tax rate, or county economic development income tax rate upon the county taxpayers residing in the township for the public transportation project in the township.

(b) This subsection applies if the voters of a township described in section 2(a)(2)(A)(ii) or 2(a)(2)(B)(ii) of this chapter approve a local public question under this chapter and the voters in:

- (1) the eligible county described in section 2(a)(2)(A) of this chapter approve a local public question under IC 8-25-2; or**
- (2) the township described in section 2(a)(2)(B) of this chapter approve a local public question under this chapter.**

The fiscal body of the eligible county in which the township is located shall adopt an ordinance under IC 6-3.5-1.1-24(s) (before its repeal on January 1, 2017), IC 6-3.5-6-30(t) (before its repeal on January 1, 2017), IC 6-3.5-7-26(m) (before its repeal on January 1, 2017), or IC 6-3.6-4 (after December 31, 2016), whichever is applicable to the eligible county, to impose an additional county

adjusted gross income tax rate, county option income tax rate, county economic development income tax rate, or local income tax rate upon the county taxpayers residing in the township for the public transportation project in the township.

SECTION 24. IC 36-6-6-14, AS AMENDED BY P.L.218-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) At any special meeting, if two (2) or more members give their consent, the legislative body may determine whether there is a need for fire and emergency services or other emergency requiring the expenditure of money not included in the township's budget estimates and levy.

(b) Subject to section 14.5 of this chapter, if the legislative body finds that a need for fire and emergency services or other emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency. However, the legislative body may not authorize the executive to borrow money under this subsection in more than three (3) calendar years during any five (5) year period.

(c) Notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township firefighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a township fire department or a volunteer fire department. At its next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

(d) In determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy, the legislative body and any reviewing authority considering the approval of the additional borrowing shall consider the following factors:

- (1) The current and projected certified and noncertified public safety payroll needs of the township.
- (2) The current and projected need for fire and emergency services within the jurisdiction served by the township.
- (3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.
- (4) Current and projected growth in the number of residents and

other citizens served by the township, emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the township.

(5) Salary comparisons for certified and noncertified public safety personnel in the township and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the township.

(8) Other factors directly related to the provision of public safety within the jurisdiction served by the township.

(e) In the event the township received additional funds under this chapter in the immediately preceding budget year for an approved expenditure, any reviewing authority shall take into consideration the use of the funds in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the proceeds of the loan.

(f) This subsection applies to a township that is allowed an increase in its maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-13(c). The restrictions on borrowing set forth in this subsection are instead of the restrictions set forth in subsection (b). Repayments of the money borrowed in 2012 or 2013, as applicable, may be made over a three (3) year period beginning in 2014, and ending in 2016. Each year the township may borrow the amount necessary to repay one third (1/3) of the principal and interest of that debt. After 2016, the township may not borrow money under subsection (b) in more than three (3) calendar years during any five (5) year period.

SECTION 25. IC 36-8-19-8.5, AS AMENDED BY P.L.255-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.5. (a) Participating units may agree to establish an equipment replacement fund under this section to be used to purchase fire protection equipment, including housing, that will be used to serve the entire territory. To establish the fund, the legislative bodies of each participating unit must adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township),

and the following requirements must be met:

- (1) The ordinance or resolution is identical to the ordinances and resolutions adopted by the other participating units under this section.
- (2) Before adopting the ordinance or resolution, each participating unit must comply with the notice and hearing requirements of IC 6-1.1-41-3.
- (3) The ordinance or resolution authorizes the provider unit to establish the fund.
- (4) The ordinance or resolution includes at least the following:
 - (A) The name of each participating unit and the provider unit.
 - (B) An agreement to impose a uniform tax rate upon all of the taxable property within the territory for the equipment replacement fund.
 - (C) The contents of the agreement to establish the fund.

An ordinance or a resolution adopted under this section takes effect as provided in IC 6-1.1-41.

(b) If a fund is established, the participating units may agree to:

- (1) impose a property tax to provide for the accumulation of money in the fund to purchase fire protection equipment;
- (2) incur debt to purchase fire protection equipment and impose a property tax to retire the loan; or
- (3) transfer an amount from the fire protection territory fund to the fire equipment replacement fund not to exceed five percent (5%) of the levy for the fire protection territory fund for that year;

or any combination of these options.

(c) The property tax rate for the levy imposed under this section may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value. Before debt may be incurred, the fiscal body of a participating unit must adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies the amount and purpose of the debt. The ordinance or resolution must be identical to the other ordinances and resolutions adopted by the participating units. ~~In addition, the department of local government finance must approve the incurrence of the debt using the same standards as applied to the incurrence of debt by civil taxing units. Except as provided in subsection (d), if debt is to be incurred for the purposes of a fund, the provider unit~~

shall negotiate for and hold the debt on behalf of the territory. However, the participating units and the provider unit of the territory are jointly liable for any debt incurred by the provider unit for the purposes of the fund. The most recent adjusted value of taxable property for the entire territory must be used to determine the debt limit under IC 36-1-15-6. A provider unit shall comply with all general statutes and rules relating to the incurrence of debt under this subsection.

(d) A participating unit of a territory may, to the extent allowed by law, incur debt in the participating unit's own name to acquire fire protection equipment or other property that is to be owned by the participating unit. A participating unit that acquires fire protection equipment or other property under this subsection may afterward enter into an interlocal agreement under IC 36-1-7 with the provider unit to furnish the fire protection equipment or other property to the provider unit for the provider unit's use or benefit in accomplishing the purposes of the territory. A participating unit shall comply with all general statutes and rules relating to the incurrence of debt under this subsection.

(e) Money in the fund may be used by the provider unit only for those purposes set forth in the agreement among the participating units that permits the establishment of the fund.

(f) The requirements and procedures specified in IC 6-1.1-41 concerning the establishment or reestablishment of a cumulative fund, the imposing of a property tax for a cumulative fund, and the increasing of a property tax rate for a cumulative fund apply to:

- (1) the establishment or reestablishment of a fund under this section;
- (2) the imposing of a property tax for a fund under this section; and
- (3) the increasing of a property tax rate for a fund under this section.

(g) Notwithstanding IC 6-1.1-18-12, if a fund established under this section is reestablished in the manner provided in IC 6-1.1-41, the property tax rate imposed for the fund in the first year after the fund is reestablished may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value.

SECTION 26. IC 36-8-19-13, AS AMENDED BY P.L.47-2007,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) If a unit elects to withdraw from a fire protection territory established under this chapter, the unit must after January 1 but before April 1, adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) providing for the withdrawal. An ordinance or resolution adopted under this section takes effect July 1 of the year that the ordinance or resolution is adopted.

- (b) If an ordinance or a resolution is adopted under subsection (a),
- (1) the unit's maximum permissible ad valorem property tax levy with respect to fire protection services shall be initially increased by the amount of the particular unit's previous year levy under this chapter; and
 - (2) additional increases with respect to fire protection services levy amounts are subject to the tax levy limitations under IC 6-1.1-18.5; except for the part of the unit's levy that is necessary to retire the unit's share of any debt incurred while the unit was a participating unit.

for purposes of determining a unit's maximum permissible ad valorem property tax levy for the year following the year in which the ordinance or resolution is adopted, the unit receives a percentage of the territory's maximum permissible ad valorem property tax levy equal to the percentage of the assessed valuation that the unit contributed to the territory in the year in which the ordinance or resolution is adopted. The department of local government finance shall adjust the territory's maximum permissible ad valorem property tax levy to account for the unit's withdrawal. After the effective date of an ordinance or resolution adopted under subsection (a), the unit may no longer impose a tax rate for an equipment replacement fund under section 8.5 of this chapter. The unit remains liable for the unit's share of any debt incurred under section 8.5 of this chapter.

(c) If a territory is dissolved, subsection (b) applies to the determination of the maximum permissible ad valorem property tax levy of each unit that formerly participated in the territory.

SECTION 27. IC 36-12-2-25, AS AMENDED BY P.L.13-2013, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) The residents or real

property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

- (1) fix and collect fees and rental charges; and
- (2) assess fines, penalties, and damages for the:
 - (A) loss of;
 - (B) injury to; or
 - (C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

- (1) residents and real property taxpayers of the library district;
- (2) Indiana residents who are not residents of the library district; and
- (3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

(c) Except as provided in subsection (e), a library board must set and charge a fee for:

- (1) a local library card issued under subsection (b)(2); and
- (2) a local library card issued under subsection (b)(3).

(d) The minimum fee that the board may set under subsection (c) is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(e) A library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is:

- (1) a student enrolled in or a teacher in a public school corporation or nonpublic school:
 - (A) that is located at least in part in the library district; and
 - (B) in which students in any grade from preschool through grade 12 are educated; ~~or~~
- (2) a library employee of the district; **or**
- (3) a student enrolled in a college or university that is located at least in part of the library district;**

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(f) A library card issued under subsection (b)(2), (b)(3), or (e) expires one (1) year after issuance of the card: may be valid for a maximum of one (1) year after issuance. A card issued under subsection (b)(2) or (b)(3) that is valid for less than one (1) year must be sold at a fee prorated to the equivalent of the annual fee prescribed under subsection (d).

SECTION 28. [EFFECTIVE JANUARY 1, 2013 (RETROACTIVE)] (a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date occurring in 2013 through 2016.

(c) As used in this SECTION, "eligible property" means real property that:

- (1) was purchased through a foreclosure sale in June 2014; and
- (2) had been used as a church before the sale.

(d) As used in this SECTION, "qualified taxpayer" refers to a tax exempt foundation that has owned eligible property since October 2015, and the owner:

- (1) has sought to reuse the eligible property for an exempt purpose as a community building since purchasing the real property but has not been able to use and occupy the property for that purpose because of repair and renovation needs and rezoning issues;
- (2) did not receive any of the notices required by IC 6-1.1-4 or IC 6-1.1-11-4 regarding the property's assessment or exemption due to errors in processing the deed to the eligible property; and
- (3) filed a property tax exemption application in October 2015.

(e) A qualified taxpayer may, before September 1, 2016, file property tax exemption applications and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for the 2013, 2014, 2015, and 2016 assessment dates.

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been timely filed.

(g) If a qualified taxpayer files the property tax exemption

applications under subsection (e), the following apply:

(1) The property tax exemption for the eligible property shall be allowed and granted for the 2013, 2014, 2015, and 2016 assessment dates by the county assessor and county auditor of the county in which the eligible property is located, notwithstanding that the owner was unable to use and occupy the property for an exempt purpose as a community building due to repair and renovation needs and rezoning issues.

(2) The qualified taxpayer is not required to pay any property taxes, penalties, or interest with respect to the eligible property for the 2013, 2014, 2015, and 2016 assessment dates.

(h) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(i) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for the 2013, 2014, 2015, and 2016 assessment dates, the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2016, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(j) This SECTION expires July 1, 2018.

SECTION 29. An emergency is declared for this act.

P.L.204-2016

[H.1290. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

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

SECTION 1. IC 4-33-12-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:
Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by ~~subsections subsection (c) and (d), and IC 6-3-1-20-7,~~ **section 8 of this chapter**, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in ~~subsection (k), (j),~~ **section 9(g) of this chapter**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in ~~subsection (k), (j),~~ **section 9(g) of this chapter**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this chapter**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this chapter**, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this chapter**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) ~~Except as provided in subsection (k), (j)~~, Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:

(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following amounts:

(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located;
and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic

development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

- (i) Job creation and retention.*
- (ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.*
- (iii) Housing.*
- (iv) Workforce training.*
- (v) Health care.*
- (vi) Local planning.*
- (vii) Land use.*
- (viii) Assistance to regional economic development groups.*
- (ix) Other regional development issues as determined by the Indiana economic development corporation.*

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

- (i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).*
- (ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).*
- (iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.*

(B) Six and sixty-seven hundredths percent (6.67%) to the

fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used the manner described in subdivision (1)(G).

(d) (e) With respect This subsection applies to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); Lake County. Except as provided by IC 6-3-1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat

operating from Gary during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(1) (5) Except as provided in subsection (k), (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2), or (3); whichever is applicable, for that the calendar quarter;

shall be paid to the city in which the riverboat is docked.

(2) (6) Except as provided in subsection (k), (j), the remainder, if any, of:

~~(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus~~

~~(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for that the calendar quarter;~~

shall be paid to the county in which the riverboat is docked:

~~(3) (7) Except as provided in subsection (k), (j); nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked:

~~(4) (8) Except as provided in subsection (k), (j); one cent (\$0.01) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the northwest Indiana law enforcement training center:

~~(5) (9) Except as provided in subsection (k), (j); fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during a the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3:

~~(6) (10) Except as provided in subsection (k), (j); ten cents (\$0.10)~~

of the admissions tax collected by the licensed owner for each person

*(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;*

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) (H) Except as provided in subsection (k); Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(e) (d) Money paid to a unit of local government under subsection (b) or (c): or (d):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9; or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit; including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) (e) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) (d)(7) (c)(7) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) (f) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6): (d)(10): (e)(10):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) (g) This subsection applies to the following:

(1) Each entity receiving money under subsection (b)(1) through (b)(5):

(2) Each entity receiving money under subsection *(d)(1) (d)(5) (c)(5)* through *(d)(2) (d)(6) (c)(6)*.

(3) Each entity receiving money under subsection *(d)(5) (d)(9) (c)(9)* through *(d)(6) (d)(10) (c)(10)*.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) (h) This subsection applies to an entity receiving money under subsection *(d)(3) (d)(7) (c)(7)* or *(d)(4) (d)(8) (c)(8)*. The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection *(d)(3) (d)(7) (c)(7)* during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection *(d)(3) (d)(7) (c)(7)*. The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection *(d)(4) (d)(8) (c)(8)*. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) (i) This subsection does not apply to an entity receiving money

under subsection (e). The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection *(h) (g) or (i): (h).* For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection *(d) (c)* to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

- (1) distributed to an entity; and*
- (2) constructively received by an entity;*

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(k) (j) This subsection does not apply to an entity receiving money under subsection *(e).* The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and*
- (2) would otherwise be due to the entity under this section;*

to the state general fund instead of to the entity.

SECTION 2. IC 4-33-12-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.**

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

- (1) The lesser of:**
 - (A) eight hundred seventy-five thousand dollars (\$875,000); or**
 - (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;**

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

- (2) The lesser of:**
 - (A) two hundred eighteen thousand seven hundred fifty**

dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair

commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating from Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for

the calendar quarter;
must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

SECTION 3. IC 4-33-12-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9. (a) Money paid to a unit of local government under section 6 or 8 of this chapter:**

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other

obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 of this chapter must be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

(1) A city or county.

(2) A county convention and visitors bureau or promotion fund for a county other than Lake County.

(3) The state fair commission.

(4) The division of mental health and addiction.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to

this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

(1) A county convention and visitors bureau for Lake County.

(2) The northwest Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; and

(2) constructively received by an entity;

under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(g) The treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceeds a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 4. IC 4-33-12.5-6, AS AMENDED BY P.L.255-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) ~~The county described in IC 4-33-12-6(c)~~

Lake County shall distribute twenty-five percent (25%) of the:

- (1) admissions tax revenue received by the county under ~~IC 4-33-12-6(c)(6)~~; **IC 4-33-12-8**; and
 - (2) supplemental distributions received under IC 4-33-13-5;
- to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

- (1) The certification from any decennial census completed by the United States Bureau of the Census.
- (2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

- (1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and
- (2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

SECTION 5. IC 4-33-12.5-7, AS AMENDED BY P.L.205-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days after the county receives the quarterly distribution of admission tax revenue under ~~IC 4-33-12-6~~ **IC 4-33-12-8** or the supplemental distributions received under IC 4-33-13-5 from the state.

SECTION 6. IC 4-33-13-5, AS AMENDED BY P.L.255-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the

following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution

of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and

IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before ~~September~~ **July** 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year was less than the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 **or IC 4-33-12-8**; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are

made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in ~~September~~ **July** 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
 - (A) three million five hundred thousand dollars (\$3,500,000); minus
 - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political

subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

SECTION 7. IC 4-22-2-21, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

(1) A federal or state statute, rule, or regulation.

(2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.

(3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(4) The following requirements:

(A) The schedule, electronic formatting, and standard data, field, and record coding requirements for:

(i) the electronic data file under IC 6-1.1-4-25 concerning the parcel characteristics and parcel assessments of all parcels and personal property return characteristics and assessments; and

(ii) the electronic data file under IC 36-2-9-20 concerning the tax duplicate.

(B) The schedule, electronic formatting, and standard data, field, and record coding requirements for data required to be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.

(C) Data export and transmission format requirements for information described in clauses (A) and (B).

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly

referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the ~~commission on public records~~ **Indiana archives and record administration** under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been previously filed with the:
 - (A) secretary of state before July 1, 2006; or
 - (B) publisher after June 30, 2006.
- (5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 8. IC 5-13-10.5-18, AS AMENDED BY P.L.213-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "capital improvement board" refers to a capital improvement board established under IC 36-10-9.

(b) To qualify for an investment under this section, the capital improvement board must apply to the treasurer of state in the form and manner required by the treasurer. As part of the application, the capital improvement board shall submit a plan for its use of the investment proceeds and for the repayment of the capital improvement board's obligation to the treasurer. Within sixty (60) days after receipt of each application, the treasurer shall consider the application and review its accuracy and completeness.

(c) If the capital improvement board makes an application under subsection (b) and the treasurer approves the accuracy and completeness of the application and determines that there is an adequate method of payment for the capital improvement board's obligations, the treasurer of state shall invest or reinvest funds that are

held by the treasurer and that are available for investment in obligations issued by the capital improvement board for the purposes of the capital improvement board in calendar years 2009, 2010, and 2011. The investment may not exceed nine million dollars (\$9,000,000) per calendar year for 2009, 2010, and 2011.

(d) The treasurer of state shall determine the terms of each investment and the capital improvement board's obligation, which must include the following:

- (1) Subject to subsections (f) and (g), the duration of the capital improvement board's obligation, which must be for a term of ten (10) years with an option for the capital improvement board to pay its obligation to the treasurer early without penalty.
- (2) Subject to subsections (f) and (g), the repayment schedule of the capital improvement board's obligation, which must provide that no payments are due before January 1, 2013.
- (3) A rate of interest to be determined by the treasurer.
- (4) The amount of each investment, which may not exceed the maximum amounts established for the capital improvement board by this section.
- (5) Any other conditions specified by the treasurer.

(e) The capital improvement board may issue obligations under this section by adoption of a resolution and, as set forth in IC 5-1-14, may use any source of revenue to satisfy the obligation to the treasurer of state under this section. This section constitutes complete authority for the capital improvement board to issue obligations to the treasurer. If the capital improvement board fails to make any payments on the capital improvement board's obligation to the treasurer, the amount payable shall be withheld by the auditor of state from any other money payable to the capital improvement board. The amount withheld shall be transferred to the treasurer to the credit of the capital improvement board.

(f) Subject to subsection (g), if all principal and interest on the obligations issued by the capital improvement board under this section in calendar year 2009, are paid before July 1, 2015, the term of the obligations issued by the capital improvement board to the treasurer of state in calendar year 2010 is extended until 2025. **The treasurer of state shall discharge any remaining unpaid interest on the obligation issued by the capital improvement board to the**

treasurer of state in 2009, if the capital improvement board submits payment of the principal amount to the treasurer of state before the stated final maturity of that obligation.

(g) This subsection applies if the capital improvement board before July 1, 2015, adopts a resolution:

- (1) to establish a bid fund to be used to assist the capital improvement board, the Indianapolis Convention and Visitors Association (VisitIndy), or the Indiana Sports Corporation in securing conventions, sporting events, and other special events; and
- (2) to designate that principal and interest payments that would otherwise be made on the obligation issued by the capital improvement board under this section in calendar year 2010 shall instead be deposited in the bid fund.

If the requirements of subdivisions (1) and (2) are satisfied and the capital improvement board deposits in the bid fund amounts equal to the principal and interests payments that would otherwise be made under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is not required to make those principal and interests payments to the treasurer of state at the time required under the repayment schedule. The amounts must be deposited in the bid fund not later than the time the principal and interest payments would otherwise be due to the treasurer of state under the repayment schedule. The state board of accounts shall annually examine the bid fund to determine the amount of deposits made to the bid fund under this subsection and to ensure that the money deposited in the bid fund is used only for purposes authorized by this subsection. To the extent that the capital improvement board does not deposit in the bid fund an amount equal to a payment of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board must make that payment of principal and interest to the treasurer of state as provided in this section. If the capital improvement board deposits in the bid fund amounts equal to the payments of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar

year 2010, the capital improvement board is only required to repay to the treasurer of state the principal amount of the obligation.

SECTION 9. IC 5-28-15-5.5 AS ADDED BY SEA 378-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5.5. The corporation has the following powers, in addition to the other powers that are contained in this chapter:

- (1) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.
- (2) To disqualify a zone business from eligibility for any or all of the incentives available to zone businesses.
- (3) To receive funds from any source and expend the funds for the administration and promotion of the enterprise zone program.
- (4) To make determinations under IC 6-3.1-11 concerning the designation of locations as industrial recovery sites.
- (5) To ~~make determinations enter into agreements~~ under IC 6-3.1-11 concerning the disqualification of persons from claiming credits provided by that chapter in appropriate cases: **with an applicant for a tax credit under that chapter.**

SECTION 10. IC 6-1.1-4-43 IS REPEALED [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)].: ~~Sec. 43. (a) This section applies to a real property assessment for:~~

- ~~(1) the 2014 assessment date and assessment dates thereafter; and~~
- ~~(2) real property that is:

 - ~~(A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and~~
 - ~~(B) occupied by the original owner or by a tenant for which the improvement was built.~~~~

~~(b) This section does not to apply to the assessment of multi-tenant income producing shopping centers (as defined by the Appraisal Institute Dictionary of Real Estate Appraisal (5th Edition)).~~

~~(c) In determining the true tax value of real property under this section which has improvements with an effective age is ten (10) years or less under the rules of the department, assessing officials shall apply the cost approach, less depreciation and obsolescence under the rules and guidelines of the department. For purposes of this subsection, the~~

land value shall be assessed separately. The assessed value of the land underlying the improvements assessed under this section may be assessed or challenged based on the market value of comparable land.

(d) This subsection applies to a taxpayer that files a notice under IC 6-1.1-15 after April 30, 2015, requesting a review of the assessment of the taxpayer's real property that is subject to this section. If the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance, then the for purposes of applying the cost approach under subsection (b) or (c) the depreciation and obsolescence shall be deducted from the construction costs rather than the than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance.

SECTION 11. IC 6-1.1-4-44 IS REPEALED [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]. See: 44. (a) This section applies to a real property assessment of commercial nonincome producing real property, including a sale-leaseback property, for:

- (1) the 2014 assessment date and assessment dates thereafter; or
- (2) any assessment date, if an assessment appeal is pending before the county property tax assessment board of appeals or the board of tax review.

(b) This section does not to apply to the assessment of multi-tenant income producing shopping centers (as defined by the Appraisal Institute Dictionary of Real Estate Appraisal (5th Edition)):

(c) As used in this section, "sale-leaseback" means a transaction in which one (1) party sells a property to a buyer, and the buyer leases the property back to the seller.

(d) In determining the true tax value of real property under this section which has improvements with an effective age of ten (10) years or less under the rules of the department, a comparable real property sale may not be used if the comparable real property:

- (1) has been vacant for more than one (1) year as of the assessment date or in the case of industrial property vacant for more than five (5) years;
- (2) has significant restrictions placed on the use of the real property by a recorded covenant, restriction, easement, or other encumbrance on the use of the real property;
- (3) was sold and is no longer used for the purpose, or a similar purpose, for which the property was used by the original occupant or tenant; or
- (4) was not sold in an arm's length transaction.

SECTION 12. IC 6-1.1-15-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.7. A holder of a tax sale certificate under IC 6-1.1-24 does not have an interest in tangible property for purposes of obtaining a review or bringing an appeal of an assessment of property under this chapter.**

SECTION 13. IC 6-1.1-31-6, AS AMENDED BY P.L.154-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 6. (a) With respect to the assessment of real property, the rules of the department of local government finance shall provide for:

- (1) the classification of land on the basis of:
 - (i) (A) acreage;
 - (ii) (B) lots;
 - (iii) (C) size;
 - (iv) (D) location;
 - (v) (E) use;
 - (vi) (F) productivity or earning capacity;
 - (vii) (G) applicable zoning provisions;
 - (viii) (H) accessibility to highways, sewers, and other public services or facilities; and
 - (ix) (I) any other factor that the department determines by rule is just and proper; and
- (2) the classification of improvements on the basis of:

- (i) (A) size;
- (ii) (B) location;
- (iii) (C) use;
- (iv) (D) type and character of construction;
- (v) (E) age;
- (vi) (F) condition;
- (vii) (G) cost of reproduction; ~~and~~
- (H) market segmentation; and**
- (viii) (I) any other factor that the department determines by rule is just and proper.

(b) With respect to the assessment of real property, the rules of the department of local government finance shall include instructions for determining:

- (1) the proper classification of real property;
- (2) the size of real property;
- (3) the effects that location and use have on the value of real property;
- (4) the productivity or earning capacity of:
 - (A) agricultural land; and
 - (B) real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more;
- (5) sales data for generally comparable properties; and
- (6) the true tax value of real property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper.

(c) With respect to the assessment of real property, true tax value does not mean fair market value. ~~Subject to this article, true tax value is the value determined under the rules of the department of local government finance.~~

(d) With respect to the assessment of an improved property, a valuation does not reflect the true tax value of the improved property if the purportedly comparable sale properties supporting the valuation have a different market or submarket than the current use of the improved property, based on a market segmentation analysis. Any market segmentation analysis must be conducted in conformity with generally accepted appraisal principles and is not limited to the categories of markets and

submarkets enumerated in the rules or guidance materials adopted by the department of local government finance.

(e) True tax value does not mean the value of the property to the user.

(f) Subject to this article, true tax value shall be determined under the rules of the department of local government finance. The department's rules may include examples to illustrate true tax value.

SECTION 14. IC 6-2.5-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to a retail merchant if:**

- (1) the retail merchant obtains the information described in section 7(c)(1) through 7(c)(3) of this chapter from a person purchasing tangible personal property for use or consumption in providing public transportation under IC 6-2.5-5-27; and
- (2) the person purchasing the tangible personal property provides to the retail merchant the signed affirmation required under section 7(c) of this chapter.

(b) Except as provided in subsection (c), the following apply to a retail merchant that meets the requirements of subsection (a):

- (1) Based on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter, the retail merchant is entitled to assume that the person purchasing the tangible personal property:

(A) will use the tangible personal property for an exempt purpose; or

(B) will make the determination regarding whether use tax is due on the storage, use, or consumption of the tangible personal property, and will pay any use tax that is due on the storage, use, or consumption of the tangible personal property.

- (2) The retail merchant is not liable for a failure to collect any use tax that may be due on the storage, use, or consumption of the tangible personal property.

(c) Subsection (b) does not apply to a retail merchant if the retail merchant's reliance on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation

required under section 7(c) of this chapter was unreasonable. The department has the burden of proving that the retail merchant's reliance on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable.

SECTION 15. IC 6-3-1-11, AS AMENDED BY P.L.242-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~2015~~; **2016**.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2015~~; **2016**, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2015~~; **2016**, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2015~~; **2016**, that is effective for any taxable year that began before January 1, ~~2015~~; **2016**, and that affects:

- (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);
- (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or
- (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining

adjusted gross income under section 3.5 of this chapter.

(d) This subsection applies to a taxable year ending before January 1, 2013. The following provisions of the Internal Revenue Code that were amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) are treated as though they were not amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312):

(1) Section 1367(a)(2) of the Internal Revenue Code pertaining to an adjustment of basis of the stock of shareholders.

(2) Section 871(k)(1)(C) and 871(k)(2)(C) of the Internal Revenue Code pertaining the treatment of certain dividends of regulated investment companies.

(3) Section 897(h)(4)(A)(ii) of the Internal Revenue Code pertaining to regulated investment companies qualified entity treatment.

(4) Section 512(b)(13)(E)(iv) of the Internal Revenue Code pertaining to the modification of tax treatment of certain payments to controlling exempt organizations.

(5) Section 613A(c)(6)(H)(ii) of the Internal Revenue Code pertaining to the limitations on percentage depletion in the case of oil and gas wells.

(6) Section 451(i)(3) of the Internal Revenue Code pertaining to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or state electric restructuring policy for qualified electric utilities.

(7) Section 954(c)(6) of the Internal Revenue Code pertaining to the look-through treatment of payments between related controlled foreign corporation under foreign personal holding company rules.

The department shall develop forms and adopt any necessary rules under IC 4-22-2 to implement this subsection.

SECTION 16. IC 6-3.1-11-1, AS AMENDED BY P.L.288-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter, "applicable percentage" means the percentage determined as follows:

(1) If a plant that is located on an industrial recovery site was placed in service at least fifteen (15) years ago but less than thirty

(30) years ago, the applicable percentage is fifteen percent (15%).

(2) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least thirty (30) years ago but less than forty (40) years ago, the applicable percentage is twenty percent (20%).

(3) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least forty (40) years ago, the applicable percentage is twenty-five percent (25%).

The time that has expired since a plant was placed in service shall be determined as of the date that an application is filed with the corporation. ~~for designation of the location as an industrial recovery site under this chapter.~~ **However, in the case of an industrial recovery site described in section 5(2) of this chapter, the time that has expired since a plant was placed in service shall be determined as of the date on which the demolition of the vacant plant was completed.**

SECTION 17. IC 6-3.1-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 3: As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.~~

SECTION 18. IC 6-3.1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "industrial recovery site" means ~~an industrial recovery site designated under this chapter:~~ **land on which a vacant plant having at least one hundred thousand (100,000) square feet of total floor space:**

(1) exists as of the date an application is filed with the corporation under this chapter and was placed in service at least fifteen (15) years before the date on which an application is filed with the corporation under this chapter; or

(2) existed within five (5) years before the date an application is filed with the corporation under this chapter and was placed in service at least fifteen (15) years before the date on which the demolition of the vacant plant was completed.

SECTION 19. IC 6-3.1-11-6 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 6: As used in this chapter, "legislative body" has the meaning set forth in IC 36-1-2-9.~~

SECTION 20. IC 6-3.1-11-7 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 7: As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.~~

SECTION 21. IC 6-3.1-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 15. As used in this chapter, "vacant industrial facility" means a tract of land on which there is located a plant that:~~

~~(1) has:~~

~~(A) for taxable years beginning after December 31, 2010, and beginning before January 1, 2015, at least fifty thousand (50,000) square feet of floor space; or~~

~~(B) for taxable years beginning after December 31, 2014, at least one hundred thousand (100,000) square feet of floor space; and~~

~~(2) was placed in service at least fifteen (15) years ago.~~

SECTION 22. IC 6-3.1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) **Subject to entering into an agreement with the corporation under section 19.5 of this chapter and** subject to section 21 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that year.

(b) The amount of the credit to which a taxpayer is entitled is the qualified investment made by the taxpayer during the taxable year multiplied by the applicable percentage.

(c) A taxpayer may assign any part of the credit to which the taxpayer is entitled under this chapter to a lessee of the industrial recovery site. A credit that is assigned under this subsection remains subject to this chapter.

(d) An assignment under subsection (c) must be in writing and both the taxpayer and the lessee must report the assignment on their state tax return for the year in which the assignment is made, in the manner prescribed by the department of **state** revenue. The taxpayer shall not receive value in connection with the assignment under subsection (c) that exceeds the value of the part of the credit assigned.

SECTION 23. IC 6-3.1-11-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 18.5. (a) A taxpayer that proposes to make qualified investments on an industrial recovery site as provided under this chapter may apply to the corporation to enter into an agreement for a tax credit under this chapter.**

(b) The corporation shall prescribe the form of the application.

SECTION 24. IC 6-3.1-11-19, AS AMENDED BY P.L.288-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. **(a)** The corporation shall consider the following factors in evaluating applications filed under this chapter:

- (1) The level of distress in the surrounding community caused by the loss of jobs at the ~~vacant industrial facility~~ **recovery site**.
- (2) Evidence of support for the designation by residents, businesses, and private organizations in the surrounding community.
- (3) Evidence of a commitment by private or governmental entities to assist in the financing of improvements or redevelopment activities benefiting the ~~vacant industrial facility~~ **recovery site**.
- (4) Whether the industrial recovery site is within an economic revitalization area designated under IC 6-1.1-12.1.

(b) The corporation may not approve an application to receive tax credits under this chapter for qualified investments made on an industrial recovery site described in section 5(2) of this chapter unless the applicant can demonstrate that the plant was not maintained and was removed from the site in an effort to protect the health, safety, and welfare of the community.

SECTION 25. IC 6-3.1-11-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.5. If the corporation approves an application under this chapter, the corporation shall require the applicant to enter into an agreement with the corporation as a condition of receiving a tax credit under this chapter.**

SECTION 26. IC 6-3.1-20-7, AS AMENDED BY P.L.255-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department shall before July 1 of each year determine **the following**:

- (1) The greater of:
 - (+) **(A)** eight million five hundred thousand dollars (\$8,500,000); or
 - (-) **(B)** the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.
- (2) **The quotient of:**

**(A) the amount determined under subdivision (1); divided by
by
(B) four (4).**

(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall be:

- (1) deducted ~~during the year~~ **each quarter** from the riverboat admissions tax revenue otherwise payable to the county under ~~IC 4-33-12-6(e)(6)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable to the county under IC 4-33-13-5(g); and
- (2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall be:

- (1) deducted ~~during the year~~ **each quarter** from the riverboat admissions tax revenue otherwise payable under ~~IC 4-33-12-6(e)(5)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable under IC 4-33-13-5(g) to each of the following:
 - (A) The largest city by population located in the county.
 - (B) The second largest city by population located in the county.
 - (C) The third largest city by population located in the county;
 and
- (2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection ~~(a)(2)~~ **(a)(1)(B)** is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

- (1) eight million five hundred thousand dollars (\$8,500,000); minus
- (2) the amount determined by the department under subsection ~~(a)(2)~~; **(a)(1)(B)**;

shall be paid **in four (4) equal quarterly payments** to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail

transportation systems in Lake County.

SECTION 27. IC 6-6-1.1-903, AS AMENDED BY P.L.210-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 903. (a) A person is entitled to a refund of gasoline tax paid on gasoline purchased or used for the following purposes:

- (1) Operating stationary gas engines.
- (2) Operating equipment mounted on motor vehicles, whether or not operated by the engine propelling the motor vehicle.
- (3) Operating a tractor used for agricultural purposes.
- (3.1) Operating implements of agriculture (as defined in IC 9-13-2-77).
- (4) Operating motorboats or aircraft.
- (5) Cleaning or dyeing.
- (6) Other commercial use, except propelling motor vehicles operated in whole or in part on an Indiana public highway.
- (7) Operating a taxicab (as defined in section 103 of this chapter).
- (8) Used to create racing fuel and the fuel:**

(A) consists of a fuel blend nominally consisting of more than eighty-nine percent (89%) ethanol and less than eleven percent (11%) gasoline;

(B) will not be blended to become a fuel that can be used for propelling a motor vehicle operated in whole or in part on an Indiana public highway; and

(C) will be resold by the person purchasing the fuel to a purchaser that is located in another state, territory, or foreign country.

(b) If a refund is not issued within ninety (90) days of filing of the verified statement and all supplemental information required by IC 6-6-1.1-904.1, the department shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required by the department until a date determined by the administrator that does not precede by more than thirty (30) days the date on which the refund is made.

SECTION 28. IC 6-9-2-4.3, AS AMENDED BY P.L.172-2011, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.3. (a) The Lake County convention and visitor

bureau shall establish a convention, tourism, and visitor promotion alternate revenue fund (referred to in this chapter as the "alternate revenue fund"). The bureau may deposit in the alternate revenue fund all money received by the bureau after June 30, 2005, that is not required to be deposited in the promotion fund under section 2 of this chapter or a fund established by the bureau, including appropriations, gifts, grants, membership dues, and contributions from any public or private source.

(b) The bureau may, without appropriation by the county council, expend money from the alternate revenue fund to promote and encourage conventions, trade shows, visitors, special events, sporting events, and exhibitions in the county. Money may be paid from the alternate revenue fund by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) All money in the alternate revenue fund shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money in the alternate revenue fund is subject to audit and supervision by the state board of accounts.

(d) Money derived from the taxes imposed under ~~IC 4-33-12~~ and IC 4-33-13 may not be transferred to the alternate revenue fund.

SECTION 29. IC 11-12-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]:

Chapter 11. County Misdemeanant Fund

Sec. 1. As used in this chapter, "county misdemeanor fund" refers to a fund established under section 4 of this chapter.

Sec. 2. As used in this chapter, "minimum allocation amount" refers to the amount of funding that applies to a county under section 6(a) of this chapter.

Sec. 3. As used in this chapter, "multiplier" refers to the number that applies to a county under section 6(b) of this chapter.

Sec. 4. (a) A county legislative body receiving deposits made under section 7 of this chapter shall establish a county misdemeanor fund.

(b) The county fiscal body shall administer the county misdemeanor fund.

(c) The fund consists of deposits made by the department under

section 7 of this chapter.

Sec. 5. A county misdemeanor fund must be used only for funding the operation of the county's jail, jail programs, or other local correctional facilities or community based programs. Any money remaining in a county misdemeanor fund at the end of the year does not revert to any other fund, but remains in the county misdemeanor fund.

Sec. 6. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	\$14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000
Cass County	17,500
Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500
Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000

Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000
Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500
Madison County	101,500
Marion County	294,000
Marshall County	35,000
Martin County	3,500
Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500

Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500
Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500
Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500

(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

Adams County	.0053
Allen County	.0548
Bartholomew County	.0118
Benton County	.0014
Blackford County	.0020
Boone County	.0087
Brown County	.0024
Carroll County	.0031
Cass County	.0060
Clark County	.0170
Clay County	.0041
Clinton County	.0051

Crawford County	.0017
Daviess County	.0049
Dearborn County	.0077
Decatur County	.0040
Dekalb County	.0065
Delaware County	.0181
Dubois County	.0065
Elkhart County	.0305
Fayette County	.0037
Floyd County	.0115
Fountain County	.0027
Franklin County	.0036
Fulton County	.0032
Gibson County	.0052
Grant County	.0108
Greene County	.0051
Hamilton County	.0423
Hancock County	.0108
Harrison County	.0061
Hendricks County	.0224
Henry County	.0076
Howard County	.0128
Huntington County	.0057
Jackson County	.0065
Jasper County	.0052
Jay County	.0033
Jefferson County	.0050
Jennings County	.0044
Johnson County	.0215
Knox County	.0059
Kosciusko County	.0119
LaGrange County	.0057
Lake County	.0765
LaPorte County	.0172
Lawrence County	.0071
Madison County	.0203
Marion County	.1393
Marshall County	.0073
Martin County	.0016

Miami County	.0057
Monroe County	.0213
Montgomery County	.0059
Morgan County	.0106
Newton County	.0022
Noble County	.0073
Ohio County	.0009
Orange County	.0031
Owen County	.0033
Parke County	.0027
Perry County	.0030
Pike County	.0020
Porter County	.0253
Posey County	.0040
Pulaski County	.0021
Putnam County	.0059
Randolph County	.0040
Ripley County	.0044
Rush County	.0027
St. Joseph County	.0412
Scott County	.0037
Shelby County	.0069
Spencer County	.0032
Starke County	.0036
Steuben County	.0053
Sullivan County	.0033
Switzerland County	.0016
Tippecanoe County	.0266
Tipton County	.0025
Union County	.0012
Vanderburgh County	.0277
Vermillion County	.0025
Vigo County	.0166
Wabash County	.0051
Warren County	.0013
Warrick County	.0092
Washington County	.0044
Wayne County	.0106
Wells County	.0043

White County	.0038
Whitley County	.0051

Sec. 7. Before September 1 of each year after 2014, the department shall deposit in the misdemeanor fund of each county the greatest of the following:

- (1) The sum determined by multiplying the total amount appropriated for the county misdemeanor fund by the county's multiplier.**
- (2) The minimum allocation amount assigned to the county under section 6(a) of this chapter.**
- (3) The amount deposited by the department in the misdemeanor fund for the county in state fiscal year 1999.**

Sec. 8. (a) Notwithstanding section 7 of this chapter, the department shall deposit funds in county misdemeanor funds under this section if the funds appropriated to the department for county misdemeanor funds are insufficient to meet the amounts required to be deposited under section 7 of this chapter.

(b) Before July 16 of each year, the commissioner shall send a notice to each county executive and sheriff. The notice must contain the following:

- (1) The amount of money appropriated for all county misdemeanor funds in Indiana.**
- (2) The amount that will be deposited in the county misdemeanor funds.**

(c) The notice required under subsection (b) must be in the following form:

"Notice Concerning County Misdemeanant Funds

The amount appropriated for July 1 (fill in year) to June 30 (fill in year) for county misdemeanor funds is \$ (fill in dollar amount). The amount your county misdemeanor fund will receive is \$ (fill in dollar amount)."

SECTION 30. IC 16-46-14-2, AS ADDED BY P.L.125-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 15, 2016]: Sec. 2. (a) The safety PIN (protecting Indiana's newborns) grant fund is established for the ~~purposes~~ **purpose of distributing money for the reducing infant mortality grant program. The fund shall be administered by the state department.**

(b) The fund consists of:

- (1) money appropriated **for the program or** to the fund by the**

general assembly;

(2) money received from state or federal grants or programs; and

(3) gifts, money, and donations received from any other source, including transfers from other funds or accounts.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from the investments shall be deposited in the fund.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund or to any other fund in the case of an appropriation made to the program from a fund other than the state general fund. In addition, if there is an appropriation for the program for a state fiscal year, the money appropriated shall be transferred to the fund at the beginning of the state fiscal year for which the appropriation is made.

SECTION 31. IC 16-46-14-3, AS ADDED BY P.L.125-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person seeking a grant under this chapter must submit a proposal to the state department.

(b) A proposal for a grant under this chapter must include the following:

(1) The targeted area.

(2) Measurable behavioral or secondary outcomes within the target area.

(3) A proposed specific reduction in the rate of infant mortality among the targeted area that is measurable based on available information to the state department.

(4) The time frame in which to achieve the reduction described in subdivision (3).

(c) The state department shall determine whether to approve a grant proposal. If the state department approves a proposal, the initial award amount shall not exceed ~~fifty percent (50%)~~ **sixty percent (60%)** of the total grant amount approved for the proposal. The state department shall distribute the remaining amount of the approved grant to the grantee when the state department determines that the reduction in the infant mortality rate among the proposal's targeted area has been

achieved within the time frame specified in the grant proposal.

SECTION 32. IC 36-7-14-8, AS AMENDED BY P.L.87-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on a day that is not a Saturday, a Sunday, or a legal holiday and that is their first meeting day of the year. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission. Notwithstanding any other provision of this chapter, but subject to subsection (c), the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of state laws that apply to other funds and accounts administered by the fiscal officer. The treasurer shall report annually to the redevelopment commission before April 1.

(c) The treasurer of the redevelopment commission may disburse funds of the redevelopment commission only after the redevelopment commission allows and approves the disbursement. However, the redevelopment commission may, by rule or resolution, authorize the treasurer to make certain types of disbursements before the redevelopment commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

- (1) The funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement.**
- (2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.**
- (3) The amount of the daily balance of redevelopment**

commission funds may not be below zero (0) at any time.

(4) The funds may not be maintained or used in a manner that is intended to avoid the waiver procedures and requirements for a unit and the redevelopment commission under subsection (e).

(e) If the fiscal body of a unit determines that it is necessary to engage in short term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (d)(2). In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

(1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and

(2) an expiration date for the waiver.

If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

(f) Subsections (d) and (e) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement.

(g) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(h) This subsection does not apply to a county redevelopment commission that consists of seven (7) members. Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

⊕ (i) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.

SECTION 33. IC 36-7-14-13, AS AMENDED BY P.L.87-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Not later than April 15 of each year, the redevelopment commissioners or their designees shall file with the unit's executive and fiscal body a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(e) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

- (1) Revenues received.
- (2) Expenses paid.
- (3) Fund balances.
- (4) The amount and maturity date for all outstanding obligations.
- (5) The amount paid on outstanding obligations.
- (6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.

(7) To the extent that the following information has not previously been provided to the department of local government finance:

(A) The year in which the tax increment financing district was established.

(B) The section of the Indiana Code under which the tax increment financing district was established.

(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.

(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.

(E) The date on which the tax increment financing district will expire.

(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.

(f) A redevelopment commission and a department of redevelopment are subject to the same laws, rules, and ordinances of a general nature that apply to all other commissions or departments of the unit.

SECTION 34. IC 36-7-15.1-3.5, AS AMENDED BY P.L.87-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.5. (a) The controller of the consolidated city is the fiscal officer of a commission subject to this chapter.

(b) The controller may obtain financial services on a contractual basis for purposes of carrying out the powers and duties of the commission and protecting the public interests related to the operations and funding of the commission. Subject to subsection (c), the controller has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the commission in accordance with the requirements of state law that apply to other funds and accounts administered by the controller.

(c) The controller may disburse funds of the commission only after the commission allows and approves the disbursement. However, the commission may, by rule or resolution, authorize the controller to make

certain types of disbursements before the commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

(1) The funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement.

(2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.

(3) The amount of the daily balance of redevelopment commission funds shall be not below zero (0) at any time.

(4) The funds may not be maintained or used in a manner that is intended to avoid the waiver procedures and requirements for a unit and the redevelopment commission under subsection (e).

(e) If the fiscal body of the unit determines that it is necessary to engage in short-term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (d)(2). In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

(1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and

(2) an expiration date for the waiver.

If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

(f) Subsections (d) and (e) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement.

SECTION 35. IC 36-7-15.1-36.3, AS AMENDED BY P.L.87-2015,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36.3. (a) Not later than April 15 of each year, the commission or its designee shall file with the mayor and the fiscal body a report setting out the commission's activities during the preceding calendar year.

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(d) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

- (1) Revenues received.
- (2) Expenses paid.
- (3) Fund balances.
- (4) The amount and maturity date for all outstanding obligations.
- (5) The amount paid on outstanding obligations.
- (6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.
- (7) To the extent that the following information has not previously been provided to the department of local government finance:**

(A) The year in which the tax increment financing district was established.

(B) The section of the Indiana Code under which the tax increment financing district was established.

(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal

project area.

(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.

(E) The date on which the tax increment financing district will expire.

(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.

SECTION 36. IC 36-7.5-1-10, AS AMENDED BY P.L.192-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Economic development project" means the following:

(1) An economic development project described in any of the following:

(A) IC 36-7.5-2-1(2), ~~or~~ IC 36-7.5-2-1(3), ~~or~~ **IC 36-7.5-2-1(4).**

(B) IC 36-7.5-3-1(2) or IC 36-7.5-3-1(4).

(C) The Marquette Plan.

(2) A dredging, sediment removal, or channel improvement project.

SECTION 37. IC 36-7.5-2-1, AS AMENDED BY P.L.192-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article in accordance with IC 36-7.5-3-1.5;

(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, regional transportation authority projects and services, Lake Michigan marina and shoreline development projects and activities, and economic development projects in northwestern Indiana; ~~and~~

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana;

and

(4) studying and evaluating destination based economic development projects that have:

(A) an identified market;

(B) identified funding sources and these funding sources include at least fifty percent (50%) from nongovernmental sources; and

(C) a demonstrable short and long term local and regional economic impact, as verified by an independent economic analysis.

An economic analysis conducted under clause (C) must be submitted to the budget committee at least thirty (30) days before review is sought for the project under IC 36-7.5-3-1.5.

SECTION 38. IC 36-7.5-3-1.5, AS ADDED BY P.L.192-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This section applies to revenue received by the authority to the extent that the revenue has not been pledged or otherwise obligated to pay bonds or leases entered into before July 1, 2015.

(b) The authority may expend money received under this article to fund economic development projects only to the extent that:

(1) the development board finds that the economic development project is **a destination based economic development project evaluated under IC 36-7.5-2-1(4) or is** consistent with:

(A) a duty imposed upon the development authority under section 1(2) or 1(4) of this chapter; or

(B) the Marquette Plan; and

(2) funding the project is reviewed by the state budget committee under subsection (c).

(c) The development board shall submit to the state budget committee for review and comment any proposal to fund an economic development project **(including any destination based economic development project)** under this article. The state budget committee shall review any proposal received under this subsection and may request that the authority appear at a public meeting of the state budget committee concerning the funding proposal.

SECTION 39. IC 36-7.5-3-2, AS AMENDED BY P.L.197-2011, SECTION 152, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county or eligible municipality.
- (2) Lease land or a project to an eligible political subdivision.
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.
- (4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.
- (5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.
- (6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:
 - (A) A commuter transportation district.
 - (B) An airport authority or airport development authority.
 - (C) The Lake Michigan marina and shoreline development commission.
 - (D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:
 - (i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.
 - (ii) Bus terminals, stations, or facilities or other regional bus authority projects.
 - (E) A regional transportation authority.

(F) A member municipality that is eligible to make an appointment to the development board under IC 36-7.5-2-3(b)(2) and that has pledged admissions tax revenue for a bond anticipation note after March 31, 2014, and before June 30, 2015. However, a loan made to such a member municipality before June 30, 2016, under this clause must have a term of not more than ten (10) years, must require annual level debt service payments, and must have a market based interest rate. If a member municipality defaults on the repayment of a loan made under this clause, the development authority shall notify the treasurer of state of the default and the treasurer of state shall:

(i) withhold from any funds held for distribution to the municipality under IC 4-33-12, or IC 4-33-13 an amount sufficient to cure the default; and

(ii) pay that amount to the development authority.

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county or eligible municipality.

(8) Provide funding to assist an airport authority located in an eligible county or eligible municipality in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

(10) Provide funding to assist the Lake Michigan marina and shoreline development commission in carrying out the purposes of IC 36-7-13.5.

(11) Provide funding for economic development projects in an eligible county or eligible municipality.

(12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county or eligible municipality.

(13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location

of a project.

(14) Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

(15) Sue, be sued, plead, and be impleaded.

(16) Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

(17) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(18) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(19) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(20) Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and

(3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

SECTION 40. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) **This SECTION applies notwithstanding**

IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date occurring in 2008 through 2011.

(c) As used in this SECTION, "eligible property" means real property for which a charitable exemption from property taxes was granted for the 2012 through 2015 assessment dates that consists of:

- (1) a building owned, occupied, and used for the charitable fundraising activities described in subsection (d) during 2008 through 2015; and**
- (2) a parking lot that serves the building described in subdivision (1) during 2008 through 2015.**

(d) As used in this SECTION, "qualified taxpayer" refers to an Indiana domestic nonprofit corporation that from 2008 through 2015:

- (1) owned the eligible property;**
- (2) held a charity gaming license issued by the Indiana gaming commission under IC 4-32.2; and**
- (3) used the eligible property to conduct charitable fundraising activities to support its boarding high school.**

(e) A qualified taxpayer may, before September 1, 2016, file property tax exemption applications and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for the 2008 through 2011 assessment dates.

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been timely filed.

(g) If a qualified taxpayer files the property tax exemption applications under subsection (e) and the county assessor finds that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for an assessment date described in subsection (e) if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for that assessment date, the following apply:

- (1) The property tax exemption for the eligible property shall be allowed and granted for that assessment date by the county assessor and county auditor.**
- (2) The qualified taxpayer is not required to pay any property**

taxes, penalties, or interest with respect to the eligible property for that assessment date.

(h) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(i) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (e), the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2016, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(j) This SECTION expires July 1, 2018.

SECTION 41. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) This SECTION applies to a taxpayer notwithstanding IC 6-1.1-11 or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring after December 31, 2007, and before January 1, 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation that owns a hospital and associated office buildings used for medical purposes.

(d) A taxpayer, after January 15, 2016, and before May 1, 2016, may file in any manner consistent with IC 6-1.1-36-1.5 property tax exemption applications, along with any supporting documents, claiming exemptions from real property taxes under IC 6-1.1-10-16 or IC 6-1.1-10-18.5 for any assessment date described in subsection (b).

(e) If the real property for which an exemption application is filed under this SECTION would have qualified for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-18.5 for an assessment date described in subsection (b) if an exemption application had been timely filed:

(1) the property tax exemption is allowed; and

(2) the property tax exemption application filed under this SECTION is considered to have been timely filed.

(f) A taxpayer is considered to be the owner of the real property and is entitled to the exemption from real property tax as claimed on any property tax exemption application filed under this SECTION, regardless of whether:

(1) a property tax exemption application was previously filed for the same or similar property for the assessment date;

(2) the county property tax assessment board of appeals has issued a final determination regarding any previously filed property tax exemption application for the assessment date;

(3) the taxpayer or any entity affiliated with the taxpayer appealed any denial of a previously filed property tax exemption application for the assessment date; or

(4) the records of the county in which the property subject to the property tax exemption application at any time before January 1, 2011, identified the taxpayer as the owner of the property for which a property tax exemption is claimed.

(g) The property tax exemptions claimed by a taxpayer under this SECTION are considered approved without further action being required by the county assessor or the county property tax assessment board of appeals for the county in which the property subject to the property tax exemption application is located. This exemption approval is final and may not be appealed by the county assessor, the county property tax assessment board of appeals, or any member of the county property tax assessment board of appeals.

(h) A taxpayer who files a property tax exemption application under this SECTION is not entitled to a refund of real property tax paid with respect to the property for which a property tax exemption is approved under this SECTION.

(i) The auditor of the county in which a property subject to any property tax exemption application that is allowed under this SECTION is located shall remove all penalties assigned to the property as of January 1, 2016. The penalties shall be removed regardless of when they accrued and whether they relate to an assessment date identified in subsection (b) or a different assessment date.

(j) This SECTION expires January 1, 2018.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) **Before June 15, 2016, all the money remaining from the appropriation from the tobacco master settlement agreement fund that was made in HEA 1001-2015, SECTION 8, for the state department of health for the safety PIN program for state fiscal year 2015-2016 shall be transferred to the safety PIN grant fund established by IC 16-46-14-2.**

(b) **This SECTION expires June 30, 2017.**

SECTION 43. **An emergency is declared for this act.**

P.L.205-2016

[H.1294. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 6-1.1-4-4.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 4.8. (a) As used in this section, "covered project" means the construction, remodeling, redevelopment, rehabilitation, or repair of any building, structure, or other real property improvement if:**

(1) public funds are used by a private person in whole or in part to carry out the project; and

(2) after the completion of the project, the building, structure, or other real property improvement is owned by a private person.

(b) As used in this section, "public funds" has the meaning set forth in IC 5-22-2-23.

(c) As used in this section, "state agency" has the meaning set forth in IC 4-13-1-1(b).

(d) Upon the completion of a covered project, the state agency

or political subdivision providing the public funds to carry out the covered project shall provide notice of the completion of the covered project to the county assessor of the county in which the building, structure, or other real property improvement is located.

(e) Notwithstanding the reassessment schedule in the county's reassessment plan under section 4.2 of this chapter, after receiving notice of the completion of a covered project, the county assessor shall reassess the building, structure, or other real property improvement by carrying out a physical inspection of that property. The reassessment required by this subsection must be completed on or before the earlier of:

- (1) the date required under the county's reassessment plan; or
- (2) January 1 of the year after the year in which the county assessor receives notice of the completion of a covered project.

SECTION 2. IC 36-10-3-4, AS AMENDED BY P.L.128-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

- (1) **either:**
 - (A) a member of the governing body of the school corporation selected by ~~that~~ **the governing body of the school corporation; or**
 - (B) **an individual who resides in the school corporation, selected by the governing body of the school corporation;**
- (2) a member of the governing body of the library district selected by that body; or
- (3) both subdivisions (1) and (2).

(b) A town board consists of four (4) members to be appointed by the town legislative body. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. Except as provided in section 4.1 of this chapter, not more than two (2) members may be affiliated with the same political party. Members of the board must be residents of the district. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

- (1) a member:
 - (A) of the governing body of the school corporation selected by that body or
 - (B) designated by the governing body of the school corporation;
- (2) a member of the governing body of the library district selected by that body; or
- (3) both subdivisions (1) and (2).
- (c) A county board shall be appointed as follows:
 - (1) Two (2) members shall be appointed by the judge of the circuit court.
 - (2) One (1) member shall be appointed by the county executive.
 - (3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

(d) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

(e) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a board.

- (f) The creating ordinance in any county may provide for:
 - (1) the county cooperative extension coordinator;
 - (2) the county extension educator; or
 - (3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection (c).

(g) The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections (c) and (f).

P.L.206-2016

[H.1298. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-4-3-1.5, AS AMENDED BY P.L.228-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) For purposes of this chapter, territory sought to be annexed may be considered "contiguous" only if at least one-eighth (1/8) of the aggregate external boundaries of the territory coincides with the boundaries of the annexing municipality. In determining if a territory is contiguous, a strip of land less than one hundred fifty (150) feet wide that connects the annexing municipality to the territory is not considered a part of the boundaries of either the municipality or the territory.

(b) This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2015. A public highway or the rights-of-way of a public highway are contiguous to:

(1) the municipality; or

(2) property in the unincorporated area adjacent to the public highway or rights-of-way of a public highway;

if the public highway or the rights-of-way of a public highway are contiguous under subsection (a) and one (1) of the requirements in

subsection (c) is satisfied.

(c) A public highway or the rights-of-way of a public highway are not contiguous unless one (1) of the following requirements is met:

(1) The municipality obtains the written consent of the owners of all property:

(A) adjacent to the entire length of the part of the public highway and rights-of-way of the public highway that is being annexed; and

(B) not already within the corporate boundaries of the municipality.

A waiver of the right of remonstrance executed by a property owner or a successor in title of the property owner for sewer services or water services does not constitute written consent for purposes of this subdivision.

(2) All property adjacent to **at least one (1) side of** the entire length of the part of the public highway or rights-of-way of the public highway being annexed is already within the corporate boundaries of the municipality.

(3) All property adjacent to **at least one (1) side of** the entire length of the part of the public highway or rights-of-way of the public highway being annexed is part of the same annexation ordinance in which the public highway or rights-of-way of a public highway are being annexed.

A municipality may not annex a public highway or the rights-of-way of a public highway or annex territory adjacent to the public highway or rights-of-way of a public highway unless the requirements of this section are met.

SECTION 2. IC 36-4-3-1.7, AS ADDED BY P.L.228-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.7. (a) This section applies only to an annexation ordinance adopted after June 30, 2015. This section does not apply to an annexation under section 5.1 of this chapter.

(b) Not earlier than six (6) months before a municipality introduces an annexation ordinance, the municipality shall conduct an outreach program to inform citizens regarding the proposed annexation. **For an annexation under section 3 or 4 of this chapter**, the outreach program must conduct at least six (6) public information meetings regarding the proposed annexation. **For an annexation under section**

5 of this chapter, the outreach program must conduct at least three (3) public information meetings regarding the proposed annexation. The public information meetings must provide citizens with the following information:

- (1) Maps showing the proposed boundaries of the annexation territory.
- (2) Proposed plans for extension of capital and noncapital services in the annexation territory, including proposed dates of extension.
- (3) Expected fiscal impact on taxpayers in the annexation territory, including any increase in taxes and fees.

(c) The municipality shall provide notice of the dates, times, and locations of the outreach program meetings. The municipality shall publish the notice of the meetings under IC 5-3-1, including the date, time, and location of the meetings, except that notice must be published not later than thirty (30) days before the date of each meeting. The municipality shall also send notice to each owner of land within the annexation territory not later than thirty (30) days before the date of the first meeting of the outreach program. The notice to landowners shall be sent by first class mail, certified mail with return receipt requested, or any other means of delivery that includes a return receipt and must include the following information:

- (1) The notice must inform the landowner that the municipality is proposing to annex territory that includes the landowner's property.
- (2) The municipality is conducting an outreach program for the purpose of providing information to landowners and the public regarding the proposed annexation.
- (3) The date, time, and location of the meetings to be conducted under the outreach program.

(d) The notice shall be sent to the address of the landowner as listed on the tax duplicate. If the municipality provides evidence that the notice was sent: **by**:

- (1) **by** certified mail, with return receipt requested or any other means of delivery that includes a return receipt; and
- (2) in accordance with this section;

it is not necessary that the landowner accept receipt of the notice. If a remonstrance is filed under section 11 of this chapter, the municipality

shall file with the court proof that notices were sent to landowners under this section and proof of publication.

(e) The notice required under this section is in addition to any notice required under sections 2.1 and 2.2 of this chapter.

SECTION 3. IC 36-4-3-4, AS AMENDED BY P.L.207-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

- (1) Territory that is contiguous to the municipality.
- (2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated as either of the following:
 - (A) An airport or landing field.
 - (B) A wastewater treatment facility or water treatment facility. After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.
- (3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:
 - (A) a municipally owned or regulated sanitary landfill, golf course, or hospital; or
 - (B) a police station of the municipality.

However, if territory annexed under subdivision (2) or (3) ceases to be used for the purpose for which the territory was annexed for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of

annexing additional territory.

(b) This subsection applies to municipalities in a county having a ~~population~~ **any of the following populations:**

(1) More than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000).

(2) More than seventy-five thousand (75,000) but less than seventy-seven thousand (77,000).

(3) More than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).

(4) More than forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500).

(5) More than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000).

(6) More than thirty-seven thousand (37,000) but less than thirty-seven thousand one hundred twenty-five (37,125).

(7) More than thirty-three thousand three hundred (33,300) but less than thirty-three thousand five hundred (33,500).

(8) More than twenty-three thousand three hundred (23,300) but less than twenty-four thousand (24,000).

(9) More than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000).

(10) More than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). ~~or~~

(11) More than thirty-two thousand five hundred (32,500) but less than thirty-three thousand (33,000).

(12) More than seventy-seven thousand (77,000) but less than eighty thousand (80,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before

the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than twenty-nine thousand nine hundred (29,900) but less than thirty-one thousand (31,000). The city legislative body may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's

boundary;

(3) does not extend more than:

- (A) one and one-half (1 1/2) miles to the west;
- (B) three-fourths (3/4) mile to the east;
- (C) one-half (1/2) mile to the north; or
- (D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation.

SECTION 4. IC 36-4-3-11, AS AMENDED BY P.L.228-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. Except as provided in section 5.1(i) of this chapter and subsections (e) and (f), whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:

- (1) at least sixty-five percent (65%) of the owners of land in the annexed territory; or
- (2) the owners of more than seventy-five percent (75%) in assessed valuation of the land in the annexed territory.

The remonstrance must be filed within ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter, must be accompanied by a copy of that ordinance, and must state the reason why the annexation should not take place.

(b) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether signers of the remonstrance are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section.

(c) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. If the court determines that the remonstrance is sufficient, the court shall fix a time, within sixty (60) days after the court's determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(d) This subsection applies only to an annexation for which an annexation ordinance was adopted after June 30, 2015. If the requirements of section 11.3(c) or (after December 31, 2016) section 11.4 of this chapter are met, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located:

- (1) the signed remonstrances filed with the county auditor;
- (2) the county auditor's certification under section ~~11.2(g)~~ **11.2(i)** of this chapter;
- (3) the annexation ordinance; and
- (4) a statement of the reason why the annexation should not take place.

The remonstrance must be filed with the court not later than fifteen (15) business days after the date the county auditor files the certificate with the legislative body under section ~~11.2(g)~~ **11.2(i)** of this chapter. After a remonstrance petition is filed with the court, any person who signed a remonstrance may file with the court a verified, written revocation of the person's opposition to the annexation.

(e) If an annexation is initiated by property owners under section 5.1 of this chapter and all property owners within the area to be annexed petition the municipality to be annexed, a remonstrance to the annexation may not be filed under this section.

(f) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. This subsection applies if:

- (1) the territory to be annexed consists of not more than one hundred (100) parcels; and
- (2) eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality.

An annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written

remonstrance signed by at least seventy-five percent (75%) of the owners of land in the annexed territory as determined under subsection (b).

SECTION 5. IC 36-4-3-11.2, AS ADDED BY P.L.228-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.2. (a) This section applies only to an annexation ordinance adopted after June 30, 2015.

(b) A remonstrance petition may be filed by an owner of real property that:

- (1) is within the area to be annexed; ~~and~~
- (2) was not exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year; ~~and~~
- (3) is not subject to a valid waiver of remonstrance.**

(c) A remonstrance petition must comply with the following in order to be effective:

- (1) Each signature on a remonstrance petition must be dated, and the date of the signature may not be earlier than the date on which the remonstrance forms may be issued by the county auditor under subsection (e)(7).
- (2) Each person who signs a remonstrance petition must indicate the address of the real property owned by the person in the area to be annexed.
- (3) A remonstrance petition must be verified in compliance with subsection (e).

(d) The state board of accounts shall design the remonstrance forms to be used solely in the remonstrance process described in this section. The state board of accounts shall provide the forms to the county auditor in an electronic format that permits the county auditor to copy or reproduce the forms using:

- (1) the county auditor's own equipment; or
- (2) a commercial copying service.

The annexing municipality shall reimburse the county auditor for the cost of reproducing the remonstrance forms.

(e) The county auditor's office shall issue remonstrance forms accompanied by instructions detailing all of the following requirements:

- (1) The closing date for the remonstrance period.
- (2) Only one (1) person having an interest in each single property

as evidenced by the tax duplicate is considered an owner of property and may sign a remonstrance petition. A person is entitled to sign a petition only one (1) time in a remonstrance process, regardless of whether the person owns more than one (1) parcel of real property.

(3) An individual may not be:

(A) compensated for; or

(B) reimbursed for expenses incurred in;

circulating a remonstrance petition and obtaining signatures.

(4) The remonstrance petition may be executed in several counterparts, the total of which constitutes the remonstrance petition. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. The affidavit must be notarized.

(5) A remonstrance petition that is not executed in counterparts must be verified by the person signing the petition in the manner prescribed by the state board of accounts and notarized.

(6) A remonstrance petition may be delivered to the county auditor's office in person or by:

(A) certified mail, return receipt requested; or

(B) any other means of delivery that includes a return receipt.

The remonstrance petition must be postmarked not later than the closing date for the remonstrance period.

(7) The county auditor's office may not issue a remonstrance petition earlier than the day that notice is published under section 11.1 of this chapter. The county auditor's office shall certify the date of issuance on each remonstrance petition. Any person may pick up additional copies of the remonstrance petition to distribute to other persons.

(8) A person who signs a remonstrance petition may withdraw the person's signature from a remonstrance petition before a remonstrance petition is filed with the county auditor by filing a verified request to remove the person's name from the remonstrance petition. Names may not be added to a remonstrance petition after the remonstrance petition is filed with the county auditor.

(f) The county auditor shall prepare and update weekly a list of the persons who have signed a remonstrance petition. The list must include a statement that the list includes all persons who have signed a remonstrance petition as of a particular date, and does not represent a list of persons certified by the county auditor as actual landowners in the annexation territory using the auditor's current tax records under subsection ~~(g)~~: (i). The county auditor shall post the list in the office of the county auditor. The list is a public record under IC 5-14-3.

(g) Not later than five (5) business days after receiving the remonstrance petition, the county auditor shall submit a copy of the remonstrance petition to the legislative body of the annexing municipality.

(h) Not later than fifteen (15) business days after the legislative body of the annexing municipality receives a copy of the remonstrance petition from the county auditor, the annexing municipality shall provide documentation to the county auditor regarding any valid waiver of the right of remonstrance that exists on the property within the annexation territory.

~~(g)~~ **(i) Not later than fifteen (15) business days after receiving a remonstrance petition, the documentation regarding any valid waiver of the right of remonstrance from the annexing municipality under subsection (h), if any, the county auditor's office shall make a final determination of the number of owners of real property within the territory to be annexed:**

(1) who signed the remonstrance; and

(2) whose property is not subject to a valid waiver of the right of remonstrance;

using the auditor's current tax records as provided in section 2.2 of this chapter. The county auditor shall file a certificate with the legislative body of the annexing municipality certifying the number of property owners not later than five (5) business days after making the determination.

SECTION 6. IC 36-4-3-13, AS AMENDED BY P.L.228-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Except as provided in subsection (e), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

- (1) The requirements of either subsection (b) or (c).
 - (2) The requirements of subsection (d).
 - (3) The requirements of subsection (i).
- (b) The requirements of this subsection are met if the evidence establishes the following:
- (1) That the territory sought to be annexed is contiguous to the municipality.
 - (2) One (1) of the following:
 - (A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.
 - (B) Sixty percent (60%) of the territory is subdivided.
 - (C) The territory is zoned for commercial, business, or industrial uses.
- (c) The requirements of this subsection are met if the evidence establishes one (1) of the following:
- (1) That the territory sought to be annexed is:
 - (A) contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality; and
 - (B) needed and can be used by the municipality for its development in the reasonably near future.
 - (2) This subdivision applies only to an annexation for which an annexation ordinance is adopted after December 31, 2016. That the territory sought to be annexed involves an economic development project and the requirements of section 11.4 of this chapter are met.
- (d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:
- (1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.
 - (2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be

funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(6) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.

(7) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.

(8) This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers

located in those political subdivisions for four (4) years after the effective date of the annexation.

(9) This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:

(A) The name of the owner of the parcel.

(B) The parcel identification number.

(C) The most recent assessed value of the parcel.

(D) The existence of a known waiver of the right to remonstrate on the parcel. This clause applies only to a fiscal plan prepared after June 30, 2016.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions that are applicable to the annexation exist in the territory proposed to be annexed:

(A) This clause applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land. The court may not consider:

(i) the personal finances; or

(ii) the business finances;

of a resident or owner of land. The personal and business financial records of the residents or owners of land, including state, federal, and local income tax returns, may not be subject to a subpoena or discovery proceedings.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in

the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(E) This clause applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015. One (1) of the following opposes the annexation:

(i) At least fifty-one percent (51%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than sixty percent (60%) in assessed valuation of the land in the territory proposed to be annexed.

The remonstrance petitions filed with the court under section 11 of this chapter are evidence of the number of owners of land that oppose the annexation, minus any written revocations of remonstrances that are filed with the court under section 11 of this chapter.

(F) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute

the provision of water services to the territory to be annexed.

- (g) The most recent:
- (1) federal decennial census;
 - (2) federal special census;
 - (3) special tabulation; or
 - (4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

(h) A municipality that prepares a fiscal plan after June 30, 2015, must comply with this subsection. A municipality may not amend the fiscal plan after the date that a remonstrance is filed with the court under section 11 of this chapter, unless amendment of the fiscal plan is consented to by at least sixty-five percent (65%) of the persons who signed the remonstrance petition.

(i) The municipality must submit proof that the municipality has complied with:

- (A) the outreach program requirements and notice requirements of section 1.7 of this chapter; and
- (B) the requirements of section 11.1 of this chapter.

SECTION 7. An emergency is declared for this act.

P.L.207-2016

[S.87. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 4.5. "County property tax assessment board of appeals" means:**

(1) a multiple county property tax assessment board of appeals established under IC 6-1.1-28-0.1; or

(2) a county property tax assessment board of appeals established under IC 6-1.1-28-1;

except as otherwise provided.

SECTION 2. IC 6-1.1-6.7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) A person who wishes to have a parcel of land classified as a filter strip must have the land assessed by the county assessor of the county in which the land is located.

(b) If the assessment made by the county assessor is not satisfactory to the owner, the owner may appeal the assessment to the county property tax assessment board of appeals ~~of~~ **with jurisdiction in** the county in which the land proposed for classification is located. The decision of the board is final.

SECTION 3. IC 6-1.1-15-4, AS AMENDED BY P.L.33-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors that may have been made and adjust the assessment or exemption in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the county assessor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5 **of the county in which the property is located.** The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment or exemption is under appeal

is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the taxpayer, the county assessor, and any entity that filed an amicus curiae brief:

- (1) notice, by mail, of its final determination; and
- (2) for parties entitled to appeal the final determination, notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) Except as provided in subsection (f), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(f) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4 or IC 6-1.1-4-4.2, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(g) Except as provided in subsection (h), the Indiana board shall make a determination not later than the later of:

- (1) ninety (90) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4 or IC 6-1.1-4-4.2, the Indiana board shall make a determination not later than the later of:

- (1) one hundred eighty (180) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(i) The Indiana board may not extend the final determination date under subsection (g) or (h) by more than one hundred eighty (180)

days. If the Indiana board fails to make a final determination within the time allowed by this section, the entity that initiated the petition may:

- (1) take no action and wait for the Indiana board to make a final determination; or
- (2) petition for judicial review under section 5 of this chapter.

(j) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(k) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county board in support of those issues only if all parties participating in the hearing required under subsection (a) agree to the limitation. A party participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county board.

(l) The Indiana board may require the parties to the appeal:

- (1) to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and
- (2) to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(m) A party to a proceeding before the Indiana board shall provide to all other parties to the proceeding the information described in subsection (l) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (l).

(n) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board

may:

- (1) order that a final determination under this subsection has no precedential value; or
- (2) specify a limited precedential value of a final determination under this subsection.

(o) If a party to a proceeding, or a party's authorized representative, elects to receive any notice under this section by electronic mail, the notice is considered effective in the same manner as if the notice had been sent by United States mail, with postage prepaid, to the party's or representative's mailing address of record.

(p) At a hearing under this section, the Indiana board shall admit into evidence an appraisal report, prepared by an appraiser, unless the appraisal report is ruled inadmissible on grounds besides a hearsay objection. This exception to the hearsay rule shall not be construed to limit the discretion of the Indiana board, as trier of fact, to review the probative value of an appraisal report.

SECTION 4. IC 6-1.1-28-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.1. The legislative bodies of two (2) or more counties may adopt substantially similar ordinances to establish a multiple county property tax assessment board of appeals. The multiple county property tax assessment board of appeals must consist of the entire geographic area of all participating counties.**

SECTION 5. IC 6-1.1-28-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.2. (a) Each multiple county property tax assessment board of appeals established under section 0.1 of this chapter must consist of either of the following number of members:**

- (1) Three (3) members, not more than two (2) of whom may be from the same political party.**
- (2) Five (5) members, not more than three (3) of whom may be from the same political party.**

The ordinance adopted under section 0.1 of this chapter to establish a multiple county property tax assessment board of appeals must specify the number of members of the multiple county property tax assessment board of appeals as provided in

this subsection.

(b) Each member of a multiple county property tax assessment board of appeals must be at least eighteen (18) years of age and knowledgeable in the valuation of property.

(c) A majority of the members of a multiple county property tax assessment board of appeals must have attained the certification of a level two or a level three assessor-appraiser under IC 6-1.1-35.5.

(d) The following individuals may not be members of a multiple county property tax assessment board of appeals:

(1) An elected county official.

(2) An employee of a county or township that is in the geographic area within the jurisdiction of the multiple county property tax assessment board of appeals.

(3) An appraiser (as defined in IC 6-1.1-31.7-1) in a county that is in the geographic area within the jurisdiction of the multiple county property tax assessment board of appeals.

SECTION 6. IC 6-1.1-28-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.3.** The members of a multiple county property tax assessment board of appeals established under section 0.1 of this chapter shall receive compensation as determined jointly by the fiscal bodies of each participating county.

SECTION 7. IC 6-1.1-28-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.4.** (a) The fiscal bodies of the counties that establish a multiple county property tax assessment board of appeals under section 0.1 of this chapter shall adopt substantially similar ordinances to appoint the members of the multiple county property tax assessment board of appeals subject to the qualifications and requirements set forth in section 0.2 of this chapter.

(b) The term of a member of a multiple county property tax assessment board of appeals appointed under this section:

(1) is one (1) year; and

(2) begins January 1.

A member is eligible for reappointment.

(c) If:

(1) the term of a member of a multiple county property tax

assessment board of appeals appointed under this section expires;

(2) the member is not reappointed as provided in subsection (a); and

(3) a successor is not appointed as provided in subsection (a); the term of the member continues until a successor is appointed.

SECTION 8. IC 6-1.1-28-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.5. (a) The county assessor for the county that has the greatest population of the counties participating in a multiple county property tax assessment board of appeals shall provide the administrative support to the multiple county property tax assessment board of appeals.**

(b) The ordinances adopted under section 0.1 of this chapter to establish a multiple county property tax assessment board of appeals must specify the manner and amount of reimbursement that a county assessor under subsection (a) is entitled to receive from each participating county for providing administrative support to the multiple county property tax assessment board of appeals.

(c) A county assessor's office that provides administrative support to a multiple county property tax assessment board of appeals under subsection (a) shall:

(1) coordinate with the county assessors of all counties within the jurisdiction of the multiple county property tax assessment board of appeals to perform necessary functions concerning appeals and correction of errors initiated by a taxpayer under IC 6-1.1-15;

(2) keep full and accurate minutes of the proceedings of the multiple county property tax assessment board of appeals; and

(3) perform other necessary duties.

SECTION 9. IC 6-1.1-28-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.6. (a) A multiple county property tax assessment board of appeals established under section 0.1 of this chapter shall assume the authorities and duties as the property tax assessment board of appeals for property located in**

the geographic area of the counties participating in the multiple county property tax assessment board of appeals. The multiple county property tax assessment board of appeals shall assume these authorities and duties on the date specified in the ordinances establishing the multiple county property tax assessment board of appeals under section 0.1 of this chapter.

(b) A county property tax assessment board of appeals for a county that adopts the necessary ordinance to participate in a multiple county property tax assessment board of appeals shall transfer records relating to proceedings of the county property tax assessment board of appeals to the multiple county property tax assessment board of appeals.

(c) A county property tax assessment board of appeals for a county that adopts the necessary ordinance to participate in a multiple county property tax assessment board of appeals shall stay the proceedings on any:

- (1) notices of review;
- (2) exemption applications;
- (3) claims for a deduction;
- (4) motions;
- (5) requests; and
- (6) similar administrative pleadings;

filed or pending with the county property tax assessment board of appeals pending further action upon transfer to the multiple county property tax assessment board of appeals. A multiple county property tax assessment board of appeals shall docket matters stayed under this subsection as soon as practicable after the multiple county property tax assessment board of appeals is established. Any time limitation that applies to a proceeding before a county property tax assessment board of appeals that is stayed under this subsection is tolled beginning after the multiple county property tax assessment board of appeals is established and until the proceeding is docketed with the multiple county property tax assessment board of appeals.

SECTION 10. IC 6-1.1-28-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 0.7. The county assessor of the county responsible for administration of a multiple county property tax assessment board of appeals under section 0.5 of this**

chapter shall give notice of the time, date, place, and purpose of each annual session of the multiple county property tax assessment board of appeals. The county assessor shall give the notice two (2) weeks before the first meeting of the multiple county property tax assessment board of appeals by:

- (1) publication of the notice within the geographic area over which the multiple county property tax assessment board of appeals has jurisdiction in the same manner as political subdivisions subject to IC 5-3-1-4(e) are required to publish notice; and**
- (2) posting of the notice on the county assessor's Internet web site.**

SECTION 11. IC 6-1.1-28-0.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 0.8. Except as otherwise provided in this chapter, a multiple county property tax assessment board of appeals has all the rights and powers necessary or convenient to carry out this chapter.**

SECTION 12. IC 6-1.1-28-1, AS AMENDED BY P.L.134-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. **(a) This section applies only to a county that is not participating in a multiple county property tax assessment board of appeals.**

~~(a)~~ **(b)** Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. At the election of the board of commissioners of the county, a county property tax assessment board of appeals may consist of three (3) or five (5) members appointed in accordance with this section.

~~(b)~~ **(c)** This subsection applies to a county in which the board of commissioners elects to have a five (5) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections ~~(g)~~ **(h)** and ~~(h)~~ **(i)**, the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three

assessor-appraiser. The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a certified level two or level three assessor-appraiser. Subject to subsections ~~(g)~~ **(h)** and ~~(h)~~ **(i)**, the board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

~~(e)~~ **(d)** This subsection applies to a county in which the board of commissioners elects to have a three (3) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections ~~(g)~~ **(h)** and ~~(h)~~ **(i)**, the fiscal body of the county shall appoint one (1) individual to the board. The member appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser. Subject to subsections ~~(d)~~ **(e)** and ~~(e)~~ **(f)**, the board of commissioners of the county shall appoint two (2) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

~~(d)~~ **(e)** A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect

a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a nonvoting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

~~(e)~~ **(f)** The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection ~~(b)~~ **(c)** or ~~(e)~~ **(d)** that not more than three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection ~~(b)~~ **(c)** or ~~(e)~~ **(d)**.

~~(f)~~ **(g)** If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two or level three Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals be residents of the county.

~~(g)~~ **(h)** Except as provided in subsection ~~(f)~~ **(g)**, the term of a member of the county property tax assessment board of appeals appointed under this section:

- (1) is one (1) year; and
- (2) begins January 1.

~~(h)~~ **(i)** If:

- (1) the term of a member of the county property tax assessment

board of appeals appointed under this section expires;
 (2) the member is not reappointed; and
 (3) a successor is not appointed;
 the term of the member continues until a successor is appointed.

(†) (j) An:

- (1) employee of the township assessor or county assessor; or
- (2) appraiser, as defined in IC 6-1.1-31.7-1;

may not serve as a voting member of a county property tax assessment board of appeals in a county where the employee or appraiser is employed.

SECTION 13. IC 6-1.1-28-2, AS AMENDED BY P.L.2-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) Before performing any of the member's duties, each member of the county property tax assessment board of appeals shall take and subscribe to the following oath:

STATE OF INDIANA)
) SS:
 COUNTY OF _____)

I, _____, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duty under the law as a member of the Property Tax Assessment Board of Appeals for said county (**or multiple county area**); that I will, according to my best knowledge and judgment, assess, and review the assessment of all the property of said county (**or multiple county area**), and I will in no case assess any property at more or less than is provided by law, so help me God.

 Member of The Board

Subscribed and sworn to before me this ___ day of _____,
 20__.

 County Auditor

- (b) This oath shall be administered by and filed with the:
- (1) county auditor **for the county, in the case of a county property tax assessment board of appeals established under section 1 of this chapter; or**
 - (2) county auditor for the county required to provide

administrative support under section 0.5 of this chapter, in the case of a multiple county property tax assessment board of appeals established under section 0.1 of this chapter.

SECTION 14. IC 6-1.1-28-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. **(a) This section applies only to a county property tax assessment board of appeals established under section 1 of this chapter.**

(b) The members of the county property tax assessment board of appeals shall receive compensation on a per diem basis for each day of actual service. The county council shall fix the rate of this compensation. The county assessor shall keep an attendance record for each meeting of the county property tax assessment board of appeals. At the close of each annual session, the county assessor shall certify to the county board of commissioners the number of days actually served by each member. The county board of commissioners may not allow claims for service on the county property tax assessment board of appeals for more days than the number of days certified by the county assessor. The compensation provided by this section shall be paid from the county treasury.

SECTION 15. IC 6-1.1-28-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. **(a) The A county property tax assessment board of appeals established under section 1 of this chapter shall meet either in the room of the board of commissioners in the county courthouse or in some other room provided by the county board of commissioners.**

(b) A multiple county property tax assessment board of appeals established under section 0.1 of this chapter may meet in a location as specified in the ordinances adopted to establish a multiple county property tax assessment board of appeals.

SECTION 16. IC 6-1.1-28-6, AS AMENDED BY P.L.248-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. **This section applies to a county property tax assessment board of appeals established under section 1 of this chapter.** The county assessor shall give notice of the time, place, and purpose of each annual session of the county property tax assessment board. The county assessor shall give the notice two (2) weeks before the first meeting of the board by:

(1) the publication:

- (A) in two (2) newspapers of general circulation which are published in the county; or
 - (B) in one (1) newspaper of general circulation published in the county if the requirements of clause (A) cannot be satisfied; and
- (2) the posting of the notice on the county assessor's Internet web site.

SECTION 17. IC 6-1.1-28-8, AS AMENDED BY P.L.248-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) The county property tax assessment board of appeals shall remain in session until the board's duties are complete.

(b) All expenses and per diem compensation resulting from a session of a county property tax assessment board of appeals that is called by the department of local government finance under subsection (c) shall be paid by the county auditor, who shall, without an appropriation being required, draw warrants on county funds not otherwise appropriated. **In the case of a multiple county property tax assessment board of appeals under section 0.1 of this chapter, the costs and payment of the expenses and per diem compensation described in this subsection shall be apportioned among the participating counties in the manner specified in the ordinances establishing the multiple county property tax assessment board of appeals.**

(c) The department of local government finance may also call a session of the county property tax assessment board of appeals after completion of a general reassessment of real property under IC 6-1.1-4-4 or a reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2. The department of local government finance shall fix the time for and duration of the session.

SECTION 18. IC 6-1.1-28-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. (a) A county property tax assessment board of appeals may:

- (1) subpoena witnesses;
- (2) examine witnesses, under oath, on the assessment or valuation of property;
- (3) compel witnesses to answer its questions relevant to the assessment or valuation of property; and

(4) order the production of any papers related to the assessment or valuation of property.

(b) The county sheriff shall serve all process issued under this section which are not served by ~~the~~ a county assessor and shall obey all orders of the board.

SECTION 19. IC 6-1.1-28-10, AS AMENDED BY P.L.219-2007, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. (a) Subject to the limitations contained in subsection (b), a county on behalf of the property tax assessment board of appeals may employ and fix the compensation of as many field representatives and hearing examiners as are necessary to promptly and efficiently perform the duties and functions of the board. **In the case of a multiple county property tax assessment board of appeals, the counties participating in the multiple county property tax assessment board of appeals shall jointly determine the number and compensation of field representatives and hearing examiners to be employed by each county to promptly and efficiently perform the duties and functions of the multiple county property tax assessment board of appeals.** A person employed under this subsection must be a person who is certified in Indiana as a level two or level three assessor-appraiser by the department of local government finance.

(b) The number and compensation of all persons employed under this section are subject to the appropriations made for that purpose by the county council.

SECTION 20. IC 6-1.1-31.7-3.5, AS ADDED BY P.L.228-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.5. (a) Subject to subsection (b), an individual or a firm that is:

- (1) an appraiser; or
- (2) a technical advisor under IC 6-1.1-4;

in a county may not serve as a tax representative of any taxpayer with respect to property subject to property taxes in the county before the county property tax assessment board of appeals ~~of~~ **with jurisdiction in** that county or the Indiana board of tax review.

(b) Subsection (a) does not apply to tax representation in a county with respect to an issue of a taxpayer if:

- (1) the individual or firm representing the taxpayer is no longer

under contract as an appraiser or a technical advisor in the county as described in subsection (a); and

(2) the individual or firm was not directly involved with the issue of the taxpayer while under contract.

SECTION 21. IC 6-1.1-35-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) The department of local government finance may require township assessors, county assessors, or members of the county property tax assessment board of appeals, county auditors, and their employees to attend instructional sessions held by the department or held by others but approved by the department. An assessing official, or an employee who is required to attend an instructional session or who, at the department's request, meets with the department on official business shall receive:

(1) a lodging allowance for each night preceding session attendance not less than the lodging allowance equal to the lesser of:

(A) the cost of a standard room rate at the hotel where the session is held; or

(B) the actual cost of lodging paid;

(2) a subsistence allowance for meals for each day in attendance not less than the subsistence allowance for meals paid to state employees in travel status, but not more than the maximum subsistence allowance permitted under the regulations of the General Services Administration for federal employees in travel status, as reported in the Federal Register;

(3) a mileage allowance equal to that sum per mile paid to state officers and employees. The rate per mile shall change each time the state government changes its rate per mile; and

(4) an allowance equal to the cost of parking at the convention site.

The amount a county assessor, a township assessor, a member of a county property tax assessment board of appeals **under IC 6-1.1-28-1**, or an employee shall receive under subdivision (2) shall be established by the county fiscal body. **The amount a member of a multiple county property tax assessment board of appeals under IC 6-1.1-28-0.1 shall receive under subdivision (2) shall be determined jointly by the fiscal bodies of the counties participating**

in the multiple county property tax assessment board of appeals.

(b) If a county assessor, a township assessor, a member of a county property tax assessment board of appeals, or an employee is entitled to receive an allowance under this section, the department of local government finance shall furnish the appropriate county auditor with a certified statement which indicates the dates of attendance. The official or employee may file a claim for payment with the county auditor. The county treasurer shall pay the warrant from the county general fund from funds not otherwise appropriated. **In the case of a multiple county property tax assessment board of appeals under IC 6-1.1-28-0.1, the cost and payment of the allowance shall be apportioned among the participating counties in the manner specified in the ordinances establishing the multiple county property tax assessment board of appeals.**

(c) In the case of one (1) day instructional sessions, a lodging allowance may be paid only to persons who reside more than fifty (50) miles from the session location. Regardless of the duration of the session, and even though more than one (1) person may have been transported, only one (1) mileage allowance may be paid to an official or employee furnishing the conveyance.

SECTION 22. IC 6-1.1-35.2-2, AS AMENDED BY P.L.146-2008, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) In any year in which an assessing official takes office for the first time, the department of local government finance shall conduct training sessions determined under the rules adopted by the department under IC 4-22-2 for the new assessing officials. The sessions must be held at the locations described in subsection (b).

(b) To ensure that all newly elected or appointed assessing officials have an opportunity to attend the training sessions required by this section, the department of local government finance shall conduct the training sessions at a minimum of four (4) separate regional locations. The department shall determine the locations of the training sessions, but:

- (1) at least one (1) training session must be held in the northeastern part of Indiana;
- (2) at least one (1) training session must be held in the northwestern part of Indiana;

(3) at least one (1) training session must be held in the southeastern part of Indiana; and

(4) at least one (1) training session must be held in the southwestern part of Indiana.

The four (4) regional training sessions may not be held in Indianapolis. However, the department of local government finance may, after the conclusion of the four (4) training sessions, provide additional training sessions at locations determined by the department.

(c) Any new assessing official who attends:

(1) a required session during the official's term of office; or

(2) training between the date the person is elected to office and January 1 of the year the person takes office for the first time;

is entitled to receive the per diem per session set by the department of local government finance by rule adopted under IC 4-22-2 and a mileage allowance from the county in which the official resides.

However, in the case of a multiple county property tax assessment board of appeals under IC 6-1.1-28-0.1, the costs of the per diem and mileage allowance shall be apportioned among the participating counties in the manner specified in the ordinance establishing the multiple county property tax assessment board of appeals.

(d) A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work.

SECTION 23. IC 6-1.1-35.2-3, AS AMENDED BY P.L.146-2008, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) Each year the department of local government finance shall conduct the continuing education sessions required in the rules adopted by the department for all assessing officials and all hearing officers for the county property tax assessment board of appeals. These sessions must be conducted at the locations described in subsection (b).

(b) To ensure that all assessing officials and hearing officers have an opportunity to attend the continuing education sessions required by this section, the department of local government finance shall conduct the continuing education sessions at a minimum of four (4) separate regional locations. The department shall determine the locations of the continuing education sessions, but:

- (1) at least one (1) continuing education session must be held in the northeastern part of Indiana;
- (2) at least one (1) continuing education session must be held in the northwestern part of Indiana;
- (3) at least one (1) continuing education session must be held in the southeastern part of Indiana; and
- (4) at least one (1) continuing education session must be held in the southwestern part of Indiana.

The four (4) regional continuing education sessions may not be held in Indianapolis. However, the department of local government finance may, after the conclusion of the four (4) continuing education sessions, provide additional continuing education sessions at locations determined by the department.

(c) Any assessing official or hearing officer for the county property tax assessment board of appeals who attends required sessions is entitled to receive a mileage allowance and the per diem per session set by the department of local government finance by rule adopted under IC 4-22-2 from the county in which the official resides. **However, in the case of a multiple county property tax assessment board of appeals under IC 6-1.1-28-0.1, the costs of the per diem and mileage allowance shall be apportioned among the participating counties in the manner specified in the ordinances establishing the multiple county property tax assessment board of appeals.** A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work.

SECTION 24. IC 36-2-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. Before the Thursday after the first Monday in August of each year, the county executive shall prepare an itemized estimate of all money to be drawn by the members of the executive and all expenditures to be made by the executive or under its orders during the next calendar year. Each executive's budget estimate must include:

- (1) the expense of construction, repairs, supplies, employees, and agents, and other expenses at each building or institution maintained in whole or in part by money paid out of the county treasury;
- (2) the expense of constructing and repairing bridges, itemized by

- the location of and amount for each bridge;
- (3) the compensation of the attorney representing the county;
 - (4) the compensation of attorneys for indigents;
 - (5) the expenses of the county board of health;
 - (6) the expense of repairing county roads, itemized by the location of and amount for each repair project;
 - (7) the estimated number of precincts in the county and the amount required for election expenses, including compensation of election commissioners, inspectors, judges, clerks, and sheriffs, rent, meals, hauling and repair of voting booths and machines, advertising, printing, stationery, furniture, and supplies;
 - (8) the amount of principal and interest due on bonds and loans, itemized for each loan and bond issue;
 - (9) the amount required to pay judgments, settlements, and court costs;
 - (10) the expense of supporting inmates of benevolent or penal institutions;
 - (11) the expense of publishing delinquent tax lists;
 - (12) the amount of compensation of county employees that is payable out of the county treasury;
 - (13) the expenses of **a multiple county property tax assessment board of appeals under IC 6-1.1-28-0.1 or of the county property tax assessment board of appeals under IC 6-1.1-28-1 (as applicable)**; and
 - (14) other expenditures to be made by the executive or under its orders, specifically itemized.

P.L.208-2016
[S.126. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-11-13-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. This chapter does not apply to a hospital organized under IC 16-22-2, IC 16-22-8, or IC 16-23-1.**

SECTION 2. IC 5-14-3.7-3, AS AMENDED BY P.L.84-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, the state board of accounts established by IC 5-11-1-1, the department of local government finance established under IC 6-1.1-30-1.1, and the office of management and budget established by IC 4-3-22-3, shall post on the Indiana transparency Internet web site a data base that lists expenditures and fund balances, including expenditures for contracts, grants, and leases, for public schools. The web site must be electronically searchable by the public.

(b) The data base must include for public schools:

- (1) the amount, date, payer, and payee of expenditures;
- (2) a listing of expenditures ~~by:~~ **specifically identifying those for:**
 - (A) personal services;
 - (B) other operating expenses or ~~(C)~~ total operating expenses;**and**
 - (C) **debt service, including lease payments, related to debt;**
- (3) a listing of fund balances, **specifically identifying balances in funds that are being used for accumulation of money for**

future capital needs;

- (4) a listing of real and personal property owned by the public school;
- (5) the report required under IC 6-1.1-33.5-7; and
- (6) information for evaluating the fiscal health of each school corporation in the format required by section 16(b) of this chapter.

SECTION 3. IC 5-14-3.8-3, AS AMENDED BY P.L.84-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. The department, working with the office of technology established by IC 4-13.1-2-1, or another organization that is part of a state educational institution, the office of management and budget established by IC 4-3-22-3, and the state board of accounts established by IC 5-11-1-1, shall post on the Indiana transparency Internet web site the following:

- (1) The financial reports required by IC 5-11-1-4.
- (2) The report on expenditures per capita prepared under IC 6-1.1-33.5-7.
- (3) A listing of the property tax rates certified by the department.
- (4) An index of audit reports prepared by the state board of accounts.
- (5) Local development agreement reports prepared under IC 4-33-23-10 and IC 4-33-23-17.
- (6) Information for evaluating the fiscal health of a political subdivision in the format required by section 8(b) of this chapter.
- (7) A listing of expenditures specifically identifying those for:**
 - (A) personal services;**
 - (B) other operating expenses or total operating expenses;**
 - and**
 - (C) debt service, including lease payments, related to debt.**
- (8) A listing of fund balances, specifically identifying balances in funds that are being used for accumulation of money for future capital needs.**
- ~~(9)~~ **(9)** Any other financial information deemed appropriate by the department.

SECTION 4. IC 5-14-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 3.9. Financial and Operational Summary of a Political

Subdivision

Sec. 1. As used in this chapter, "department" refers to the department of local government finance established by IC 6-1.1-30-1.1.

Sec. 2. As used in this chapter, "political subdivision" means a county, township, city, town, school corporation, library district, fire protection district, public transportation corporation, local hospital authority or corporation, local airport authority district, special service district, special taxing district, or other separate local governmental entity that may sue and be sued.

Sec. 3. As used in this chapter, "summary" means the financial and operational summary required by this chapter.

Sec. 4. This chapter applies only to a political subdivision that has an Internet web site. This chapter does not require a political subdivision to establish an Internet web site.

Sec. 5. (a) After July 31, 2017, the department shall publish an annual summary of each political subdivision on the Indiana transparency Internet web site on the dates determined by the department.

(b) A political subdivision shall prominently display on the main Internet web page of the political subdivision's Internet web site the link provided by the department to the Indiana transparency Internet web site established under IC 5-14-3.7.

Sec. 6. The department shall determine the information to be disclosed in the summary that the department considers necessary to reflect the financial condition and operations of the political subdivision, which may include the following:

- (1)** Information disclosed under IC 5-14-3.7 or IC 5-14-3.8.
- (2)** Total operating budget.
- (3)** Approximate number of full-time and part-time employees.
- (4)** Outstanding indebtedness and interest paid on indebtedness.
- (5)** Disbursements.
- (6)** Assessed valuation and tax rates.
- (7)** Revenue from all sources.

Sec. 7. (a) Subject to the requirements of this section, the department shall determine the form of the summary, which must be presented in a manner that:

(1) can be conveniently and easily accessed from a single web page; and

(2) is commonly known as an Internet dashboard.

(b) The summary must be in a form that is concise and reasonably easy to understand.

Sec. 8. (a) This section applies only to a school corporation.

(b) The summary must include the educational performance information of each school in the school corporation. The department of education (established by IC 20-19-3-1) shall determine the contents of the educational performance information.

SECTION 5. IC 16-22-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The state board of accounts:

(1) shall approve or prescribe the manner in which the hospital records are kept;

(2) except as provided in subsection (c), shall audit the records of the hospital; and

(3) may approve forms for use by all hospitals or groups of hospitals.

(b) The governing board may use the calendar year or a fiscal year for maintaining hospital financial records. A hospital that receives a financial subsidy from the county for hospital operations, excluding mental health or ambulance services, during the preceding calendar or fiscal year must file with the county executive and the county fiscal body an annual report showing the income and expenses of the operating fund for the preceding calendar or fiscal year by major classification according to the chart of accounts approved by the state board of accounts. If the hospital uses a calendar year for maintaining financial records, the report must be filed not later than the last Monday in March of each year. If the hospital uses a fiscal year for maintaining financial records, the report must be filed not later than ninety (90) days after the close of the fiscal year. The annual report shall be published one (1) time. Hospital financial records may be kept in hard copy, on microfilm, or via another data system acceptable to the state board of accounts.

(c) A hospital may elect to have an audit required under subsection (a) performed by an independent certified public accounting firm that

is experienced in hospital matters. The audit report must be kept on file at the hospital and a copy must be provided to the state board of accounts. The audit engagement by a certified public accounting firm must be performed pursuant to guidelines established by the state board of accounts.

(d) If a hospital elects to use an independent certified public accounting firm under subsection (c), the hospital shall provide written notice to the state board of accounts not less than one hundred eighty (180) days before the beginning of the hospital's fiscal year in which the hospital elects to be audited by an independent certified public accounting firm. For that hospital fiscal year, and each following fiscal year until the hospital terminates the hospital's use of an independent certified public accounting firm, the hospital shall use an independent certified public accounting firm under subsection (c). A hospital shall terminate its use of an independent certified public accounting firm under subsection (c) by providing written notice to the state board of accounts not less than one hundred eighty (180) days before the beginning of the hospital's fiscal year in which the hospital elects not to be audited by an independent certified public accounting firm. For that hospital fiscal year, and each following fiscal year until the hospital elects to use an independent certified public accounting firm as provided under this subsection, the hospital must be audited by the state board of accounts for purposes of section 12(a)(2) of this chapter. For any fiscal year in which the hospital does not use an independent certified public accounting firm under subsection (c), the hospital shall be audited by the state board of accounts.

(e) Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the state board of accounts upon request. The state board of accounts shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.

SECTION 6. IC 16-22-8-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 35.5. Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the state board of**

accounts upon request. The state board of accounts shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.

SECTION 7. IC 16-23-1-33.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33.5. Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the entities described in section 33 of this chapter. Any entity shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.**

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) **As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).**

(c) **The legislative council is urged to assign to the committee during the 2016 legislative interim the topic of expanding the availability of open data in Indiana.**

(d) **If the topic described in subsection (c) is assigned to the committee, the committee shall consider, as part of its study, specific issues attendant to improving the quality, the impact, and the accessibility of open data in Indiana, including the following:**

- (1) **Potential actions the state and local government units can take to make machine-readable data sets available and discoverable to the public in consistent and easily useable formats.**
- (2) **The potential benefits to Indiana of making such open data available in terms of government transparency, accessibility, accountability, and public participation.**
- (3) **The potential benefits to Indiana of making such open data available in terms of the performance, efficiency, and productivity of state and local government operations.**
- (4) **The potential benefits to Indiana's economy of making open data available in terms of innovation, entrepreneurship, and economic growth.**
- (5) **The need to protect the privacy, security, and**

confidentiality of information retained by state and local government in pursuing open data initiatives.

(6) The efforts undertaken by other state and local government units to pursue open data policies.

(e) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific strategies described in subsection (d), in an electronic format under IC 5-14-6 not later than November 1, 2016.

(f) This SECTION expires December 31, 2016.

SECTION 9. An emergency is declared for this act.

P.L.209-2016

[S.148. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-10.3-7-1.1, AS ADDED BY P.L.241-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) An individual:

(1) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in subdivision (2) that is adopted by the political subdivision has been approved by the board;

(2) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:

(A) to allow an employee in the covered position to become a

- member of the fund or the public employees' defined contribution plan at the discretion of the employee; and
- (B) to require an employee to make an election under this section in order to become a member of the fund; and
- (3) who is not excluded from membership under section 2 of this chapter;

may elect to become a member of the fund.

- (b) An election under this section:
 - (1) must be made in writing on a form prescribed by the board;
 - (2) must be filed with the board; and
 - (3) is irrevocable.
- (c) An individual who:
 - (1) is eligible to make the election under this section; and
 - (2) does not make the election;

becomes a member of the public employees' defined contribution plan.

(d) An individual described in subsection (a) who separates from employment with a political subdivision and later returns to employment with the political subdivision having had an opportunity to make an election under this section during an earlier period of employment with the political subdivision is not entitled to a second opportunity to make an election under this section with respect to the individual's employment with the political subdivision.

SECTION 2. IC 5-10.3-7-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.3. (a) A member of the fund who is also a member of the public employees' defined contribution plan may purchase and claim years of service credit in the fund subject to the following requirements:**

- (1) The member has at least one (1) year of credited service in the fund.**
- (2) The member has at least ten (10) years of credited service in a covered position in the fund before the member may claim the years of service credit.**
- (3) After acquiring one (1) year of credited service in the fund and before the member retires, the member must make the following contributions to the fund:**
 - (A) Contributions that are equal to the product of the**

following:

(i) The member's salary at the time the member makes a contribution for the service credit.

(ii) A percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(iii) The number of years of service credit that the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(b) A member:

(1) who terminates employment before becoming eligible to receive a monthly allowance; or

(2) who receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act;

may withdraw the personal contributions made under this section plus accumulated interest after submitting an application for a refund to the fund in the manner prescribed by the board.

(c) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of service credit in the fund.

(2) A member may elect to make a transfer of the vested portion of the member's annuity savings account balance attributable to participation in the public employees' defined contribution plan to purchase service credit in the fund.

(3) The board may deny an application for the purchase of service credit in the fund if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(4) A member may not claim the service credit for the purpose of determining eligibility or computing benefits unless the member has made all the payments required for the purchase

of the service credit.

SECTION 3. IC 5-10.3-12-1, AS AMENDED BY HEA 1032-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as otherwise provided in this section, this chapter applies to the following:

- (1) An individual who:
 - (A) on or after the effective date of the plan, becomes for the first time a full-time employee of the state:
 - (i) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and
 - (ii) who is paid by the auditor of state by salary warrants; and
 - (B) makes the election described in section 20 of this chapter to become a member of the plan.
- (2) An individual:
 - (A) who becomes a full-time employee of a participating political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;
 - (B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7; and
 - (C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board to require an employee in the covered position to become a member of the plan.
- (3) An individual:
 - (A) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;
 - (B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7;
 - (C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:
 - (i) to allow an employee in the covered position to become a member of the fund or a member of the plan at the discretion of the employee; and

- (ii) to require an employee in a covered position to make an election under section 20.5 of this chapter in order to become a member of the plan; and
 - (D) who makes an election under section 20.5 of this chapter to become a member of the plan.
- (4) An individual:
 - (A) who becomes a full-time employee of a political subdivision in a covered position after an ordinance or resolution described in clause (C) that is adopted by the political subdivision has been approved by the board;
 - (B) who would otherwise be eligible for membership in the fund under IC 5-10.3-7;
 - (C) who is employed by a political subdivision that has elected in an ordinance or resolution adopted under IC 5-10.3-6-1 and approved by the board:
 - (i) to allow an employee in the covered position to become a member of the fund or a member of the plan at the discretion of the employee; and
 - (ii) to require an employee to make an election under IC 5-10.3-7-1.1 in order to become a member of the fund; and
 - (D) who does not make an election under IC 5-10.3-7-1.1 to become a member of the fund.
- (5) An individual who makes an election described in section 20.3 of this chapter.
- (6) An individual:**
 - (A) who is a retired member (as defined in IC 5-10.3-1-5) of the fund;**
 - (B) who is prohibited from making contributions to the fund under IC 5-10.2-4-8(e) during a period of reemployment that begins more than thirty (30) days after the member retired; and**
 - (C) who, on or after the date:**
 - (i) the state files a notice; or**
 - (ii) a participating political subdivision files an adopted ordinance or resolution;****with the board in accordance with section 32 of this chapter, begins, or is engaged in, a period of reemployment**

with the state or a participating political subdivision as a full-time employee more than thirty (30) days after the individual's retirement in a position that would otherwise be covered by the fund.

(b) Except as provided in subsection (c), this chapter does not apply to an individual who, on or after the effective date of the plan:

(1) becomes for the first time a full-time employee of the state in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(2) is employed by:

(A) a body corporate and politic of the state created by state statute; or

(B) a state educational institution (as defined in IC 21-7-13-32).

(c) The chief executive officer of a body or institution described in subsection (b) may elect, by submitting a written notice of the election to the director, to have this chapter apply to individuals who, as employees of the body or institution, become for the first time full-time employees of the state in positions that would otherwise be eligible for membership in the fund under IC 5-10.3-7. An election under this subsection is effective on the later of:

(1) the date the notice of the election is received by the director; or

(2) March 1, 2013.

(d) This chapter does not apply to the following:

(1) An individual who is or was a member (as defined in IC 5-10.3-1-5) of the fund before otherwise becoming eligible to become a member of the plan.

(2) An individual who:

(A) on or after the effective date of the plan, except as provided in subsection (c), becomes for the first time a full-time employee of the state:

(i) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(ii) who is not paid by the auditor of state by salary warrants;

or

(B) does not elect to participate in the plan.

(3) An individual who:

~~(A) is eligible to make the election under IC 5-10.3-7-1.1 to become a member of the fund; and~~

~~(B) does make the election under IC 5-10.3-7-1.1 to become a member of the fund.~~

~~(4) An individual who is required to become a member of the fund.~~

SECTION 4. IC 5-10.3-12-20, AS AMENDED BY P.L.241-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) This section applies only to an individual who, on or after the effective date of the plan, becomes for the first time a full-time employee of the state in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7.

(b) An individual to whom this section applies may elect to become a member of the plan **for all service credit that the member accrues in a covered position as an employee of the state.** An election under this section:

(1) must be made in writing;

(2) must be filed with the board, on a form prescribed by the board; and

(3) is irrevocable.

(c) **Except as provided in section 32(a) of this chapter,** an individual who does not elect to become a member of the plan becomes a member (as defined in IC 5-10.3-1-5) of the fund **for all service credit that the member accrues in a covered position as an employee of the state.**

SECTION 5. IC 5-10.3-12-20.5, AS ADDED BY P.L.241-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20.5. (a) This section applies to an individual described in section 1(a)(3) of this chapter who is otherwise eligible to become a member of the plan.

(b) An individual described in subsection (a) may elect to become a member of the plan on the date the individual begins the individual's employment in a covered position with a political subdivision that participates in the plan. **The election applies to all service credit that the member accrues in a covered position as an employee of the political subdivision while the political subdivision participates in the plan.**

(c) An election under this section:

- (1) must be made in writing;
- (2) must be filed with the board on a form prescribed by the board; and
- (3) is irrevocable.

(d) **Except as provided in section 32(b) of this chapter**, an individual described in subsection (a) who does not elect to become a member of the plan becomes a member (as defined in IC 5-10.3-1-5) of the fund **for all service credit that the member accrues in a covered position as an employee of the political subdivision while the political subdivision participates in the fund.**

SECTION 6. IC 5-10.3-12-21, AS AMENDED BY P.L.241-2015, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The plan consists of the following:

- (1) Each member's contributions to the plan under section 23 of this chapter.
- (2) Contributions made by an employer to the plan on behalf of each member under section 24 or 24.5 of this chapter.
- (3) Rollovers to the plan by a member under section 29 of this chapter.
- (4) All earnings on investments or deposits of the plan.
- (5) All contributions or payments to the plan made in the manner provided by the general assembly.

(b) The plan shall establish an account for each member. A member's account consists of two (2) subaccounts credited individually as follows:

- (1) The member contribution subaccount consists of:
 - (A) the member's contributions to the plan under section 23 of this chapter; and
 - (B) the net earnings on the contributions described in clause (A) as determined under section 22 of this chapter.
- (2) The employer contribution subaccount consists of:
 - (A) the employer's contributions made on behalf of the member to the plan under section 24 or 24.5 of this chapter; and
 - (B) the earnings on the contributions described in clause (A) as determined under section 22 of this chapter.

The board may combine the two (2) subaccounts established under this subsection into a single account, if the board determines that a single

account is administratively appropriate and permissible under applicable law.

(c) If a member makes rollover contributions under section 29 of this chapter, the plan shall establish a rollover account as a separate subaccount within the member's account.

(d) If:

(1) the board offers the plan using the annuity savings account; and

(2) an individual is both a member of the plan and a member (as defined in IC 5-10.3-1-5) of the fund;

the board shall account for the individual's contributions and the employer contributions made on behalf of the individual under the fund separately from the individual's contributions and the employer's contributions made on behalf of the individual under the plan.

SECTION 7. IC 5-10.3-12-31, AS AMENDED BY P.L.241-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. (a) If a member of the plan separates from employment with the member's employer, ~~and later returns to~~ **begins employment with the same or a different employer** in a position covered by the plan:

(1) the member resumes the member's participation in the plan; and

(2) the member is entitled to receive credit for the member's years of participation in the plan before the member's separation.

~~However,~~ Any amounts forfeited by the member under section 25(e) of this chapter may not be restored to the member's account.

~~(b) If a member (as defined in IC 5-10.3-1-5) of the fund separates from employment with the member's employer and later returns to employment in a position covered by the fund, the individual resumes the member's participation in the fund:~~

~~(c) (b) An individual who returns to state employment having had an opportunity to make an election under section 20 of this chapter during an earlier period of state employment is not entitled to a second opportunity to make an election under section 20 of this chapter.~~

(c) An individual described in section 1(a)(3) of this chapter who returns to employment with a participating political subdivision having had an opportunity to make an election under section 20.5

of this chapter during an earlier period of employment with the participating political subdivision is not entitled to a second opportunity to make an election under section 20.5 of this chapter with respect to that employer.

SECTION 8. IC 5-10.3-12-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 32. (a) Notwithstanding section 20 and section 31(b) of this chapter, the state may elect to allow an individual who meets the following conditions to begin or resume membership in the plan for a period of reemployment with the state on the later of the date the board receives notice that the state has made an election under this subsection or the date on which the individual's period of reemployment begins:**

- (1) The individual is a retired member (as defined in IC 5-10.3-1-5) of the fund.**
- (2) The individual is prohibited from making contributions to the fund under IC 5-10.2-4-8(e) during a period of reemployment that begins more than thirty (30) days after the member retired.**
- (3) On or after the date the board receives notice that the state has made an election under this subsection, the individual begins, or is engaged in, a period of reemployment with the state in a position that would otherwise be covered by the fund.**

An election by the state under this subsection must be made as provided under IC 5-10.2-2-23 and is effective on the date that notice of the election is filed with the board.

(b) Notwithstanding section 20.5 and section 31(c) of this chapter, a participating political subdivision may adopt an ordinance or resolution allowing an individual who meets the following conditions to begin or resume membership in the plan for a period of reemployment with the participating political subdivision on the later of the date the ordinance or resolution adopted by the participating political subdivision is filed with the board or the date on which the individual's period of reemployment begins:

- (1) The individual is a retired member (as defined in IC 5-10.3-1-5) of the fund.**
- (2) The individual is prohibited from making contributions to**

the fund under IC 5-10.2-4-8(e) during a period of reemployment that begins more than thirty (30) days after the member retired.

(3) On or after the date a participating political subdivision files an ordinance or resolution adopted under this subsection, the individual begins, or is engaged in, a period of reemployment with a participating political subdivision as a full-time employee in a position that would otherwise be covered by the fund.

An election by a participating political subdivision under this subsection is effective on the date the ordinance or resolution adopted by a participating political subdivision is filed with the board.

SECTION 9. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "committee" refers to the interim study committee on pension management oversight established by IC 2-5-1.3-4(13).

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) The legislative council is urged to assign to the committee during the 2016 legislative interim the topic of whether membership in the public employees' defined contribution plan (ASA only plan) established by IC 5-10.3-12-18 should be the default option for an individual who becomes for the first time a full-time employee of the state in a position that would otherwise be eligible for membership in the public employees' retirement fund under IC 5-10.3-7.

(d) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

P.L.210-2016

[S.173. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-3-2-3.2, AS ADDED BY P.L.233-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 3.2. (a) The following definitions apply to this section:

(1) "Bonus for services rendered as a race team member" includes:

(A) a bonus earned as a result of participation in a racing event, such as a performance bonus or any other bonus; and

(B) a bonus paid for signing a contract, unless all of the following conditions are met:

(i) The payment of the signing bonus is not conditional upon the signee participating in a racing event for the team or performing any subsequent services for the team.

(ii) The signing bonus is payable separately from the salary and any other compensation.

(iii) The signing bonus is nonrefundable.

(2) "Indiana duty days" means the number of total duty days spent by a race team member within Indiana rendering a service for the race team in any manner during the taxable year, except travel days spent in Indiana that do not involve either a race, practice, qualification, training, testing, team meeting, promotional caravan, or other similar race team event.

(3) "Race team" includes a professional motorsports racing team that has services rendered by a race team member in Indiana or participated in a racing event at a qualified motorsports facility (as defined in IC 5-1-17.5-14).

(4) "Race team member" includes employees or independent

contractors who render services on behalf of the race team. The term includes but is not limited to drivers, pit crew members, mechanics, technicians, spotters, and crew chiefs.

(5) "Total duty days" means all days during the taxable year that a race team member renders a service for the race team. The term includes:

(A) race days, practice days, qualification days, training days, testing days, days spent at team meetings, days spent with a promotional caravan, and days served with the team in which the team competes or is scheduled to compete;

(B) days spent conducting training and rehabilitation activities, but only if the service is conducted at the facilities of the race team; and

(C) travel days that do not involve either a race, practice, qualification, training, testing, team meeting, promotional caravan, or other similar team event.

Total duty days for an individual who joins a race team during the season begin on the day the individual joins the team, and, for an individual who leaves a team, end on the day the individual leaves the team. When an individual changes teams during a taxable year, a separate duty day calculation must be made for the period the individual was with each team. Total duty days do not include those days for which a team member is not compensated and is not rendering a service for the team in any manner, including days when the team member has been suspended without pay and prohibited from performing any services for the team.

(6) "Total income" means the total compensation received during the taxable year for services rendered. The term includes salaries, wages, bonuses, and any other type of compensation paid during the taxable year to a race team member for services rendered in that year. The term does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services rendered to the race team.

(b) For purposes of IC 6-3, Indiana income is the individual's total income during the taxable year multiplied by the following fraction:

(1) The numerator of the fraction is the individual's Indiana duty days for the taxable year.

(2) The denominator of the fraction is the individual's total duty days for the taxable year.

(c) It is presumed that this section results in a fair and equitable apportionment of the race team member's compensation. However, if the department demonstrates that the method provided under this section does not fairly and equitably apportion a team member's compensation, the department may require the team member to apportion the team member's compensation under another method that the department prescribes. The prescribed method must result in a fair and equitable apportionment. A team member may submit a proposal for an alternative method to apportion the team member's compensation if the team member demonstrates that the method provided under this section does not fairly and equitably apportion the team member's compensation. If approved by the department, the proposed method must be fully explained in the team member's nonresident personal income tax return.

(d) The department ~~may~~ **shall** adopt rules, guidelines, or other instructions **applicable for taxable years beginning after December 31, 2013**, to establish alternative methods:

(1) of simplifying return filing for **race** team members, if the team is not based in Indiana; **and**

(2) for a race team not based in Indiana to file a composite return on behalf of and covering more than one (1) race team member if the same amount of tax is remitted as if individual filings had occurred. Filing a composite return under this subdivision exempts:

(A) a race team member covered by the return from having an individual income tax return filing requirement with respect to the income reported on the composite return; and

(B) a race team that is not based in Indiana from a filing requirement only with respect to team members included on the composite return.

(e) Notwithstanding any other provision under IC 6-3-4, the department may adopt rules, guidelines, or other instructions related to withholding requirements under this chapter.

(f) This section, as enacted in 2013, is intended to be a clarification of the law and not a substantive change in the law.

SECTION 2. [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]
(a) Rules, guidelines, or other instructions adopted by the department of state revenue under IC 6-3-2-3.2(d), as amended by this act, apply to taxable years beginning after December 31, 2013.
(b) This SECTION expires July 1, 2019.
SECTION 3. **An emergency is declared for this act.**

P.L.211-2016
[S.232. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-7-38 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 38. Land Banks

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Distressed real property" includes real property in a neglected or unmarketable condition.**
- (2) "Eligible unit" means:**
 - (A) a county;**
 - (B) a consolidated city; or**
 - (C) a second class city;****to which IC 36-7-9 applies.**
- (3) "Land bank" means an entity established by or in accordance with an ordinance adopted under section 2 of this chapter.**
- (4) "Person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.**

Sec. 2. (a) The legislative body of an eligible unit may adopt an ordinance:

(1) establishing a body corporate and politic; or
(2) directing the executive of the eligible unit to organize a nonprofit corporation under IC 23-17;
as an independent instrumentality exercising essential governmental functions. The primary purpose of an entity established under this subsection is to manage and improve the marketability of distressed real property located in the territory of the eligible unit.

(b) The legislative body shall specify the following in the ordinance:

- (1) The name of the entity.
- (2) The number of board members, subject to section 3 of this chapter.

(c) The territory of a land bank established by a county is all the territory of the county, except for the territory of any second class city in the county that has established a land bank.

Sec. 3. The bylaws of the land bank must require the board of the land bank to:

- (1) approve any purchase, transfer, or lease of real property held by the land bank in an open meeting of the board; and
- (2) consider any pertinent information before approving the purchase, transfer, or lease including:
 - (A) the assessed value of the real property;
 - (B) any factors that may affect the current value of the real property; and
 - (C) the financial ability of the person to fulfill the conditions of the purchase, transfer, or lease.

Sec. 4. (a) A land bank is governed by a board of at least seven (7) and at most nine (9) directors.

(b) A director of a land bank appointed under this section must have demonstrated competency in an occupation or discipline that is relevant to the primary purpose of a land bank.

(c) Except as provided in this chapter, the term of a director of a land bank is for three (3) consecutive calendar years.

(d) If a director of a land bank is unable to complete the director's term, the authority that appointed the director shall appoint a successor to serve for the remainder of the incomplete term.

Sec. 5. (a) This section applies to the board of a county land

bank established by a county that does not have a consolidated city.

(b) The board of a land bank to which this section applies is comprised of the following:

(1) A director appointed by the county treasurer. A director appointed under this subdivision must be a resident of the county.

(2) A director appointed by the county auditor. A director appointed under this subdivision must be a resident of the county.

(3) Five (5) directors respectively appointed by the executives of the five (5) municipalities in the county with the five (5) largest populations, as determined by the most recent federal decennial census. A director appointed under this subdivision must reside in the municipality of the appointing authority that appoints the director.

(4) At most two (2) additional directors appointed, as applicable, in the manner and subject to the requirements set forth in the land bank's bylaws.

(c) The terms of the initial directors of a land bank to which this section applies are equal to:

(1) the remainder of the calendar year in which the land bank is established; plus

(2) a number of additional years equal to:

(A) one (1) calendar year, for:

(i) the director appointed under subsection (b)(1);

(ii) the director appointed under subsection (b)(2); and

(iii) the director appointed under subsection (b)(3) by the executive of the municipality in the county that has the largest population;

(B) two (2) calendar years, for directors appointed under subsection (b)(3) by the executives of the municipalities that have the second through the fourth largest populations in the county; and

(C) three (3) calendar years, for:

(i) the director appointed under subsection (b)(3) by the executive of the municipality that has the fifth largest population in the county; and

(ii) any directors appointed under subsection (b)(4).

Sec. 6. (a) This section applies to the board of a county land

bank established by a county that has a consolidated city.

(b) The board of a land bank to which this section applies is comprised of the following:

(1) Three (3) directors appointed by the county executive. A director appointed under this subdivision must be a resident of the county.

(2) Three (3) directors appointed by the legislative body of the county. A director appointed under this subdivision must be a resident of the county.

(3) A director appointed by the county auditor. A director appointed under this subdivision must be a resident of the county.

(4) A director appointed by the local community foundation. A director appointed under this subdivision must be a resident of the county.

(5) At most one (1) additional director appointed, as applicable, in the manner and subject to the requirements set forth in the land bank's bylaws.

(c) The terms of the initial directors of a land bank to which this section applies are equal to:

(1) the remainder of the calendar year in which the land bank is established; plus

(2) a number of additional years equal to:

(A) one (1) calendar year, for directors appointed under subsection (b)(1);

(B) two (2) calendar years, for directors appointed under subsection (b)(2); and

(C) three (3) calendar years, for directors appointed under subsection (b)(3) through (b)(5).

Sec. 7. (a) This section applies to the board of a land bank established by a second class city.

(b) The board of a land bank to which this section applies is comprised of the following:

(1) Three (3) directors appointed by the executive of the second class city. A director appointed under this subdivision must be a resident of the second class city.

(2) Three (3) directors appointed by the legislative body of the second class city. A director appointed under this subdivision must be a resident of the second class city.

(3) A director appointed by the county treasurer of the county in which the second class city is located, or the county treasurer of the county in which most residents of the second class city reside, if the second class city is located in more than one (1) county. A director appointed under this subdivision must be a resident of the second class city.

(4) At most two (2) additional directors appointed, as applicable, in the manner and subject to the requirements set forth in the land bank's bylaws.

(c) The terms of the initial directors of a land bank to which this section applies are equal to:

(1) the remainder of the calendar year in which the land bank is established; plus

(2) a number of additional years equal to:

(A) one (1) calendar year, for directors appointed under subsection (b)(1);

(B) two (2) calendar years, for directors appointed under subsection (b)(2); and

(C) three (3) calendar years, for directors appointed under subsection (b)(3) or (b)(4).

Sec. 8. Except as otherwise provided in this chapter, a land bank is granted all powers necessary, convenient, or appropriate to carry out and effectuate the land bank's public and corporate purposes, which include the power to do the following:

(1) Sue or be sued in the land bank's own name.

(2) Enter into contracts.

(3) Establish accounts with financial institutions.

(4) Acquire, lease, improve, repair, renovate, and dispose of property.

(5) Borrow money, including issue bonds.

(6) Pledge collateral.

(7) Make investments.

(8) Hire employees, including an executive director.

(9) Procure insurance.

Sec. 9. (a) A land bank shall endeavor to acquire a diverse portfolio of properties to enable the land bank to dispose of diverse properties in diverse real estate markets in the county or municipal territory that the land bank serves and, thereby, generate revenue for the land bank in a sustainable manner. A land bank shall

acquire property for the purpose of supporting the mission of the land bank.

(b) A land bank's priorities concerning the disposition of properties from the land bank must support the mission of the land bank, which includes the sale or transfer of properties:

- (1) for redevelopment that will act as a catalyst for further development;
- (2) that support a comprehensive development plan or strategic plan for neighborhood revitalization;
- (3) that reduce blight in the community;
- (4) that revitalize or stabilize neighborhoods;
- (5) that will be returned to productive, tax paying status;
- (6) that will be returned to productive uses, including development of side lots, green spaces, and gardens;
- (7) that are available for immediate ownership or occupancy without a need for substantial rehabilitation;
- (8) that will be used for affordable housing; or
- (9) that will generate operating support for the functions of a land bank.

Sec. 10. (a) A land bank shall do the following:

- (1) Maintain an inventory of real property held by the land bank.
- (2) Develop policies, guidelines, and procedures for the acquisition, redevelopment, and disposition of property by and from the land bank. The policies, guidelines, and procedures developed under this subdivision must be formulated in plain language with the objective of being clearly understood.
- (3) Make the information described in subdivisions (1) and (2) available for inspection:
 - (A) at the offices of the land bank during regular business hours; and
 - (B) on the land bank's Internet web site.
- (4) Coordinate the land bank's activities with any land use plans that affect real property held by the land bank.

(b) If real property held by a county land bank is located in the territory of a municipality of the county, the county land bank shall offer to convey the real property to the municipality before the county land bank offers, or accepts an offer, to convey the real

property to any other individual or entity. An offer to convey real property made by a county land bank to a municipality under this section expires sixty (60) days after the county land bank makes the offer, unless the county land bank and the municipality agree to another period.

Sec. 11. A land bank may:

- (1) enter into an interlocal agreement under IC 36-1-7 with another governmental entity; or
- (2) otherwise contract with another governmental entity in Indiana to perform services for the governmental entity.

Sec. 12. (a) This subsection does not apply to a consolidated city. The legislative body of an eligible unit that has adopted an ordinance to create a land bank under section 2 of this chapter may not rescind the ordinance that the legislative body adopted under IC 36-7-9-3, unless the land bank is first dissolved.

(b) A land bank does not have authority to exercise the power of eminent domain.

Sec. 13. Within six (6) months after an eligible unit has established a land bank under this chapter, the eligible unit shall furnish the land bank with a list of real property:

- (1) that is located in the territory of the land bank;
- (2) for which the eligible unit holds:
 - (A) a tax sale certificate issued under IC 6-1.1-24; or
 - (B) a tax deed issued under IC 6-1.1-25; and
- (3) that is not committed to a redevelopment project or for another purpose.

At the time the eligible unit furnishes the list to the land bank, the eligible unit shall offer to assign the tax sale certificates and convey the real property described on the list to the land bank at no cost to the land bank. For each tract or item of real property described on the list, the offer expires six (6) months after the offer is made to the land bank, unless the eligible unit specifies a longer period in the offer. If, for a particular tract or item of real property on the list, the land bank accepts the offer, the eligible unit may assign the tax sale certificate or convey the real property, as applicable, to the land bank at no cost to the land bank. If, for a particular tract or item of real property on the list, the land bank rejects the offer, the eligible unit may dispose of the real property as otherwise provided by law.

Sec. 14. (a) The land bank may, as a condition of the purchase, transfer, or lease, require a person to enter into an agreement that conditions the purchase, transfer, or lease on the person fulfilling one (1) or more of the following terms:

- (1)** If the property is a dwelling, reside in the real property as the person's principal place of residence for a specified period not to exceed three (3) years.
- (2)** Bring the property up to minimum code standards in not more than twelve (12) months.
- (3)** Carry adequate fire and liability insurance on the property at all times.
- (4)** If the conveyance is to a person to develop the property, cause development of the property within a specified period, not to exceed five (5) years.
- (5)** Comply with any additional terms, conditions, and requirements as the land bank requires that further the mission of the land bank.

(b) Any material failure of a person to fulfill the agreement described in subsection (a) nullifies the agreement. Upon nullification of the agreement:

- (1)** the sale, transfer, or lease of the property is void; and
- (2)** the land bank retains the interest in the property that the land bank possessed before the sale, transfer, or lease.

However, the land bank may grant the person a specified period, not to exceed two (2) years, to come into compliance with the terms of the agreement. The land bank may subordinate its interest under the terms of the agreement to financial institutions or persons lending money to the person for the purpose of allowing the person to fulfill the terms of the sale, transfer, or lease.

Sec. 15. IC 36-1-11 does not apply to a sale, transfer, or lease of property by the land bank.

Sec. 16. (a) This section applies to the following:

- (1)** A person who owes:
 - (A)** delinquent taxes;
 - (B)** special assessments;
 - (C)** penalties;
 - (D)** interest;
 - (E)** costs directly attributable to a prior tax sale, if the tax sale occurs before July 1, 2016; or

(F) costs attributable to a prior tax sale or tax delinquency, if the tax sale occurs after June 30, 2016; on a tract of real property listed under IC 6-1.1-24-1.

(2) A person who is an agent of the person described in subdivision (1).

(b) A person subject to this section may not purchase, receive, or lease a tract that is offered by a land bank in a sale, exchange, or lease under this chapter.

(c) If a person purchases, receives, or leases a tract that the person was not eligible to purchase, receive, or lease under this section, the sale, transfer, or lease of the property is void and the land bank retains the interest in the tract that the land bank possessed before the sale, transfer, or lease of the tract.

Sec. 17. (a) As used in this section, "foreign business association" means a corporation, professional corporation, nonprofit corporation, limited liability company, partnership, or limited partnership that is organized under the laws of another state or another country.

(b) A foreign business association may not purchase, receive, or lease property from a land bank unless at the time the sale, transfer, or lease occurs:

(1) the foreign business association has obtained a certificate of authority from, or registered with, the secretary of state in accordance with the procedures described in IC 23, as applicable; and

(2) the foreign business association is in good standing in Indiana as determined by the secretary of state.

(c) If a foreign business association purchases, receives, or leases a tract that the foreign business association was not eligible under subsection (b) to purchase, receive, or lease, the sale, transfer, or lease of the property is void and the land bank retains the interest in the tract that the land bank possessed before the sale, transfer, or lease of the tract.

Sec. 18. (a) Employees of a land bank are not employees of the eligible unit that established the land bank.

(b) The board of a land bank may elect by resolution to provide programs of group health insurance for the land bank's employees and retired employees as provided under IC 5-10-8-2.6.

(c) The board of a land bank may elect by resolution to provide

retirement and disability benefits for employees, which may be by means of participation in the public employees' retirement fund as provided under IC 5-10.3-6.

Sec. 19. A land bank's income is not subject to taxation under IC 6-3-1 through IC 6-3-7.

Sec. 20. Notwithstanding IC 6-1.1-10-4, after a land bank acquires title to a parcel of real property, the property tax exemption provided under IC 6-1.1-10-4 terminates for the parcel of real property on the final day of the first uninterrupted forty-eight (48) month period for which the land bank has leased, or offered to lease, all or part of the parcel of real property to one (1) or more tenants.

Sec. 21. A land bank is subject to IC 5-14-1.5 (open door law) and IC 5-14-3 (public records law).

Sec. 22. The state board of accounts shall audit the funds and accounts of a land bank as provided under IC 5-11-1-25.

Sec. 23. A land bank may not be held liable for damages or subjected to equitable remedies for:

- (1) breach of a common law duty;
- (2) a violation of Indiana law; or
- (3) a violation of any order, permit, license, variance, or plan approval;

concerning environmental damage to, or attributable to, a tract or item of real property held by the land bank.

SECTION 2. IC 34-30-2-154.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 154.5. IC 36-7-38-23 (Concerning a land bank for environmental damage related to real property held by the land bank).**

P.L.212-2016

[S.339. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning trade regulation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-31-2-20.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.6. "Simulcast" means the communication by electronic device of a race at a recognized meeting and information related to the race, including:**

- (1) a personal computer or other device which enables communication over the Internet;**
- (2) a private network;**
- (3) an interactive video display or television;**
- (4) a wireless communication technology; or**
- (5) an interactive computer service (as defined in IC 35-45-5-1(g)).**

SECTION 2. IC 4-33-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 24. Paid Fantasy Sports

Sec. 1. A paid fantasy sports game conducted under this chapter does not constitute gambling for any purpose, including under IC 35-45-5.

Sec. 2. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.

Sec. 3. As used in this chapter, "confidential information" means information related to the play of paid fantasy sports games by game participants obtained solely as a result of or by virtue of a person's employment.

Sec. 4. As used in this chapter, "division" refers to the paid

fantasy sports division established by section 11 of this chapter.

Sec. 5. As used in this chapter, "game operator" means a person who:

- (1) is engaged in the business of professionally conducting paid fantasy sports games for cash prizes for members of the general public; and
- (2) requires cash or a cash equivalent as an entry fee to be paid by a member of the general public who participates in a paid fantasy sports game.

Sec. 6. As used in this chapter, "game participant" means an individual who participates in a paid fantasy sports game offered by a game operator.

Sec. 7. As used in this chapter, "licensed facility" means any of the following:

- (1) A satellite facility licensed under IC 4-31-5.5.
- (2) A riverboat (as defined by IC 4-33-2-17).
- (3) A gambling game facility operated under IC 4-35.

Sec. 8. As used in this chapter, "licensee" means any of the following:

- (1) A permit holder (as defined by IC 4-31-2-14).
- (2) A licensed owner (as defined by IC 4-33-2-13).
- (3) An operating agent (as defined by IC 4-33-2-14.5).

Sec. 9. As used in this chapter, "paid fantasy sports game" means any fantasy or simulation sports game or contest that meets the following conditions:

- (1) The values of all prizes and awards offered to winning game participants are established and made known to the game participants in advance of the game or contest.
- (2) All winning outcomes reflect the relative knowledge and skill of the game participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
- (3) No winning outcome is based on the score, point spread, or performance or performances of any single team or combination of teams, or solely on any single performance of an individual athlete or player in any single event.
- (4) The statistical results of the performance of individuals under subdivision (2) are not based on college or high school

sports.

(5) All participants must pay, with cash or a cash equivalent, an entry fee to participate.

(6) Unless authorized by the horse racing commission, established by IC 4-31-3-1, no winning outcome is based on the accumulated statistical results of a performance by an individual or horse:

(A) in a race or races at a recognized meeting (as defined in IC 4-31-2-20); or

(B) on the simulcast, as defined in IC 4-31-2-20.6, of a horse race or horse races.

Sec. 10. As used in this chapter, "person" means any association, corporation, limited liability company, fiduciary, individual, joint stock company, joint venture, partnership, sole proprietorship, or other private legal entity.

Sec. 11. (a) The paid fantasy sports division is established within the commission.

(b) The division shall maintain the integrity of the paid fantasy sports division. Game operators, game operator applicants, and licensees must encourage confidence in the commission and the division by maintaining high standards of honesty, integrity, and impartiality.

Sec. 12. (a) Except as provided in subsection (c), the division has the following powers and duties for purposes of administering, regulating, and enforcing the system of paid fantasy sports under this chapter:

(1) All powers and duties in this chapter.

(2) All powers necessary and proper to fully and effectively execute this chapter.

(3) To investigate and reinvestigate applicants, game operators, and licensees with whom a game operator has entered into a contract under section 14 of this chapter.

(4) To investigate alleged violations of this chapter.

(5) To revoke, suspend, or renew licenses under this chapter.

(6) To take any reasonable or appropriate action to enforce this chapter.

(b) Except as provided in subsection (c), the division may do the following:

(1) Take appropriate administrative enforcement or

disciplinary action against a person who violates this chapter.

(2) Conduct hearings.

(3) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.

(4) Administer oaths and affirmations to witnesses.

(c) The division may not adopt rules limiting or regulating:

(1) rules or the administration of an individual game or contest;

(2) the statistical makeup of a game or contest; and

(3) the digital platform of a game operator.

Sec. 13. (a) The division shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter, including rules for the following purposes:

(1) Administering this chapter.

(2) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of paid fantasy sports.

(3) Establishing rules concerning the review of the permits or licenses necessary for a game operator, licensed facility, or licensee.

(4) Imposing penalties for noncriminal violations of this chapter.

(b) The division and the commission shall allow game operators who are operating in Indiana on March 31, 2016, to continue operating until they have received or have been denied a license.

Sec. 14. A game operator may:

(1) conduct one (1) or more paid fantasy sports games through an Internet web site maintained and operated by the game operator; or

(2) contract with a licensee to conduct one (1) or more paid fantasy sports games on the premises of a licensed facility.

Sec. 15. (a) A game operator must:

(1) be authorized to transact business in Indiana under IC 23; and

(2) pay to the division the initial fee imposed under subsection (b).

(b) A game operator shall pay to the division an initial fee of at least fifty thousand dollars (\$50,000) for the privilege of conducting

paid fantasy sports games under this chapter. The division may increase the initial fee up to seventy-five thousand dollars (\$75,000) to pay for all of the direct and indirect costs of the operation of the division.

(c) A game operator shall annually pay to the division a five thousand dollar (\$5,000) fee on the anniversary date of the payment made under subsection (b) to renew the privilege of conducting paid fantasy sports games under this chapter.

(d) The division shall deposit all fees received under this section in the fantasy sports regulation and administration fund.

Sec. 16. A game operator must do the following to conduct paid fantasy sports games under this chapter:

(1) Provide written notice to the division of the game operator's intent to conduct paid fantasy sports games under this chapter.

(2) Submit for the division's approval any proposed contract with a licensee through which the game operator intends to conduct paid fantasy sports games under this chapter.

(3) Submit a plan for doing the following:

(A) Verifying the identity and age of patrons who wish to participate in a paid fantasy sports game conducted under this chapter.

(B) Maintaining the security of the identifying and financial information of game participants participating in paid fantasy sports games conducted under this chapter.

(C) Promoting paid fantasy sports games conducted under this chapter in a manner that accurately describes the relationship between the game operator and a licensee.

Sec. 17. (a) A licensee's license may be renewed annually upon a determination by the division that the licensee is in compliance with this chapter.

(b) A licensee shall undergo a complete investigation every three (3) years to determine if the licensee is in compliance with this chapter.

(c) A licensee shall bear the cost of an investigation or reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.

Sec. 18. A game operator may charge an entry fee to participate in a paid fantasy sports game conducted under this chapter.

Sec. 19. An individual must be at least eighteen (18) years of age to participate in a paid fantasy sports game conducted under this chapter.

Sec. 20. Any prize awarded in a paid fantasy sports game must be made known before the fantasy game begins. The value of a prize awarded in the paid fantasy sports game may not be determined by the number of game participants in the paid fantasy sports game or the amount of entry fees paid by the game participants.

Sec. 21. A game operator shall implement procedures to do the following:

- (1) Prevent employees of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter, and any relative of an employee living in the household of the employee, from competing in a paid fantasy sports game in which the cash prize exceeds five dollars (\$5).
- (2) Prevent an owner, director, or officer of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter from being a game participant in any paid fantasy sports game offered by the game operator.
- (3) Prevent employees of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter from sharing confidential information that could affect paid fantasy sports game play with third parties until the information is made publicly available.
- (4) Verify that a game participant is at least eighteen (18) years of age.
- (5) Prevent an individual who is a player, game official, or other participant in an actual sporting event or competition from participating in any paid fantasy sports game that is determined in whole or in part on the performance of that individual, the individual's actual team, or the accumulated statistical results of the sporting event or competition in which the individual is a player, game official, or other participant.
- (6) Allow individuals to restrict themselves from entering paid fantasy sports games.

(7) Disclose the number of paid fantasy sports games a single game participant may enter.

Sec. 22. A game operator shall take reasonable steps to do the following:

(1) Prevent the participation in paid fantasy sports games of individuals who have restricted themselves from entering paid fantasy sports games.

(2) Prevent game participants from entering more than the maximum number of allowed paid fantasy sports games.

Sec. 23. A game operator shall segregate the funds of game participants from the operational funds of the game operator.

Sec. 24. For the protection of the funds of game participants held in paid fantasy sports game accounts, a game operator shall maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination of these sources that is equal to the amount of money deposited in paid fantasy sports game accounts of game participants.

Sec. 25. A game operator shall contract annually with a certified public accountant to perform a financial audit of the game operator's paid fantasy sports game operations under this chapter to ensure compliance with this chapter. The game operator shall submit the results of the audit to the division. The same certified public accountant may not perform more than two (2) consecutive financial audits for a game operator under this section.

Sec. 26. The division may impose a civil penalty upon a game operator, a licensee, or an employee of a game operator or a licensee for a violation of this chapter. The maximum amount of a civil penalty imposed under this section for a particular violation is one thousand dollars (\$1,000). The division shall deposit all civil penalties received under this section in the fantasy sports regulation and administration fund.

Sec. 27. Entry fees and other revenues received by a licensee under a contract with a game operator for conducting paid fantasy sports games are not considered to be received from a licensee's gaming operations and are not subject to:

- (1) a wagering tax imposed under IC 4-33-13 or IC 4-35-8;
- (2) the fee imposed under IC 4-35-8.5;
- (3) the distribution required under IC 4-35-7-12; or
- (4) any other tax or fee imposed upon a licensee under

IC 4-31, IC 4-33, or IC 4-35.

Sec. 28. (a) The fantasy sports regulation and administration fund is established to provide for the administration of this chapter.

(b) The fund consists of:

(1) any fees and civil penalties deposited in the fund under this chapter;

(2) any money appropriated to the fund by the general assembly; and

(3) any earnings on amounts in the fund.

(c) The commission shall administer the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

Sec. 29. (a) This section applies beginning July 1, 2017.

(b) The bureau shall provide information to a game operator or licensee concerning persons who are delinquent in child support.

(c) If a permit holder or trustee is required to file Form 1099 or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from paid fantasy sports, the game operator or licensee permit holder or trustee:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) make a reasonable effort to withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of

the payment, and the name and location of the permit holder or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(d) The bureau shall notify the obligor at the address provided by the permit holder or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(e) The bureau shall hold the amount withheld from cash winnings of the obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(f) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (c)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

Sec. 30. A game operator may not:

(1) advertise a paid fantasy sports contest in any publication or medium that is aimed exclusively to juveniles; or

(2) advertise a paid fantasy sports contest or run promotional activities concerning a paid fantasy sports contest at:

(A) elementary schools, as defined by IC 20-18-2-4;

(B) high schools, as defined by IC 20-18-2-7; or

(C) sports venues used exclusively for:

(i) elementary school, as defined by IC 20-18-2-4; or

(ii) high school, as defined by IC 20-18-2-7;

student sports activities.

SECTION 3. IC 31-25-4-8.5, AS ADDED BY P.L.80-2010, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8.5. In addition to the duties imposed by sections 7 and 8 of this chapter, the bureau shall do the following:

(1) Share data regarding obligors who are delinquent with:

(A) a licensed owner, operating agent, and trustee in accordance with IC 4-33-4-27;

(B) a permit holder and trustee in accordance with IC 4-35-4-16; and

(C) the state lottery commission; and

(D) a game operator or licensee in accordance with IC 4-33-24-29;

to allow for the interception of cash winnings and prizes from the obligors.

(2) Distribute money collected from the persons described in subdivision (1) according to federal child support laws and regulations.

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) Money in the fantasy sports regulation and administration fund established by IC 4-33-24-28 is appropriated for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, for the use by the Indiana gaming commission in administering IC 4-33-24.

(b) This SECTION expires June 30, 2017.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topics of:

(1) the regulation of paid fantasy sports;

(2) the taxation of paid fantasy sports; and

(3) the interception of past due taxes and child support owed by paid fantasy sports game players.

(d) If the topics described in subsection (c) are assigned to a study committee, the study committee shall issue a final report on the topics to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

SECTION 6. An emergency is declared for this act.

P.L.213-2016

[H.1337. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-18-2-1.5, AS AMENDED BY P.L.113-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) "Abortion clinic", for purposes of IC 16-19-3-31, IC 16-21-2, ~~and~~ IC 16-34-3, **and IC 16-41-16**, means a health care provider (as defined in section 163(d)(1) of this chapter) that:

- (1) performs surgical abortion procedures; or
 - (2) beginning January 1, 2014, provides an abortion inducing drug for the purpose of inducing an abortion.
- (b) The term does not include the following:
- (1) A hospital that is licensed as a hospital under IC 16-21-2.
 - (2) An ambulatory outpatient surgical center that is licensed as an ambulatory outpatient surgical center under IC 16-21-2.
 - (3) A health care provider that provides, prescribes, administers, or dispenses an abortion inducing drug to fewer than five (5) patients per year for the purposes of inducing an abortion.

SECTION 2. IC 16-18-2-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. "Any other disability", for purposes of IC 16-34, has the meaning set forth in IC 16-34-4-1.**

SECTION 3. IC 16-18-2-100.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 100.5. "Down syndrome", for purposes of IC 16-34, has the meaning set forth in IC 16-34-4-2.**

SECTION 4. IC 16-18-2-128.7, AS ADDED BY P.L.113-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 128.7. "Fetus", for purposes of IC 16-34 **and**

IC 16-41-16, means an unborn child, irrespective of gestational age or the duration of the pregnancy.

SECTION 5. IC 16-18-2-201.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 201.5. "Lethal fetal anomaly", for purposes of IC 16-25-4.5 and IC 16-34, has the meaning set forth in IC 16-25-4.5-2.**

SECTION 6. IC 16-18-2-237.1, AS ADDED BY P.L.127-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 237.1. "Miscarried fetus", for purposes of IC 16-21-11 and **IC 16-41-16**, has the meaning set forth in IC 16-21-11-2.

SECTION 7. IC 16-18-2-273.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 273.5. "Perinatal hospice", for purposes of IC 16-25-4.5 and IC 16-34, has the meaning set forth in IC 16-25-4.5-3.**

SECTION 8. IC 16-18-2-287.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 287.9. "Potential diagnosis", for purposes of IC 16-34, has the meaning set forth in IC 16-34-4-3.**

SECTION 9. IC 16-18-2-328.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 328.6. "Sex selective abortion", for purposes of IC 16-34-4, has the meaning set forth in IC 16-34-4-4.**

SECTION 10. IC 16-21-11-5, AS ADDED BY P.L.127-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Not more than twenty-four (24) hours after a woman has her miscarried fetus expelled or extracted in a health care facility, the health care facility shall:

- (1) disclose to the parent or parents of the miscarried fetus, both orally and in writing, the parent's right to determine the final disposition of the remains of the miscarried fetus;
- (2) provide the parent or parents of the miscarried fetus with written information concerning the available options for disposition of the miscarried fetus **under section 6 of this chapter and IC 16-41-16-7.6**; and

(3) inform the parent or parents of the miscarried fetus of counseling that may be available concerning the death of the miscarried fetus.

(b) The parent or parents of a miscarried fetus shall inform the health care facility of the parent's decision for final disposition of the miscarried fetus after receiving the information required in subsection (a) but before the parent of the miscarried fetus is discharged from the health care facility. The health care facility shall document the parent's decision in the medical record.

SECTION 11. IC 16-21-11-6, AS ADDED BY P.L.127-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If the parent or parents choose a **means of location** of final disposition other than the **means location** of final disposition that is usual and customary for the health care facility, the parent or parents are responsible for the costs related to the final disposition of the fetus **at the chosen location**.

(b) ~~If the parent or parents choose a means of final disposition that provides for the interment of a miscarried fetus who has a gestational age of at least twenty (20) weeks of age; A health care facility having possession of a miscarried fetus shall provide for the final disposition of the miscarried fetus.~~ The **burial transit permit requirements under IC 16-37-3 apply to the final disposition of the miscarried fetus, which must be cremated or interred. However:**

(1) a person is not required to designate a name for the miscarried fetus on the burial transit permit and the space for a name may remain blank; and

(2) any information submitted under this section that may be used to identify the parent or parents is confidential and must be redacted from any public records maintained under IC 16-37-3.

Miscarried fetuses may be cremated by simultaneous cremation.

(c) Notwithstanding any other law, the parent or parents whose miscarried fetus has a gestational age of less than twenty (20) weeks of age may choose a means of final disposition that provides for the cremation or the interment of the miscarried fetus. If the parent or parents choose the cremation or interment of the miscarried fetus, The local health officer shall provide the person in charge of interment with a permit for the disposition of the body. A certificate of stillbirth is not

required to be issued for a final disposition ~~under this subsection~~ of a miscarried fetus having a gestational age of less than twenty (20) weeks.

(d) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.

SECTION 12. IC 16-25-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4.5. Perinatal Hospice

Sec. 1. The purpose of this chapter is to ensure that:

- (1) women considering abortion after receiving a diagnosis of a lethal fetal anomaly are informed of the availability of perinatal hospice care; and**
- (2) women choosing abortion after receiving a diagnosis of a lethal fetal anomaly are making a fully informed decision.**

Sec. 2. As used in this chapter, "lethal fetal anomaly" means a fetal condition diagnosed before birth that, if the pregnancy results in a live birth, will with reasonable certainty result in the death of the child not more than three (3) months after the child's birth.

Sec. 3. As used in this chapter, "perinatal hospice" means the provision of comprehensive, supportive care to a pregnant woman and her family beginning with the diagnosis of a lethal fetal anomaly and continuing through the live birth and death of the woman's child as a result of the lethal fetal anomaly. The term includes counseling and medical care provided by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty nurses, clergy, social workers, and others that are focused on alleviating fear and ensuring that the woman and her family experience the life and death of the child in a comfortable and supportive environment.

Sec. 4. (a) The state department shall develop a perinatal hospice brochure and post the perinatal hospice brochure on the state department's Internet web site.

(b) The perinatal brochure developed under this section must include the following:

- (1) A description of the health care and other services available from perinatal hospice.**
- (2) Information that medical assistance benefits may be**

available for prenatal care, childbirth, and perinatal hospice.
(3) Information regarding telephone 211 dialing code services for accessing grief counseling and other human services as described in IC 8-1-19.5, and the types of services that are available through this service.

Sec. 5. The state department shall develop and regularly update a list of all perinatal hospice providers and programs in Indiana. The state department may include on the list perinatal hospice providers and programs in other states that provide care to Indiana residents. The state department shall post the list of perinatal hospice providers and programs on the state department's Internet web site.

Sec. 6. (a) The state department shall develop a form on which a pregnant woman certifies, at the time of receiving a diagnosis that the pregnant woman's unborn child has a lethal fetal anomaly, that the pregnant woman has received the following:

(1) A copy of the perinatal hospice brochure developed under this chapter.

(2) A list of the perinatal hospice providers and programs developed under section 5 of this chapter.

(b) The provider diagnosing the pregnant woman's unborn child with the lethal fetal anomaly shall, at the time of diagnosis:

(1) provide the pregnant woman with a written copy of:

(A) the perinatal brochure developed under this chapter;
and

(B) the certification form developed by the state department under subsection (a); and

(2) have the pregnant woman complete the certification form.

Sec. 7. This chapter is severable as specified in IC 1-1-1-8.

SECTION 13. IC 16-34-2-1, AS AMENDED BY P.L.136-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Abortion shall in all instances be a criminal act, except when performed under the following circumstances:

(1) **Except as prohibited in IC 16-34-4**, during the first trimester of pregnancy for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) the abortion is performed by the physician;

(B) the woman submitting to the abortion has filed her consent with her physician. However, if in the judgment of the

physician the abortion is necessary to preserve the life of the woman, her consent is not required; and

(C) the woman submitting to the abortion has filed with her physician the written consent of her parent or legal guardian if required under section 4 of this chapter.

However, an abortion inducing drug may not be dispensed, prescribed, administered, or otherwise given to a pregnant woman after nine (9) weeks of postfertilization age unless the Food and Drug Administration has approved the abortion inducing drug to be used for abortions later than nine (9) weeks of postfertilization age. A physician shall examine a pregnant woman in person before prescribing or dispensing an abortion inducing drug. As used in this subdivision, "in person" does not include the use of telehealth or telemedicine services.

(2) **Except as prohibited by IC 16-34-4**, for an abortion performed by a surgical procedure, after the first trimester of pregnancy and before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age, for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) all the circumstances and provisions required for legal abortion during the first trimester are present and adhered to; and

(B) the abortion is performed in a hospital or ambulatory outpatient surgical center (as defined in IC 16-18-2-14).

(3) **Except as provided in subsection (b) or as prohibited by IC 16-34-4**, and for an abortion performed by a surgical procedure, at the earlier of viability of the fetus or twenty (20) weeks of postfertilization age and any time after, for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) all the circumstances and provisions required for legal abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age are present and adhered to;

(B) the abortion is performed in compliance with section 3 of this chapter; and

(C) before the abortion the attending physician shall certify in writing to the hospital in which the abortion is to be

performed, that in the attending physician's professional, medical judgment, after proper examination and review of the woman's history, the abortion is necessary to prevent a substantial permanent impairment of the life or physical health of the pregnant woman. All facts and reasons supporting the certification shall be set forth by the physician in writing and attached to the certificate.

(b) A person may not knowingly or intentionally perform a partial birth abortion unless a physician reasonably believes that:

- (1) performing the partial birth abortion is necessary to save the mother's life; and
- (2) no other medical procedure is sufficient to save the mother's life.

SECTION 14. IC 16-34-2-1.1, AS AMENDED BY P.L.113-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) An abortion shall not be performed except with the voluntary and informed consent of the pregnant woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the following conditions are met:

(1) At least eighteen (18) hours before the abortion and in the **private, not group**, presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has informed the pregnant woman orally and in writing of the following:

(A) The name of the physician performing the abortion, the physician's medical license number, and an emergency telephone number where the physician or the physician's designee may be contacted on a twenty-four (24) hour a day, seven (7) day a week basis.

(B) That follow-up care by the physician or the physician's designee (if the designee is licensed under IC 25-22.5) ~~and~~ is available on an appropriate and timely basis when clinically necessary.

(C) The nature of the proposed procedure or information concerning the abortion inducing drug.

(D) Objective scientific information of the risks of and alternatives to the procedure or the use of an abortion inducing drug, including:

- (i) the risk of infection and hemorrhage;
- (ii) the potential danger to a subsequent pregnancy; and
- (iii) the potential danger of infertility.

(E) That human physical life begins when a human ovum is fertilized by a human sperm.

(F) The probable gestational age of the fetus at the time the abortion is to be performed, including:

- (i) a picture of a fetus;
- (ii) the dimensions of a fetus; and
- (iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(G) That objective scientific information shows that a fetus can feel pain at or before twenty (20) weeks of postfertilization age.

(H) The medical risks associated with carrying the fetus to term.

(I) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(J) That the pregnancy of a child less than fifteen (15) years of age may constitute child abuse under Indiana law if the act included an adult and must be reported to the department of child services or the local law enforcement agency under IC 31-33-5.

(K) That Indiana does not allow a fetus to be aborted solely because of the fetus's race, color, national origin, ancestry, sex, or diagnosis or potential diagnosis of the fetus having Down syndrome or any other disability.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be informed orally and in writing of the following:

(A) That medical assistance benefits may be available for

prenatal care, childbirth, and neonatal care from the county office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(D) That there are physical risks to the pregnant woman in having an abortion, both during the abortion procedure and after.

(E) That Indiana has enacted the safe haven law under IC 31-34-2.5.

(F) The:

(i) Internet web site address of the state department of health's web site; and

(ii) description of the information that will be provided on the web site and that are;

described in section 1.5 of this chapter.

(G) For the facility in which the abortion is to be performed, an emergency telephone number that is available and answered on a twenty-four (24) hour a day, seven (7) day a week basis.

(H) On a form developed by the state department and as described in IC 16-34-3, that the pregnant woman has a right to determine the final disposition of the remains of the aborted fetus.

(I) On a form developed by the state department, information concerning the available options for disposition of the aborted fetus.

(J) On a form developed by the state department, information concerning any counseling that is available to a pregnant woman after having an abortion.

The state department shall develop and distribute the forms required by clauses (H) through (J).

(3) The pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that:

(A) the information required by subdivisions (1) and (2) has

been provided to the pregnant woman;

(B) the pregnant woman has been offered by the provider the opportunity to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible and that the woman has:

(i) viewed or refused to view the offered fetal ultrasound imaging; and

(ii) listened to or refused to listen to the offered auscultation of the fetal heart tone if the fetal heart tone is audible; and

(C) the pregnant woman has been given a written copy of the printed materials described in section 1.5 of this chapter.

(4) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined in IC 34-18-2-19) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has provided the pregnant woman with a color copy of the informed consent brochure described in section 1.5 of this chapter by printing the informed consent brochure from the state department's Internet web site and including the following information on the back cover of the brochure:

(A) The name of the physician performing the abortion and the physician's medical license number.

(B) An emergency telephone number where the physician or the physician's designee may be contacted twenty-four (24) hours a day, seven (7) days a week.

(C) A statement that follow-up care by the physician or the physician's designee who is licensed under IC 25-22.5 is available on an appropriate and timely basis when clinically necessary.

~~(b)~~ **(5) At least eighteen (18) hours** before an abortion is performed **and at the same time that the pregnant woman receives the information required by subdivision (1)**, the provider shall perform, and the pregnant woman shall view, the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible unless the pregnant

woman certifies in writing, on a form developed by the state department, before the abortion is performed, that the pregnant woman:

- (1) (A) does not want to view the fetal ultrasound imaging; and
- (2) (B) does not want to listen to the auscultation of the fetal heart tone if the fetal heart tone is audible.

(b) This subsection applies to a pregnant woman whose unborn child has been diagnosed with a lethal fetal anomaly. The requirements of this subsection are in addition to the other requirements of this section. At least eighteen (18) hours before an abortion is performed on the pregnant woman, the physician who will perform the abortion shall:

- (1) orally and in person, inform the pregnant woman of the availability of perinatal hospice services; and**
- (2) provide the pregnant woman copies of the perinatal hospice brochure developed by the state department under IC 16-25-4.5-4 and the list of perinatal hospice providers and programs developed under IC 16-25-4.5-5, by printing the perinatal hospice brochure and list of perinatal hospice providers from the state department's Internet web site.**

(c) If a pregnant woman described in subsection (b) chooses to have an abortion rather than continuing the pregnancy in perinatal hospice care, the pregnant woman shall certify in writing, on a form developed by the state department under IC 16-25-4.5-6, at least eighteen (18) hours before the abortion is performed, that the pregnant woman has been provided the information described in subsection (b) in the manner required by subsection (b).

SECTION 15. IC 16-34-2-4.5, AS AMENDED BY P.L.98-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) A physician may not perform an abortion unless the physician:

- (1) has admitting privileges in writing at a hospital located in the county where abortions are provided or in a contiguous county; or
- (2) has entered into a written agreement with a physician who has written admitting privileges at a hospital in the county or contiguous county concerning the management of possible complications of the services provided.

A written agreement described in subdivision (2) must be renewed

annually.

(b) A physician who performs an abortion shall notify the patient of the location of the hospital at which the physician or a physician with whom the physician has entered into an agreement under subsection (a)(2) has admitting privileges and where the patient may receive follow-up care by the physician if complications arise.

(c) An abortion clinic shall:

- (1) keep at the abortion clinic a copy of the admitting privileges of a physician described in subsection (a)(1) and (a)(2); and
- (2) submit a copy of the admitting privileges described in subdivision (1) to the state department as part of the abortion clinic's licensure. The state department shall verify the validity of the admitting privileges document. The state department shall remove any identifying information from the admitting privileges document before releasing the document under IC 5-14-3.

(d) The state department shall annually submit a copy of the admitting privileges described in subsection (a)(1) and a copy of the written agreement described in subsection (a)(2) to:

- (1) each hospital located in the county in which the hospital granting the admitting privileges described in subsection (a) is located; and**
- (2) each hospital located in a county that is contiguous to the county described in subdivision (1);**

where abortions are performed.

~~(d)~~ (e) The state department shall confirm to a member of the public, upon request, that the admitting privileges required to be submitted under this section for an abortion clinic have been received by the state department.

~~(e)~~ (f) Notwithstanding IC 5-14-3-6 and IC 5-14-3-6.5, this section only allows for the redaction of information that is described in subsection (c). This section does not allow the state department to limit the disclosure of information in other public documents.

SECTION 16. IC 16-34-2-5, AS AMENDED BY P.L.92-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Every health care provider who performs a surgical abortion or provides, prescribes, administers, or dispenses an abortion inducing drug for the purposes of inducing an abortion shall report the performance of the abortion or the provision, prescribing,

administration, or dispensing of an abortion inducing drug on a form drafted by the state department, the purpose and function of which shall be the improvement of maternal health and life through the compilation of relevant maternal life and health factors and data, and a further purpose and function shall be to monitor all abortions performed in Indiana to assure the abortions are done only under the authorized provisions of the law. For each abortion performed and abortion inducing drug provided, prescribed, administered, or dispensed, the report shall include, among other things, the following:

- (1) The age of the patient.
- (2) The date and location the abortion was performed or the abortion inducing drug was provided, prescribed, administered, or dispensed.
- (3) The health care provider's full name and address, including the name of the physicians performing the abortion or providing, prescribing, administering, or dispensing the abortion inducing drug.
- (4) The name of the father if known.
- (5) The age of the father, or the approximate age of the father if the father's age is unknown.
- (6) **The following information concerning the abortion or the provision, prescribing, administration, or dispensing of the abortion inducing drug:**
 - (A) **The** postfertilization age of the fetus.
 - (B) The manner in which the postfertilization age was determined. ~~and;~~
 - (C) **The gender of the fetus, if detectable.**
 - (D) **Whether the fetus has been diagnosed with or has a potential diagnosis of having Down syndrome or any other disability.**
 - (E) If after the earlier of the time the fetus obtains viability or the time the postfertilization age of the fetus is at least twenty (20) weeks, the medical reason for the performance of the abortion or the provision, prescribing, administration, or dispensing of the abortion inducing drug.
- (7) For a surgical abortion, the medical procedure used for the abortion and, if the fetus was viable or had a postfertilization age of at least twenty (20) weeks:

(A) whether the procedure, in the reasonable judgment of the health care provider, gave the fetus the best opportunity to survive; and

(B) the basis for the determination that the pregnant woman had a condition described in this chapter that required the abortion to avert the death of or serious impairment to the pregnant woman.

(8) For a nonsurgical abortion, the precise drugs provided, prescribed, administered, or dispensed, and the means of delivery of the drugs to the patient.

(9) For an early pre-viability termination, the medical indication by diagnosis code for the fetus and the mother.

~~(9)~~ **(10)** The mother's obstetrical history, including dates of other abortions, if any.

~~(10)~~ **(11)** The results of pathological examinations if performed.

~~(11)~~ **(12)** For a surgical abortion, whether the fetus was delivered alive, and if so, how long the fetus lived.

~~(12)~~ **(13)** Records of all maternal deaths occurring at the location where the abortion was performed or the abortion inducing drug was provided, prescribed, administered, or dispensed.

~~(13)~~ **(14)** The date the form was transmitted to the state department and, if applicable, separately to the department of child services.

(b) The health care provider shall complete the form provided for in subsection (a) and shall transmit the completed form to the state department, in the manner specified on the form, not later than July 30 for each abortion occurring in the first six (6) months of that year and not later than January 30 for each abortion occurring in the last six (6) months of the preceding year. However, if an abortion is for a female who is less than fourteen (14) years of age, the health care provider shall transmit the form to the state department of health and separately to the department of child services within three (3) days after the abortion is performed.

(c) The dates supplied on the form may not be redacted for any reason before the form is transmitted as provided in this section.

(d) Each failure to complete or timely transmit a form, as required under this section, for each abortion performed or abortion inducing drug that was provided, prescribed, administered, or dispensed, is a

Class B misdemeanor.

(e) Not later than June 30 of each year, the state department shall compile a public report providing the following:

- (1) Statistics for the previous calendar year from the information submitted under this section.
- (2) Statistics for previous calendar years compiled by the state department under this subsection, with updated information for the calendar year that was submitted to the state department after the compilation of the statistics.

The state department shall ensure that no identifying information of a pregnant woman is contained in the report.

SECTION 17. IC 16-34-2-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.1. Each form or other written document that must be completed or provided by a physician or other provider under this chapter, including a signed copy retained in the pregnant woman's patient file, must include the following:**

- (1) A line for the signature of the physician or other provider.**
- (2) A line for the professional credentials and license number of the physician or other provider.**

SECTION 18. IC 16-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** No experiments except pathological examinations may be conducted on any fetus aborted under this chapter. ~~nor may any fetus so aborted be transported out of Indiana for experimental purposes.~~ A person who conducts such an experiment ~~or so transports such a fetus~~ commits a Class A misdemeanor.

(b) Except as provided by subsection (c), a person who knowingly transports an aborted fetus into, or out of, Indiana commits a Class A misdemeanor.

(c) A person may transport an aborted fetus into, or out of, Indiana for the sole purpose of conducting the final disposition of the aborted fetus by cremation or interment under IC 16-34-3-4.

SECTION 19. IC 16-34-3-2, AS ADDED BY P.L.113-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to determine the final disposition of the aborted fetus.

(b) After receiving the notification and information required by ~~IC 16-34-2-1.1(a)(2)(H)~~ **IC 16-34-2-1.1(2)(H)** and ~~IC 16-34-2-1.1(a)(2)(I)~~, **IC 16-34-2-1.1(2)(I)**, the pregnant woman shall inform the abortion clinic or the health care facility:

(1) in writing; and

(2) on a form prescribed by the state department;

of the pregnant woman's decision for final disposition of the aborted fetus before the aborted fetus may be discharged from the abortion clinic or the health care facility.

(c) If the pregnant woman is a minor, the abortion clinic or health care facility shall obtain parental consent in the disposition of the aborted fetus unless the minor has received a waiver of parental consent under IC 16-34-2-4.

(d) The abortion clinic or the health care facility shall document the pregnant woman's decision concerning disposition of the aborted fetus in the pregnant woman's medical record.

SECTION 20. IC 16-34-3-3, AS ADDED BY P.L.113-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If the pregnant woman chooses a ~~means location~~ **location** for final disposition ~~that is not required by law or by rule of other than the location of final disposition that is usual and customary for~~ an abortion clinic or a health care facility, the pregnant woman is responsible for the costs related to the final disposition of the aborted fetus **at the chosen location.**

SECTION 21. IC 16-34-3-4, AS ADDED BY P.L.113-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) **An abortion clinic or health care facility having possession of an aborted fetus shall provide for the final disposition of the aborted fetus.** The burial transit permit requirements of IC 16-37-3 apply to the final disposition of an aborted fetus, ~~with a gestational age of at least twenty (20) weeks of age, which must be interred or cremated. However:~~

(1) **a person is not required to designate a name for the aborted fetus on the burial transit permit and the space for a name may remain blank; and**

(2) **any information submitted under this section that may be used to identify the pregnant woman is confidential and must be redacted from any public records maintained under**

IC 16-37-3.**Aborted fetuses may be cremated by simultaneous cremation.**

(b) A pregnant woman may decide to cremate or inter an aborted fetus with a gestational age of less than twenty (20) weeks of age.

(c) (b) The local health officer shall issue a permit for the disposition of the aborted fetus to the person in charge of interment for the interment of an the aborted fetus. ~~described in subsection (b):~~ A certificate of stillbirth is not required to be issued for an aborted fetus with a gestational age of less than twenty (20) weeks of age.

(c) **IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.**

SECTION 22. IC 16-34-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4. Sex Selective and Disability Abortion Ban

Sec. 1. (a) As used in this chapter, "any other disability" means any disease, defect, or disorder that is genetically inherited. The term includes the following:

- (1) A physical disability.
- (2) A mental or intellectual disability.
- (3) A physical disfigurement.
- (4) Scoliosis.
- (5) Dwarfism.
- (6) Down syndrome.
- (7) Albinism.
- (8) Amelia.
- (9) A physical or mental disease.

(b) The term does not include a lethal fetal anomaly.

Sec. 2. As used in this chapter, "Down syndrome" means a chromosomal disorder associated with an extra chromosome 21 or an effective trisomy for chromosome 21.

Sec. 3. As used in this chapter, "potential diagnosis" refers to the presence of some risk factors that indicate that a health problem may occur.

Sec. 4. As used in this chapter, "sex selective abortion" means an abortion that is performed solely because of the sex of the fetus.

Sec. 5. (a) A person may not intentionally perform or attempt to

perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking a sex selective abortion.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking a sex selective abortion.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 6. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with Down syndrome or has a potential diagnosis of Down syndrome.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with Down syndrome or has a potential diagnosis of Down syndrome.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 7. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with any other disability or has a potential diagnosis of any other disability.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with any other disability or has a potential diagnosis of any other disability.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 8. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because of the race, color, national origin, or ancestry of the fetus.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because of the race, color, national origin, or ancestry of the fetus.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 9. (a) A person who knowingly or intentionally performs an abortion in violation of this chapter may be subject to:

- (1) disciplinary sanctions under IC 25-1-9; and**
- (2) civil liability for wrongful death.**

(b) A pregnant woman upon whom an abortion is performed in violation of this chapter may not be prosecuted for violating or conspiring to violate this chapter.

SECTION 23. IC 16-41-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This chapter applies to persons and facilities that handle infectious waste, including the following:

- (1) Hospitals.
- (2) Ambulatory surgical facilities.
- (3) Medical laboratories.
- (4) Diagnostic laboratories.
- (5) Blood centers.
- (6) Pharmaceutical companies.
- (7) Academic research laboratories.
- (8) Industrial research laboratories.
- (9) Health facilities.
- (10) Offices of health care providers.
- (11) Diet or health care clinics.
- (12) Offices of veterinarians.
- (13) Veterinary hospitals.
- (14) Emergency medical services providers.
- (15) Mortuaries.

(16) Abortion clinics.

(b) Except as provided in sections 2, 4, and 7.5 of this chapter, this chapter does not apply to:

- (1) home health agencies; or
- (2) hospice services delivered in the home of a hospice patient.

SECTION 24. IC 16-41-16-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in ~~subsection~~ **subsections (c) and (d)**, as used in this chapter, "infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-41-2-1).

(b) The term includes the following:

- (1) Pathological wastes.
- (2) Biological cultures and associated biologicals.
- (3) Contaminated sharps.
- (4) Infectious agent stock and associated biologicals.
- (5) Blood and blood products in liquid or semiliquid form.
- (6) Laboratory animal carcasses, body parts, and bedding.
- (7) Wastes (as described under section 8 of this chapter).

(c) "Infectious waste", as the term applies to a:

- (1) home health agency; or
- (2) hospice service delivered in the home of a hospice patient;

includes only contaminated sharps.

(d) The term does not include an aborted fetus or a miscarried fetus.

SECTION 25. IC 16-41-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. As used in this chapter, "pathological waste" includes:

- (1) tissues;
- (2) organs;
- (3) body parts; and
- (4) blood or body fluids in liquid or semiliquid form;

that are removed during surgery, biopsy, or autopsy. **The term does not include an aborted fetus or a miscarried fetus.**

SECTION 26. IC 16-41-16-7.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.6. (a) This section applies to a person or facility possessing either an aborted fetus or a miscarried fetus.**

(b) Within ten (10) business days after a miscarriage occurs or an abortion is performed, a person or facility described in subsection (a) shall:

- (1) conduct the final disposition of a miscarried fetus or an aborted fetus in the manner required by IC 16-21-11-6 or**

IC 16-34-3-4; or

(2) ensure that the miscarried fetus or aborted fetus is preserved until final disposition under IC 16-21-11-6 or IC 16-34-3-4 occurs.

SECTION 27. IC 22-9-1-3, AS AMENDED BY P.L.136-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter:

(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state, except that the term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) by the individual's parents, spouse, or child; or

(2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry;
or

(4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4);

(5) the performance of an abortion solely because of the race, color, sex, disability, national origin, or ancestry of the fetus;
or

(6) a violation of any of the following statutes protecting the right of conscience regarding abortion:

(A) IC 16-34-1-4.

(B) IC 16-34-1-5.

(C) IC 16-34-1-6.

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

- (1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or
- (2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

- (1) sufficiently complete and filed by a complainant with the commission; or
- (2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

- (1) the full name and address of the complainant;
- (2) the name and address of the respondent against whom the complaint is made;
- (3) the alleged discriminatory practice and a statement of particulars thereof;
- (4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and
- (5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

- (1) it shall not be a discriminatory practice to maintain separate restrooms;

(2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and

(3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

(s) "Veteran" means:

- (1) a veteran of the armed forces of the United States;
- (2) a member of the Indiana National Guard; or
- (3) a member of a reserve component.

SECTION 28. IC 23-14-31-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39. (a) **Except as provided in IC 16-21-11-6 and IC 16-34-3-4**, a crematory authority shall not perform the simultaneous cremation of the human remains of more than one (1) individual within the same cremation chamber unless it has obtained the prior written consent of the authorizing agents.

(b) Subsection (a) does not prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one (1) cremation chamber.

SECTION 29. IC 35-46-5-1, AS AMENDED BY P.L.158-2013, SECTION 570, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (~~a~~) ~~As used in this section, "fetal~~

~~tissue" means tissue from an infant or a fetus who is stillborn or aborted.~~

~~(b)~~ **(a)** As used in this section, "human organ" means the kidney, liver, heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a human body.

~~(c)~~ **(b)** As used in this section, "item of value" means money, real estate, funeral related services, and personal property. "Item of value" does not include:

(1) the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ; or

(2) the reimbursement of travel, housing, lost wages, and other expenses incurred by the donor of a human organ related to the donation of the human organ.

~~(d)~~ **(c)** A person who intentionally acquires, receives, sells, or transfers, in exchange for an item of value,

~~(1)~~ a human organ for use in human organ transplantation ~~or~~
~~(2)~~ fetal tissue;

commits unlawful transfer of human ~~tissue~~; **organs**, a Level 5 felony.

SECTION 30. IC 35-46-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. (a) As used in this section, "aborted" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs.**

(b) As used in this section, "fetal tissue" includes tissue, organs, or any other part of an aborted fetus.

(c) This section does not apply to the proper medical disposal of fetal tissue.

(d) A person who intentionally acquires, receives, sells, or transfers fetal tissue commits unlawful transfer of fetal tissue, a Level 5 felony.

(e) A person may not alter the timing, method, or procedure used to terminate a pregnancy for the purpose of obtaining or collecting fetal tissue. A person who violates this subsection commits the unlawful collection of fetal tissue, a Level 5 felony.

SECTION 31. IC 35-46-5-3, AS AMENDED BY P.L.158-2013,

SECTION 572, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a) As used in this section, "lethal fetal anomaly" means a fetal condition diagnosed before birth that, if the pregnancy results in a live birth, will with reasonable certainty result in the death of the child not more than three (3) months after the child's birth.**

~~(a)~~ **(b)** As used in this section, "qualified third party" means a fertility clinic or similar medical facility that:

- (1) is accredited by an entity approved by the medical licensing board;
- (2) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and
- (3) employs a physician licensed under IC 25-22.5 who:
 - (A) is board certified in obstetrics and gynecology; and
 - (B) performs oocyte cryopreservation at the facility.

~~(b)~~ **(c)** A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Level 5 felony.

~~(c)~~ **(d)** This section does not apply to the following:

- (1) The transfer to or receipt by either a woman donor of an ovum or a qualified third party of an amount for:
 - (A) earnings lost due to absence from employment;
 - (B) travel expenses;
 - (C) hospital expenses;
 - (D) medical expenses; and
 - (E) recovery time in an amount not to exceed four thousand dollars (\$4,000);

concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.

(3) The transfer or receipt of a fetus if:

- (A) the fetus was diagnosed with a lethal fetal anomaly and written medical documentation verifies the diagnosis; and**

(B) a biological parent has requested, in writing, the transfer of the fetus for purposes of an autopsy.

~~(d)~~ (e) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony.

SECTION 32. IC 35-52-16-22, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. IC 16-34-2-6 defines a **crime crimes** concerning abortion.

P.L.214-2016

[H.1386. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 7.1-2-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 33. The commission is authorized to:

- (1) investigate a violation of; and
- (2) enforce a penalty for a violation of;

IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11, IC 35-46-1-11.2, IC 35-46-1-11.5, or IC 35-46-1-11.7, or IC 35-46-1-11.8.**

SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.144-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.

- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:
 - (A) Sell and deliver a total of not more than thirty thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.
 - (B) Be the proprietor of a restaurant.
 - (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
 - (D) Transfer beer directly from the brewery to the restaurant by means of:
 - (i) bulk containers; or
 - (ii) a continuous flow system.
 - (E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
 - (F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.
 - (G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:
 - (i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.
 - (ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.

(iii) Providing food prepared at the brewery.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

(i) individually; or

(ii) with other permit holders under this chapter, **holders of artisan distiller's permits, holders of farm winery permits, or any combination of holders described in this item;**

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(K) Store or condition beer in a secure building that is:

(i) separate from the brewery; and

(ii) owned or leased by the permit holder.

A brewer may not sell or transfer beer directly to a permittee or consumer from a building described in this clause.

(6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under

subdivision (5).

- (7) Provide complimentary samples of beer that are:
 - (A) produced by the brewer; and
 - (B) offered to consumers for consumption on the brewer's premises.
- (8) Own a portion of the corporate stock of a sports corporation that:
 - (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
 - (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.
- (9) For beer described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the beer on the licensed premises; and
 - (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 3. IC 7.1-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) As used in this section, "proprietor of a package liquor store" means the person that:**

- (1) holds the financial investment in; and**
- (2) exercises the financial and operational oversight of; a package liquor store.**

~~(a)~~ **(b)** The commission may issue a beer dealer's permit only to an applicant who is the proprietor of a drug store, grocery store, or package liquor store.

~~(b)~~ **(c) Subject to subsection (d)**, the commission may issue a beer dealer's permit to an applicant that is a foreign corporation if:

- (1) the applicant is duly admitted to do business in Indiana;
- (2) the sale of beer is within the applicant's corporate powers; and
- (3) the applicant is otherwise qualified under this title.

(d) Except as provided under IC 7.1-3-21-5.6, the commission may issue a beer dealer's permit under subsection (c) for the premises of a package liquor store only if the proprietor of the package liquor store satisfies the Indiana resident ownership requirements described in IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).

~~(c)~~ **(e)** The commission shall not issue a beer dealer's permit to a

person who is disqualified under the special disqualifications. However, the special disqualification listed in IC 7.1-3-4-2(a)(13) shall not apply to an applicant for a beer dealer's permit.

~~(d)~~ **(f)** Notwithstanding subsection ~~(a)~~, **(b)**, the commission may renew a beer dealer's permit for an applicant who:

- (1) held a permit before July 1, 1997; and
- (2) is the proprietor of a confectionery or a store that:
 - (A) is not a drug store, grocery store, or package liquor store;
 - (B) is in good repute; and
 - (C) in the judgment of the commission, deals in merchandise that is not incompatible with the sale of beer.

SECTION 4. IC 7.1-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~Persons Eligible for Permits:~~ The commission may issue a temporary beer permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in ~~IC 1971, 7.1-3-4-2(c), (h), and (m);~~ **IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13)**, and the residency requirements provided in ~~IC 1971;~~ **IC 7.1-3-21-3**, shall not apply to an applicant for a temporary beer permit.

SECTION 5. IC 7.1-3-6-3.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) This section applies to a temporary beer permit for the sale of beer in a town park in a town having a population of less than ten thousand (10,000).

(b) The commission may not issue a temporary beer permit to a person unless:

- (1) the person meets all of the requirements for a temporary beer permit under: ~~this chapter~~
 - (A) sections 1 through 3 of this chapter; or**
 - (B) section 3.8 of this chapter; and**
- (2) the town council:
 - (A) holds a public hearing on the request for a permit; and
 - (B) approves the issuance of the temporary beer permit.

(c) If a person asks a town council to approve the issuance of a temporary beer permit, the town clerk-treasurer shall notify the commission of the town council's decision to approve or disapprove the

permit not later than thirty (30) days after the person's request for approval.

(d) If a person who applies for a temporary beer permit from the commission demonstrates to the satisfaction of the commission that no action was taken on the person's request by the town council under subsection (c), the commission shall consider the request to be approved by the town council.

SECTION 6. IC 7.1-3-6-3.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.8. (a) Notwithstanding any other provision in this chapter, the commission may issue a temporary beer permit if all the following apply:**

(1) The temporary beer permit is issued for a festival or event that meets all the following:

(A) The festival or event promotes, at least in part, beer manufactured at a brewery described in IC 7.1-3-2-7(5).

(B) The anticipated attendance of the festival or event is at least seven thousand five hundred (7,500) people.

(C) Adequate security measures will be provided at the festival or event.

(D) Individuals less than twenty-one (21) years of age will not be allowed to attend the festival or event.

(2) The applicant for the temporary beer permit:

(A) has held a brewer's permit for a brewery described in IC 7.1-3-2-7(5) for at least three (3) years; and

(B) pays an application fee to the commission of two thousand five hundred dollars (\$2,500).

(b) The commission may issue a temporary beer permit only for an area at a festival or event that is enclosed by fencing, barricades, or structures. The area may be an outside area that is contiguous to a brewery described in IC 7.1-3-2-7(5) or restaurant or at another location that is not on or near the premises of a brewery or restaurant.

(c) The commission may issue a temporary beer permit under this section for a term, up to and including, three (3) days from its issuance.

(d) The commission may not issue a temporary beer permit under this section to any one (1) person more than two (2) times in

a calendar year.

(e) Notwithstanding any other provision of this title, the holder of the temporary beer permit may allow an individual who attends the festival or event to carry beer, in a quantity that does not exceed a total of two hundred eighty-eight (288) ounces, into the permitted area. Beer carried in to a festival or event under this subsection may be consumed or traded only in the permitted area.

(f) An individual who attends the festival or event may carry out beer in sealed, unopened containers from the temporary beer permit area.

SECTION 7. IC 7.1-3-9-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to the holder of a three-way permit that is issued for a premises described in IC 7.1-3-1-14(c)(2).

(b) Notwithstanding any other provision of this title or rule adopted by the commission and subject to subsections (c) and (d), the holder of a three-way permit may sell sealed bottles of liquor or wine for consumption off the licensed premises:

- (1) from one (1) or more locations on a premises described in IC 7.1-3-1-14(c)(2); and
- (2) on the date of the Indianapolis 500 Race in the 2016 calendar year from 7 a.m., prevailing local time, to 7 p.m., prevailing local time.

(c) The holder of a three-way permit described under subsection (b) must disclose to the commission, at least fourteen (14) days before the date of the Indianapolis 500 Race, that the holder intends to sell bottles of liquor or wine under this section.

(d) The bottles of liquor or wine described in subsection (b) must be decorative bottles commemorating the one hundredth anniversary of the Indianapolis 500 Race.

(e) This section expires January 1, 2017.

SECTION 8. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The holder of a farm winery permit:

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;
- (2) is entitled to serve complimentary samples of the winery's

wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

- (A) holds an employee permit under IC 7.1-3-18-9; and
 - (B) completes a server training program approved by the commission;
- (3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;
 - (4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;
 - (5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;
 - (6) is exempt from the provisions of IC 7.1-3-14;
 - (7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;
 - (8) for wine described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the wine on the licensed premises; and
 - (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;
 - (9) is entitled to purchase and sell bulk wine as set forth in this chapter;
 - (10) is entitled to sell wine as authorized by this section for carryout on Sunday; and
 - (11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may:

- (1) individually; or
- (2) with other permit holders under this chapter, **holders of artisan distiller's permits, holders of a brewer's permits**

issued under IC 7.1-3-2-2(b), or any combination of holders described in this subdivision;

participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year.

SECTION 9. IC 7.1-3-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~Persons Eligible for Permits~~. The commission may issue a temporary wine permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in ~~IC 1971, 7.1-3-4-2(c), (h), and (m);~~ IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13), and the residency requirements provided in ~~IC 1971;~~ IC 7.1-3-21-3, shall not apply to an applicant for a temporary wine permit.

SECTION 10. IC 7.1-3-17.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 17.8. State Park Liquor Permits

Sec. 1. The department of natural resources may apply for a three-way permit for one (1) or more state parks. A three-way permit for a state park may be a single permit, even though more than one (1) area within the state park constitutes the licensed premises of the permit.

Sec. 2. A permit issued under this chapter is not subject to:

- (1) IC 7.1-3-21-1; and
- (2) 905 IAC 1-27-4.

Sec. 3. Separate areas within a state park are not subject to IC 7.1-5-5-7.

Sec. 4. Upon application, the commission shall issue a permit to the department of natural resources for a state park without:

- (1) publication of notice or investigation before a local board; and
- (2) regard to the quota provisions of IC 7.1-3-22.

Sec. 5. Except as provided in sections 2 and 3 of this chapter, an

entity that operates on state park property under a permit issued by the commission to:

- (1) the department of natural resources under this chapter; or
- (2) the entity under this article;

shall operate within the park property in accordance with the provisions of this title that regulate the sale and use of alcoholic beverages, e-liquid (as defined in IC 7.1-7-2-10), and tobacco products (as defined in IC 7.1-6-1-3).

SECTION 11. IC 7.1-3-18.5-5, AS AMENDED BY P.L.94-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Subject to subsection (b), the commission may suspend the certificate of a person who fails to pay a civil penalty imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11, IC 35-46-1-11.2**, IC 35-46-1-11.5, ~~or~~ IC 35-46-1-11.7, **or IC 35-46-1-11.8.**

(b) Before enforcing the imposition of a civil penalty or suspending or revoking a certificate under this chapter, the commission shall provide written notice of the alleged violation to the certificate holder and conduct a hearing. The commission shall provide written notice of the civil penalty or suspension or revocation of a certificate to the certificate holder.

(c) Subject to subsection (b), the commission shall revoke the certificate of a person upon a finding by a preponderance of the evidence that the person:

- (1) has violated IC 35-45-5-3, IC 35-45-5-3.5, ~~or~~ IC 35-45-5-4, **IC 35-46-1-11, IC 35-46-1-11.2, or IC 35-46-1-11.8;**
- (2) has committed habitual illegal sale of tobacco as established under IC 35-46-1-10.2(h); or
- (3) has committed habitual illegal entrance by a minor as established under IC 35-46-1-11.7(f).

SECTION 12. IC 7.1-3-18.5-6, AS AMENDED BY P.L.231-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a certificate has:

- (1) expired; or
- (2) been suspended;

the commission may not reinstate or renew the certificate until all civil penalties imposed against the certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11, IC 35-46-1-11.2,**

IC 35-46-1-11.5, ~~or~~ IC 35-46-1-11.7, ~~or~~ **IC 35-46-1-11.8** have been paid.

(b) The failure to pay a civil penalty described in subsection (a) is a Class B infraction.

(c) If a certificate has been revoked, the commission may not reinstate or renew the certificate for at least one hundred eighty (180) days after the date of revocation. The commission may reinstate or renew the certificate only upon a reasonable showing by the applicant that the applicant shall:

- (1) exercise due diligence in the sale of tobacco products or electronic cigarettes on the applicant's premises where the tobacco products or electronic cigarettes are sold or distributed; and
- (2) properly supervise and train the applicant's employees or agents in the handling and sale of tobacco products or electronic cigarettes.

If a certificate is reinstated or renewed, the applicant of the certificate shall pay an application fee of one thousand dollars (\$1,000).

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

SECTION 13. IC 7.1-3-18.5-8, AS AMENDED BY P.L.231-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The commission may mitigate civil penalties imposed against a certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11**, **IC 35-46-1-11.2**, IC 35-46-1-11.5, IC 35-46-1-11.7, **IC 35-46-1-11.8**, or any of the provisions of this chapter if a certificate holder provides a training program for the certificate holder's employees that includes at least the following topics:

- (1) Laws governing the sale of tobacco products and electronic cigarettes.
- (2) Methods of recognizing and handling customers who are less than eighteen (18) years of age.
- (3) Procedures for proper examination of identification cards to verify that customers are under eighteen (18) years of age.

SECTION 14. IC 7.1-3-18.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: **Sec. 11. If a certificate holder sells or distributes tobacco products or electronic cigarettes at a location:**

- (1) determined to be a public nuisance; or**
- (2) at which conduct or acts that are crimes or infractions under IC 35 occur;**

the commission may impose sanctions against the certificate holder under IC 7.1-2-3-33 and section 5 of this chapter.

SECTION 15. IC 7.1-3-19-17, AS AMENDED BY HEA 1035-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies to a permit issued under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k), ~~or~~ IC 7.1-3-20-16(l), **or IC 7.1-3-20-16.8** if a municipal legislative body has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).

(b) As a condition of eligibility for a permit, the applicant must enter into a formal written commitment with the municipal legislative body regarding the character or type of business that will be conducted on the permit premises. The municipal legislative body must adopt an ordinance approving the formal written commitment. A formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises. When an application for renewal of a permit is filed, the applicant shall forward a copy of the application to the municipal legislative body. The municipal legislative body shall receive notice of any filings, hearings, or other proceedings on the application for renewal from the applicant.

(c) A formal written commitment may be modified by the municipal legislative body with the agreement of the permit holder.

(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is revoked or not renewed.

(f) If the character or type of business violates the formal written commitments, the municipality may adopt a recommendation to the local board and the commission to:

- (1) deny the permit holder's application to renew the permit; or
- (2) revoke the permit holder's permit.

(g) The commission shall consider evidence at the hearing on the

issue of whether the business violated the formal written commitments. If the commission determines there is sufficient evidence that the commitments have been violated by the permittee, the commission may:

- (1) deny the application to renew the permit; or
- (2) revoke the permit;

as applicable.

SECTION 16. IC 7.1-3-20-8.6, AS AMENDED BY P.L.196-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.6. The holder of a club permit may do the following:

- (1) Designate one ~~(1) day each calendar week~~ **or more days each calendar month as a guest day^u days, not to exceed a total of four (4) guest days in any calendar month.**
- (2) Keep a record of all designated guest days.
- (3) Invite guests who are not members of the club to attend the club on a guest day.
- (4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.
- (5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

SECTION 17. IC 7.1-3-20-16, AS AMENDED BY P.L.121-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) **Except as provided in section 16.3 of this chapter,** the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) Subject to section 16.1 of this chapter **and except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(e) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

(1) A town that:

(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).

(2) A city that has an indoor theater as described in section 26 of this chapter.

(g) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. The ownership of a permit

issued under this subsection and the location for which the permit was issued shall not be transferred. A permit holder and any lessee or proprietor of the permit premises is subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

- (1) a town with a population of more than twenty thousand (20,000); or
- (2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);

located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, **and except as provided in section 16.3 of this chapter**, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for

on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

- (1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.
- (2) A unit of the National Park Service is partially located within the district.
- (3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) Subject to section 16.2 of this chapter **and except as provided in section 16.3 of this chapter**, the commission may issue not more than six (6) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land within a municipal lakefront development project funded in part with state, local, and federal money. A permit issued under this subsection may not be transferred. If the commission issues six (6) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed six (6) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the

commission. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars (\$10,000).

(k) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than ~~eight (8)~~ **nine (9)** new three-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be a proprietor, as owner or lessee, or both, of a restaurant located:

- (1) within a motorsports investment district (as defined in IC 5-1-17.5-11); or
- (2) not more than one thousand five hundred (1,500) feet from a motorsports investment district.

The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues ~~eight (8)~~ **nine (9)** new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ~~eight (8)~~ **nine (9)** at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(l) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than two (2) new three-way permits to sell alcoholic beverages for on-premises consumption for premises located within a qualified motorsports facility (as defined in IC 5-1-17.5-14). The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues two (2) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed two (2) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission.

The permit holder is not entitled to any refund or other compensation.

SECTION 18. IC 7.1-3-20-16.3, AS ADDED BY SEA 169-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.3. If the holder of a permit holds a:

- (1) permit issued under section 16(c) through 16(l) of this chapter **or section 16.8 of this chapter** to sell beer for on-premises consumption; and
- (2) permit for a brewery described in IC 7.1-3-2-7(5) that is located on or adjacent to the premises for which the permit holder holds a permit described in subdivision (1);

the permit holder may sell for carryout, at the premises for which the permit holder holds a permit described in subdivision (1), beer manufactured at the brewery.

SECTION 19. IC 7.1-3-20-16.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.**

(b) Except as provided in section 16.3 of this chapter, the commission may issue not more than four (4) new three-way permits to sell alcoholic beverages for on-premises consumption to applicants in each of the following municipalities:

- (1) Whitestown.**
- (2) Lebanon.**
- (3) Zionsville.**
- (4) Westfield.**
- (5) Carmel.**
- (6) Fishers.**

(c) The following apply to permits issued under this section:

(1) An applicant for a permit under this section must be a proprietor, as owner or lessee, or both, of a restaurant located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in a municipality's:

- (A) downtown redevelopment district; or**
- (B) downtown economic revitalization area.**

(2) The cost of an initial permit is forty thousand dollars (\$40,000).

(3) The total number of active permits issued under this section may not exceed twenty-four (24) permits at any time. If any of the permits issued under this section are revoked or not renewed, the commission may issue only enough new permits to bring the total number of permits to twenty-four (24) active permits, with not more than four (4) in each municipality listed in subsection (b)(1) through (b)(6).

(4) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(5) Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(6) Except as provided in subdivision (8), the ownership of a permit may not be transferred.

(7) A permit may not be transferred from the premises for which the permit was issued.

(8) If the area in which the permit premises is located is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

SECTION 20. IC 7.1-3-20-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17.5. (a) As used in this section, "banquet or gathering space" means a room or space in which social events are hosted that is located on the licensed premises of a hotel or restaurant.**

(b) As used in this section, "social event" means a party, banquet, wedding or other reception, or any other social event.

(c) Subject to subsection (d), the holder of a retailer's permit issued for the premises of a hotel or restaurant that has a banquet or gathering space without a permanent bar over which alcoholic beverages may be sold or dispensed may temporarily amend the

floor plans of the licensed premises to use the banquet or gathering space to sell or dispense alcoholic beverages from a temporary bar or service bar in the banquet or gathering space.

(d) The holder of a retailer's permit shall notify and submit the amended floor plans described in subsection (c) to the commission not later than twenty-four (24) hours before the date the holder intends to sell or dispense alcoholic beverages from a temporary bar or service bar.

(e) A holder of a retailer's permit who intends to sell or dispense alcoholic beverages from a temporary bar or service bar as described in this section remains subject to laws and rules requiring that the area in which minors are allowed be separate from the room or area in which the bar is located.

SECTION 21. IC 7.1-3-20-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) In order to be considered a "hotel" within the meaning of this title and to be eligible to receive an appropriate hotel permit under this title, an establishment shall meet the following requirements:

(1) It shall be provided with special space and accommodations where, in consideration of payment, food and lodging are habitually furnished to travelers.

(2) It shall have at least twenty-five (25), adequately furnished and completely separate sleeping rooms with adequate facilities:

(A) under one (1) continuous roof; or

(B) under separate roofs if:

(i) each sleeping room is on the same parcel of land or contiguous parcels of land as the main building in which a room described in subdivision (4) is operated; and

(ii) the main building and sleeping rooms are operated by one (1) person, or under one (1) management.

(3) It shall be so disposed that persons usually apply for and receive overnight accommodations in it in the course of usual and regular travel or as a residence.

(4) It shall operate either a:

(A) regular dining room constantly frequented by customers each day; or

(B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.

(b) This subsection applies to a hotel that qualifies under subsection (a)(4)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(4)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.

SECTION 22. IC 7.1-3-20-18.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.6. (a) If the commission issues a hotel permit for a hotel that meets the requirements of section 18(a)(2)(B) of this chapter, the holder of the hotel permit shall submit a floor plan or design to the commission of the premises where alcoholic beverages will be served and consumed, including any sleeping rooms of the hotel.**

(b) If the commission approves a floor plan or design described in subsection (a), the holder of the hotel permit may serve alcoholic beverages, as provided under the permit, to any building included in the floor plan or design.

SECTION 23. IC 7.1-3-20-18.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.7. (a) This section applies to the premises of a hotel that is owned by an accredited college or university (as described in IC 24-4-11-2).**

(b) Subject to subsection (c), the holder of a retailer permit that is issued for the premises of a hotel may sell or dispense, for on premise consumption only, alcoholic beverages, for which the permittee holds the appropriate permit, from a:

- (1) nonpermanent bar located on an outside patio or terrace;**
- or**
- (2) service window located on the licensed premises that opens to an outside patio or terrace;**

that is contiguous to the main building of the licensed premises of the hotel.

(c) The holder of a retailer permit that is issued for the premises of a hotel may sell or dispense alcoholic beverages as provided under subsection (b) only if all the following conditions are met:

- (1) The patio or terrace area described in subsection (b) is:**
 - (A) part of the licensed premises; and**

(B) clearly delineated and completely enclosed on all sides by a fence, rail, wall, or hedge that is at least four (4) feet in height.

(2) Access to the nonpermanent bar or service window is limited by a barrier that reasonably deters free access by minors to the bar or window.

(3) A conspicuous sign is posted by the barrier described in subdivision (2) that states that minors are not allowed to cross the barrier to enter the area near the nonpermanent bar or service window.

SECTION 24. IC 7.1-3-21-5, AS AMENDED BY P.L.107-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a corporation unless:

(1) sixty percent (60%) of the outstanding stock in the corporation is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

(2) the stock described in subdivision (1) constitutes a controlling interest in the corporation.

~~(b)~~ **(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.**

SECTION 25. IC 7.1-3-21-5.2, AS AMENDED BY P.L.107-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited partnership unless:

(1) at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

(2) the partnership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

~~(b)~~ **(c)** Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 26. IC 7.1-3-21-5.4, AS AMENDED BY P.L.107-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited liability company unless:

(1) at least sixty percent (60%) of the outstanding membership interest in the limited liability company is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

(2) the membership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

~~(b)~~ **(c)** Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 27. IC 7.1-3-21-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) **Notwithstanding section 5, 5.2, or 5.4 of this chapter, the commission may renew or transfer ownership of a dealer's permit of any type for the holder of a dealer's permit who:**

(1) held the permit for the premises of a package liquor store before January 1, 2016; and

(2) does not qualify for the permit under section 5(b), 5.2(b), or 5.4(b) of this chapter.

(b) The commission may transfer ownership of a dealer's permit under this section only to an applicant who satisfies the Indiana resident ownership requirements under this chapter.

SECTION 28. IC 7.1-3-27-8, AS AMENDED BY P.L.159-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The holder of an artisan distiller's permit may do only the following:

(1) Manufacture liquor, including blending liquor purchased from another manufacturer with liquor the artisan distiller manufactures under section 11 of this chapter.

(2) Bottle liquor manufactured by the artisan distiller.

(3) Store liquor manufactured by the artisan distiller.

(4) Transport, sell, and deliver liquor manufactured by the artisan distiller to:

(A) places outside Indiana; or

(B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

(5) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, or case from the premises of the distillery where the liquor was manufactured.

(6) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

(7) Sell liquor as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than four and five-tenths (4.5) liters.

(8) With the approval of the commission, participate:

(A) individually; or

(B) with other permit holders under this chapter, holders of farm winery permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this clause;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this subdivision to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 29. IC 7.1-4-4.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section applies to the following permits:

- (1) Temporary beer permit.
- (2) Temporary wine permit.

(b) **Except as provided in subsection (d)**, a license fee for a temporary permit is the greater of the following:

- (1) Two dollars (\$2) per day of operation.
- (2) The amount per day set by the commission under subsection (c).

(c) Subject to any rates or schedules adopted by the commission, the commission may set a higher daily rate for a temporary beer permit under subsection (b)(2) if, in the judgment of the commission, the number of persons likely to be accommodated, or any other facts bearing on the value of the permit warrant the increase. However, **except as provided under subsection (d)**, the fee may not exceed one thousand dollars (\$1,000) per day.

(d) A license fee for a temporary permit issued under IC 7.1-3-6-3.8 is two thousand five hundred dollars (\$2,500).

SECTION 30. IC 7.1-4-4.1-9, AS AMENDED BY P.L.224-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This section applies to the following biennial permits:

- (1) Beer retailer's permit.
- (2) Liquor retailer's permit.
- (3) Wine retailer's permit.
- (4) One-way permit.
- (5) Two-way permit.
- (6) Three-way permit.
- (7) Airplane beer permit.
- (8) Airplane liquor permit.
- (9) Airplane wine permit.
- (10) Boat beer permit.

- (11) Boat liquor permit.
- (12) Boat wine permit.
- (13) Dining car beer permit.
- (14) Dining car liquor permit.
- (15) Dining car wine permit.
- (16) Hotel seasonal permit.

(b) The commission shall charge a single fee for the issuance of any combination of retailer's permits issued for the same location or conveyance.

(c) **Except as provided in subsection (d)**, an annual permit fee in the following amount is imposed on a retailer:

- (1) Five hundred dollars (\$500), if the retailer serves only beer or only wine.
- (2) Seven hundred fifty dollars (\$750), if the retailer serves both beer and wine but no liquor.
- (3) One thousand dollars (\$1,000), if the retailer serves beer, wine, and liquor.

(d) An annual permit fee for a three-way permit issued to a state park under IC 7.1-3-17.8-1 is two hundred fifty dollars (\$250).

SECTION 31. IC 7.1-5-3-4, AS AMENDED BY SEA 177-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) This section does not apply to the following:

- (1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.
- (2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described in IC 7.1-3-2-7(5).
- (3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit ~~issued under IC 7.1-3-2-2(b)~~. **for a brewery described in IC 7.1-3-2-7(5).**
- (4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.
- (5) The refilling of a bottle or container with hard cider in an establishment where alcoholic beverages are sold that is owned,

in whole or in part, by an entity that manufactures hard cider under the appropriate permit issued under this title.

(6) The refilling of a bottle or container with a product from a farm winery in an establishment in which alcoholic beverages are sold that is owned, in whole or in part, by the holder of a farm winery permit.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 32. IC 7.1-5-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. (a) As used in this section, "ID card" means any of the following:**

(1) A driver's license.

(2) A photographic identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government.

(3) A government issued document bearing an individual's photograph.

(b) As used in this section, "permittee" means a person who holds a valid permit under this title, including an employee of a permittee.

(c) A permittee may retain an ID card that was provided to the permittee by a person as proof of age for making a purchase of an alcoholic beverage, if the permittee has:

(1) received alcohol server training under IC 7.1-3-1.5; and

(2) a reasonable belief that the ID card:

(A) has been altered or falsified; or

(B) was not issued to the person who provided the ID card to the permittee.

(d) If the permittee retains an ID card, the permittee shall do the following:

(1) Issue a receipt to the person who provided the ID card. The receipt must state the date and the hour that the permittee retained the ID card.

(2) Not later than twenty-four (24) hours after the ID card is retained, provide:

(A) the ID card; and

(B) a written statement of the facts and circumstances surrounding the permittee's retention of the ID card; to a state or local law enforcement agency that has jurisdiction where the permit premises is located.

(e) If the law enforcement agency does not:

(1) initiate an investigation; or

(2) find that probable cause exists;

as to any violation of section 1, 3, or 4 of this chapter, the law enforcement agency shall release the ID card to the person who was issued the ID card.

(f) A permittee is not subject to criminal liability or civil liability for retention of an ID card in accordance with this section.

(g) A permittee is not immune from civil or criminal liability for using force against a person in order to obtain an ID card.

SECTION 33. IC 7.1-7-4-1, AS AMENDED BY P.L.231-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A manufacturer of e-liquid shall obtain a permit from the commission before mixing, bottling, packaging, or selling e-liquid to retailers or distributors in Indiana.

(b) The commission shall accept initial applications and issue manufacturing permits until June 30, 2016.

(c) A manufacturing permit issued by the commission is valid for five (5) years.

(d) An initial application for a manufacturing permit must include the following:

(1) Plans for the construction and operation of the manufacturing facility that demonstrate that the facility design is:

(A) designed to include a clean room space where all mixing and bottling activities will occur; and

(B) capable of meeting all of the security requirements contained in this article.

(2) A service agreement that:

- (A) the applicant has entered into with a security firm;
 - (B) is valid for a period of five (5) years after the date of the permit application;
 - (C) provides for the security firm to provide service and support to meet the security requirements established by this article;
 - (D) requires the security firm to certify that the manufacturer meets all requirements set forth in IC 7.1-7-4-6(10) through IC 7.1-7-4-6(15);
 - (E) prohibits the security firm from withholding its certification as described in clause (D) because the security equipment of the applicant is not sold by or proprietary to the security firm; and
 - (F) is renewable for the entire length of time that the applicant holds a permit issued by the commission.
- (3) Verified documents satisfactory to the commission from the security firm demonstrating that the security firm meets the following requirements:

(A) The security firm has continuously employed, ~~not less than one (1) employee~~ for not less than the previous one (1) year period, ~~who is accredited or certified by both:~~ **both of the following:**

- (i) **At least one (1) employee who is accredited or certified by the Door and Hardware Institute as an Architectural Hardware Consultant. and**
- (ii) **At least one (1) employee who is accredited or certified the International Door Association as a certified Rolling Steel Fire Door Technician by the International Door Association or the Institute of Door Dealer Education and Accreditation.**

However, the security firm meets the requirements of this clause if the security firm continuously employed, for not less than the previous one (1) year period, one (1) employee who is accredited or certified under both item (i) and item (ii).

(B) The security firm has at least one (1) year of commercial experience, in the preceding year, with the following:

- (i) Video surveillance system design and installation with remote viewing capability from a secure facility.
 - (ii) Owning and operating a security monitoring station with ownership control and use of a redundant offsite backup security monitoring station.
 - (iii) Operating a facility that modifies commercial hollow metal doors, frames, and borrowed lights with authorization to apply the Underwriters Laboratories label.
- (4) The name, telephone number, and address of the applicant.
 - (5) The name, telephone number, and address of the manufacturing facility.
 - (6) The projected output in liters per year of e-liquid of the manufacturing facility.
 - (7) The name, telephone number, title, and address of the person responsible for the manufacturing facility.
 - (8) Verification that the facility will comply with proper manufacturing processes.
 - (9) Written consent allowing the state police department to conduct a state or national criminal history background check on any person listed on the application.
 - (10) Written consent allowing the commission, after a permit is issued to the applicant, to enter during normal business hours the premises where the e-liquid is manufactured to conduct physical inspections, sample the product to ensure the e-liquid meets the requirements for e-liquid set forth in this article, and perform an audit.
 - (11) A nonrefundable initial application fee of one thousand dollars (\$1,000).
 - (12) Any other information required by the commission for purposes of administering this article.

SECTION 34. IC 34-30-2-20.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.8. IC 7.1-5-7-4.5 (Concerning an alcoholic beverage permittee or employee of a permittee who retains a person's identification card).**

SECTION 35. **An emergency is declared for this act.**

P.L.215-2016

[H.1173. Approved March 24, 2016.]

AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever, due to any emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the normal location of the seat ~~thereof of state government~~ in Indianapolis, Marion County, state of Indiana, the governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at ~~such the~~ place, or places, within or without this state as ~~he the~~ **governor** may deem advisable under the circumstances, and shall take ~~such~~ action and issue ~~such~~ orders as may be necessary for an orderly transition of the affairs of state government to ~~such the~~ emergency temporary location, or locations. ~~Such The~~ emergency temporary location, or locations, shall remain as the seat of government until the general assembly shall by law establish a new location, or locations, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

SECTION 2. IC 4-1-6-1, AS AMENDED BY P.L.2-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, the term:

(a) "Personal information system" means any recordkeeping process, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject.

(b) "Personal information" means any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics about an individual including, but not limited to, ~~his the individual's~~ education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or ~~his the individual's~~ presence, registration, or membership in an organization or activity or admission to an institution.

(c) "Data subject" means an individual about whom personal information is indexed or may be located under ~~his the individual's~~ name, personal number, or other identifiable particulars, in a personal information system.

(d) "State agency" means every agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government, except those which are the responsibility of the auditor of state, treasurer of state, secretary of state, attorney general, superintendent of public instruction, and excepting the department of state police and state educational institutions.

(e) "Confidential" means information which has been so designated by statute or by promulgated rule or regulation based on statutory authority.

SECTION 3. IC 4-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Unless otherwise prohibited by law, any state agency that maintains a personal information system shall, upon request and proper identification of any data subject, or ~~his a data subject's~~ authorized agent, grant ~~such the~~ subject or agent the right to inspect and to receive at reasonable, standard charges for document search and duplication, in a form comprehensible to ~~such the individual subject~~ or agent:

(a) all personal information about the data subject, unless otherwise provided by statute, whether ~~such the~~ information is a matter of public record or maintained on a confidential basis, except in the case of medical and psychological records, where ~~such the~~ records shall, upon written authorization of the data subject, be given to a physician or psychologist designated by the data subject;

(b) the nature and sources of the personal information, except where the confidentiality of ~~such the~~ sources is required by statute; and

(c) the names and addresses of any recipients, other than those with regular access authority, of personal information of a confidential nature about the data subject, and the date, nature, and purpose of ~~such~~ **the** disclosure.

SECTION 4. IC 4-1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. An agency shall make the disclosures to data subjects required under this chapter during regular business hours. Copies of the documents containing the personal information sought by the data subject shall be furnished to ~~him~~ **the data subject** or ~~his~~ **the data subject's** representative at reasonable, standard charges for document search and duplication.

SECTION 5. IC 4-1-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. If the data subject gives notice that ~~he~~ **the data subject** wishes to challenge, correct, or explain information about ~~him~~ **the data subject** in the personal information system, the following minimum procedures shall be followed:

(a) the agency maintaining the information system shall investigate and record the current status of that personal information;

(b) if, after ~~such~~ **the** investigation, ~~such~~ **the** information is found to be incomplete, inaccurate, not pertinent, not timely or not necessary to be retained, it shall be promptly corrected or deleted;

(c) if the investigation does not resolve the dispute, the data subject may file a statement of not more than two hundred (200) words setting forth ~~his~~ **the data subject's** position;

(d) whenever a statement of dispute is filed, the agency maintaining the data system shall supply any previous recipient with a copy of the statement and, in any subsequent dissemination or use of the information in question, clearly mark that it is disputed and supply the statement of the data subject along with the information;

(e) the agency maintaining the information system shall clearly and conspicuously disclose to the data subject ~~his~~ **the data subject's** rights to make ~~such~~ a request;

(f) following any correction or deletion of personal information the agency shall, at the request of the data subject, furnish to past recipients notification delivered to their last known address that the item has been deleted or corrected and shall require ~~said~~ **the** recipients to acknowledge receipt of ~~such~~ **the** notification and furnish the data

subject the names and last known addresses of all past recipients of the uncorrected or undeleted information.

SECTION 6. IC 4-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) On any form, application, or other writing prepared by or issued under the authority of any state agency, the following information must be included if the individual is requested to provide ~~his~~ **the individual's** Social Security number:

(1) a brief statement of the reason why the Social Security number is requested by the state agency; and

(2) a notification either:

(A) that the state agency is required by federal law to obtain the individual's Social Security number and that the form or application cannot be processed unless the individual provides the number, if ~~such~~ **that** be the case; or

(B) that the individual has the right to refuse to provide ~~his~~ **the individual's** Social Security number to the agency, if ~~he~~ **the individual** so desires, and that ~~he~~ **the individual** will not be penalized. ~~therefor.~~

(b) In any location where a form, application, or other writing covered in subsection (a) ~~of this section~~ is taken or filled out, there shall be posted in a conspicuous place a sign in bold print containing information identical to that required on the forms required in subsection (a). ~~of this section.~~

SECTION 7. IC 4-1-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. In any case where an individual shall refuse to provide ~~his~~ **the individual's** Social Security number to a state agency in accordance with the provisions of section 2(a)(2)(B) of this chapter, the state agency to ~~whom he~~ **which the individual** has made ~~his~~ **the individual's** refusal known is prohibited from obtaining the Social Security number from any other source.

SECTION 8. IC 4-1-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. No individual shall be penalized in any manner, ~~such as~~ by the loss or threat of loss of services or assistance or by the denial or refusal to issue any license or permit, by a state agency for ~~his~~ **the individual's** refusal in accordance with the provisions of section 2(a)(2)(B) of this chapter to provide ~~his~~ **the individual's** Social Security number to the state agency.

SECTION 9. IC 4-1-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Each state agency covered by this chapter shall develop a method under which a person who has previously given ~~his or her~~ **the person's** Social Security number to the state agency at that person's request may have the number removed from the records of the agency and substitute ~~therefor~~ the new identification number to be used by the person. The notice printed on forms and posted in the office of the agency shall include information on the right of the applicant to remove ~~his or her~~ **the applicant's** Social Security number from existing records.

SECTION 10. IC 4-2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A special deputy who certifies that any person was sworn or affirmed before ~~him~~ **the special deputy** to any affidavit or other instrument or writing when in fact the person was not so sworn or affirmed commits a Class C infraction.

SECTION 11. IC 4-3-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~He~~ **The governor** may employ counsel to protect the interest of the state in any matter of litigation where the same is involved; and the expenses incurred under this section, and recapturing fugitives from justice, may be allowed by ~~him~~ **the governor** and paid out of any money appropriated for that purpose.

SECTION 12. IC 4-3-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. For breach of the condition of any official bond, by which the state is injured, the governor shall direct suit to be brought upon ~~his~~ **the governor's** relation, unless otherwise provided by law; and all costs taxed against ~~such~~ **the** relator shall be paid by the state.

SECTION 13. IC 4-3-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. This chapter applies to any governor of Indiana regardless of whether ~~his~~ **the governor's** service occurred before, on, or after January 14, 1981, and to the surviving spouse of any ~~such~~ governor.

SECTION 14. IC 4-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. It shall be the duty of every state institution, office, board, bureau, society, commission, or other organization which receives an appropriation from the state, to furnish to the governor elect of the state, upon ~~his~~ **the governor elect's** request, within six (6) days after each general election in November,

~~such the~~ information in relation to the management, control, receipts, expenditures, and needs of ~~such the~~ state institution, office, board, bureau, society, commission, or other organization as the governor may require and in ~~such the~~ form as the governor may prescribe and to furnish plans and reliable estimates for all improvements for which appropriations are to be requested from the next general assembly.

SECTION 15. IC 4-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The budget agency shall make available to a governor elect and ~~his the governor elect's~~ designated representatives information on the following:

- (1) All information and reports used in the preparation of the state budget.
- (2) All information on projected income and revenue estimates for the state.

SECTION 16. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter:

- (1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, the state superintendent of public instruction, and the attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads.
- (2) "Reorganization" means:
 - (A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions ~~thereof, of an agency,~~ to the jurisdiction and control of any other agency;
 - (B) the abolition of all or any part of the functions of any agency;
 - (C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions ~~thereof, of an agency,~~ with the whole or any part of any other agency or the functions ~~of a an agency; thereof,~~

- (D) the consolidation or coordination of any part of any agency or the functions ~~thereof of an agency~~, with any other part of the same agency or the functions ~~thereof~~; **of the agency**;
- (E) the authorization of any officer to delegate any of ~~his~~ **the officer's** functions; or
- (F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 17. IC 4-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Any reorganization plan submitted by the governor under this chapter:

- (a) shall change, in cases ~~he~~ **the governor** deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;
- (b) may include provisions for the appointment and compensation of the head and one (1) or more other officers of any agency, including an agency resulting from a consolidation or other type of reorganization, if the governor finds, and in ~~his~~ **the governor's** message submitting the plan declares, that by reason of a reorganization made by the plan ~~such~~ **the** provisions are necessary. The head ~~so provided for~~ may be an individual, or may be a commission or board with two (2) or more members. The terms of office of any appointee shall not be fixed at more than four (4) years. The compensation shall not be at a rate in excess of that found by the governor to prevail in respect of comparable officers in the executive and administrative branch;
- (c) shall make provisions for the transfer or other disposition of the records, property, and personnel affected by any reorganization;
- (d) shall make provision for the transfer of ~~such~~ **the** unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as ~~he~~ **the governor** deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which has ~~such~~ **the** functions after the reorganization plan is effective.

Unexpended balances ~~so~~ transferred shall be used only for the purposes for which the appropriation was originally made;

(e) shall make provision for terminating the affairs of any agency abolished; and

(f) shall enumerate all statutes which may be repealed if the reorganization plan becomes effective.

SECTION 18. IC 4-3-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. No legal action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the state, in ~~his the head's or other officer's~~ official capacity or in relation to the discharge of ~~his the head's or other officer's~~ official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this chapter. The court may, on motion or supplemental petition filed at any time within twelve (12) months after the reorganization plan takes effect, showing a necessity for a survival of the action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of ~~such the~~ head or officer under the reorganization effected by the plan or, if there is no successor, against ~~such the~~ agency or officer as the governor shall designate.

SECTION 19. IC 4-3-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The governor is authorized to execute all deeds or other instruments of conveyance which, in ~~his the~~ **governor's** judgment, are proper or necessary for the transfer of title to land or any interest ~~therein~~ by the state of Indiana to the United States of America ~~pursuant to under~~ section 2 of this chapter, in the following form and manner: Every ~~such~~ deed or conveyance shall be executed in the name of the state of Indiana, signed by the governor of the state of Indiana, with the seal of the state of Indiana affixed thereto and shall be approved as to legality and form by the attorney general of Indiana.

SECTION 20. IC 4-3-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) When title to land ~~which that~~ is to be transferred to the United States of America ~~pursuant to under~~ this chapter is held in the name of the state of Indiana, and that land has not been declared surplus and is under the jurisdiction and control of any agency of the state, the state budget agency, with approval of the governor, shall allocate and transfer to that agency of the state from any

funds which may be appropriated for use to accomplish the purposes of this chapter, an amount of money which equals the value of the land transferred.

(b) The value shall be determined by three (3) disinterested appraisers appointed by the governor. The appraisers shall be residents of the state of Indiana. The allocation of funds shall be in addition to any other appropriations made to that agency of the state. In the event that revenue from the land described in this section and transferred to the United States of America ~~pursuant to~~ **under** this chapter is pledged as security for bonds issued and outstanding, the money appropriated by this section shall be held by the treasurer of the state of Indiana in a separate sinking fund to be used only for the purposes of paying the interest and principal of the bonds as they become due, and for no other purpose, until ~~such the time as~~ the bonds are retired. The funds shall be deposited by the treasurer of the state of Indiana, ~~pursuant to~~ **under** the provisions of IC 5-13, at interest, and interest earned by reason of deposit shall be credited to and belong to the fund. Any person, firm, limited liability company, or corporation who is the holder of any ~~such~~ **of the** bonds at the time the governor announces ~~his the~~ **the governor's** intention to transfer the land to the United States of America and who is aggrieved by the amount of money allocated and transferred to a sinking fund created ~~pursuant to~~ **under** this section, shall have the right to seek bondholders' damages which may not exceed the face value of the bonds.

SECTION 21. IC 4-4-2-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. Whenever the lieutenant governor transmits to the governor ~~his the~~ **the lieutenant governor's** written declaration that ~~he the~~ **the lieutenant governor** is unable to discharge the powers and duties of ~~his the~~ **the lieutenant governor's** office, and until ~~he the~~ **the lieutenant governor** transmits to ~~him the~~ **the governor** a written declaration to the contrary, ~~such the~~ powers and duties shall be discharged by a person appointed by the governor as acting lieutenant governor. Thereafter, when the lieutenant governor transmits to the governor ~~his the~~ **the lieutenant governor's** written declaration that no inability exists, ~~he the~~ **the lieutenant governor** shall resume the powers and duties of ~~his the~~ **the lieutenant governor's** office.

SECTION 22. IC 4-4-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Whenever the governor, the president pro tempore of the senate, and the speaker of the house of representatives file with the supreme court a written statement suggesting that the lieutenant governor is unable to discharge the powers and duties of ~~his~~ **the lieutenant governor's** office, the supreme court shall, after giving notice to the lieutenant governor of the date, time, and place of their meeting, meet within forty-eight (48) hours to decide the question and ~~such~~ **the** decision shall be final. ~~Thereafter,~~ Whenever the lieutenant governor files with the supreme court ~~his~~ **the lieutenant governor's** written declaration that no inability exists, the supreme court shall meet within forty-eight (48) hours to decide whether ~~such~~ **be the case no inability exists**, and ~~such~~ **the** decision shall be final. Upon a decision that no inability exists, the lieutenant governor shall resume the powers and duties of ~~his~~ **the lieutenant governor's** office.

SECTION 23. IC 4-4-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Whenever the supreme court decides that the lieutenant governor is unable to discharge the powers and duties of ~~his~~ **the lieutenant governor's** office, the governor shall appoint a person as acting lieutenant governor to discharge the powers and duties of the office of lieutenant governor until the supreme court decides that no inability exists.

SECTION 24. IC 4-4-10.9-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. "Mortgagee" means the original lender under a mortgage and ~~his~~ **the original lender's** successors and assigns approved by the authority and may include all insurance companies, trust companies, banks, investment companies, savings banks, executors, trustees, and other fiduciaries, including pensions and retirement funds.

SECTION 25. IC 4-4-10.9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. "Mortgagor" means the original borrower under a mortgage and ~~his~~ **the original borrower's** successors and assigns.

SECTION 26. IC 4-4-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Any member or employee of the authority who has, will have, or later acquires an interest, direct or indirect, in any transaction with the authority shall

immediately disclose the nature and extent of the interest in writing to the authority as soon as ~~he~~ **the member or employee** has knowledge of the actual or prospective interest. The disclosure shall be announced in open meeting and entered upon the minutes of the authority. Upon disclosure, the member or employee shall not participate in any action by the authority authorizing the transaction. ~~However, such~~ An interest shall not invalidate actions by the authority with the participation of the disclosing member prior to the time when the member became aware of the interest or should reasonably have become aware of the interest.

SECTION 27. IC 4-4-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Notwithstanding the provisions of any other law, no officer or employee of the state forfeits ~~his~~ **the officer's or employee's** office or employment by reason of ~~his~~ **the officer's or employee's** acceptance of membership in the authority or by reason of ~~his~~ **the officer or employee** providing services to the authority.

SECTION 28. IC 4-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) If certified and sealed by the secretary of state with the state seal, any copy (including a copy that has been reproduced from a micrographic copy prepared under section 2 of this chapter) of any records, laws, acts, official bonds, registers, rules, or papers that are required by law to be kept in the office of the secretary of state shall, in all cases, be evidence equally and in like manner as the originals.

(b) The secretary of state shall attest all the official acts and proceedings of the governor and affix the seal of state, with ~~such~~ **the** attestation, to all commissions, pardons, and other public instruments to which the signature of the governor is required.

(c) The secretary of state shall permit all the books, bonds, conveyances, registers, papers, accounts, and transactions of ~~his~~ **the secretary of state's** office to be open at all times to the inspection and examination of any committee of either branch of the general assembly.

(d) The secretary of state shall furnish information in writing upon any subject relating to the duties of ~~his~~ **the secretary of state's** office to the governor, whenever required.

SECTION 29. IC 4-5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~He~~ **The secretary of state** shall furnish, on demand, to any person, a duly certified copy of all or any

part of any law, act, record, public register, public document, or other instrument of writing on file, or deposited, ~~pursuant to~~ **under** law, to be kept, in ~~his the secretary of state's~~ office, and of which a copy may be properly given.

SECTION 30. IC 4-5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The secretary of state shall be the custodian of the public records of the state of Indiana, except as required by law to be deposited elsewhere, and shall keep ~~his the secretary of state's~~ office and all books and papers ~~thereto~~ **pertaining to the office** in ~~such~~ places in the state buildings as may be assigned. ~~He~~ **The secretary of state** shall arrange, record, file, register, index, and keep all books, blanks, reports, orders, receipts, accounts, papers, documents, and business pertaining to ~~his the secretary of state's~~ office, or deposited **in the secretary of state's office, therein**, and in ~~such~~ a form and manner as will make the ~~same items~~ most convenient ~~of to~~ access.

SECTION 31. IC 4-6-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The attorney general shall be a citizen of ~~this state~~ and duly licensed to practice law ~~therein~~. **in Indiana.** Before entering upon the discharge of the duties of ~~his the attorney general's~~ office, ~~he the attorney general~~ shall take and subscribe an oath of office to be administered to ~~him the attorney general~~ in the usual form by any officer authorized to administer oaths; which oath shall be deposited in the office of the secretary of state. ~~He~~ **The attorney general** shall also, previous to entering upon the duties of ~~said the~~ office, properly execute and file with the secretary of state ~~his the attorney general's~~ bond in the penal sum of fifty thousand dollars (\$50,000), payable to the state of Indiana, with surety to the approval of the secretary of state, and conditioned for the faithful discharge of ~~his the attorney general's~~ duties as ~~such~~ attorney general; the premium on ~~such the~~ bond shall be payable from state funds to be appropriated. ~~therefor.~~

SECTION 32. IC 4-6-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The attorney general shall have ~~such~~ deputies, assistants, clerks, and stenographers as ~~he the attorney general may deem~~ **considers** necessary to promptly and efficiently perform the duties of ~~his the attorney general's~~ office, and which shall be selected and appointed by ~~him~~; **the attorney general**; they shall

take and subscribe an oath of office to be administered in the usual form by any officer authorized to administer oaths, which shall be kept on file in ~~his~~ **the attorney general's** office.

SECTION 33. IC 4-6-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. All ~~of~~ the rights, powers, and duties conferred by law upon the attorney general are conferred upon the attorney general created by this chapter; in addition thereto, the attorney general shall consult with and advise the several prosecuting attorneys of the state in relation to the duties of their office, and when, in ~~his~~ **the attorney general's** judgment, the interest of the public requires it, ~~he~~ **the attorney general** shall attend the trial of any party accused of an offense, and assist in the prosecution; and shall represent the state in any matter involving the rights or interests of the state, including actions in the name of the state, for which provision is not otherwise made by law.

SECTION 34. IC 4-6-2-1, AS AMENDED BY P.L.229-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The attorney general shall prosecute and defend all suits instituted by or against the state of Indiana, the prosecution and defense of which is not otherwise provided for by law, whenever the attorney general has been given ten (10) days' notice of the pendency of the suit by the clerk of the court in which the suit is pending, or whenever the governor or a majority of the officers of state require the attorney general in writing, with reasonable notice, to prosecute or defend a suit. The attorney general shall represent the state in all criminal cases in the Supreme Court, and shall defend all suits brought against the state officers in their official relations, except suits brought against them by the state; and ~~he~~ **the attorney general** shall be required to attend to the interests of the state in all suits, actions, or claims in which the state is or may become interested in the Supreme Court of this state.

(b) The attorney general may not defend a member (as defined in IC 2-2.1-4-5) in an action for legislative bolting brought under IC 2-2.1-4.

SECTION 35. IC 4-6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~Such~~ **The** attorney general shall not, in any case, be required to exhibit to any court ~~his~~ **the attorney general's** authority for appearing in and conducting the prosecution or

defense of any ~~such~~ suit, unless ~~his~~ **the attorney general's** authority be denied under oath, in which case ~~his~~ **the attorney general's** commission shall be all the evidence required.

SECTION 36. IC 4-6-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The attorney general shall reside at Indianapolis, and ~~he~~ **the attorney general** shall keep ~~his~~ **the attorney general's** office in the statehouse; and ~~he~~ **the attorney general** shall, on all business days, during business hours, be at ~~said~~ **the** office, in person or by deputy, unless engaged in court or elsewhere in the service of the state.

SECTION 37. IC 4-6-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. It shall be the duty of the attorney general to keep a record of all opinions given by ~~him~~ **the attorney general** to the governor, the general assembly, or to any of the state officers, and an accurate account of all ~~moneys~~ **money** collected or received by ~~him~~, **the attorney general**, in substantially bound books, and to pay over to the proper officer all money collected at the end of each month; and ~~he~~ **the attorney general** shall also keep a record of all criminal cases pending in the Supreme Court, and of all civil cases in which it is ~~his~~ **the attorney general's** duty to appear.

SECTION 38. IC 4-6-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The attorney general shall give ~~his~~ **the attorney general's** legal opinion to the governor upon request, touching upon any question or point of law in which the interests of the state may be involved. ~~He~~ **The attorney general** shall give ~~his~~ **the attorney general's** opinion to any other state officer touching upon any question or point of law concerning the duties of the officer; and also, to either house of the general assembly or to any legislative agency created ~~pursuant to~~ **under** action of the general assembly, on the constitutionality of any existing or proposed law, upon request by resolution of the house or legislative agency, and ~~he~~ **the attorney general** shall not be required to advise any other officer or person.

SECTION 39. IC 4-6-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. It shall be the duty of the attorney general to make a biennial report to the governor of the business and condition of ~~his~~ **the attorney general's** office, and to make a report to the auditor of state at the end of each fiscal year of all collections made by ~~him~~ **the attorney general** and the manner of disbursement.

SECTION 40. IC 4-6-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. **(a)** It shall be the duty of any officer or person from whom the attorney general, or any of ~~his~~ **the attorney general's** deputies or assistants, shall collect or receive money due the state, to report at once to the auditor of state, on blanks to be furnished by the attorney general, ~~to them,~~ the sum or sums ~~so~~ received or collected. ~~and the character, thereof, and~~

(b) The auditor of state ~~is hereby required to~~ **shall** keep a record of ~~such~~ the reports **described in subsection (a).**

SECTION 41. IC 4-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever any ~~such~~ action, counter-claim, petition, or cross-complaint is filed in any court in this state in which the state of Indiana or any board, bureau, commission, department, division, agency, or officer or employee in ~~his~~ **the employee's** capacity as an employee of the state of Indiana is a party and the attorney general is required or authorized to appear or defend, or when the attorney general is entitled to be heard, a copy of the complaint, cross-complaint, petition, bill, or pleading shall be served on the attorney general and ~~such~~ the action, cross-action, or proceeding shall not be ~~deemed~~ **considered** to be commenced as to the state or any ~~such~~ board, bureau, commission, department, division, agency, or officer or employee in ~~his~~ **the employee's** capacity as an employee of the state of Indiana until ~~such~~ service. Whenever the attorney general has appeared in any suit, action, or proceeding, copies of all motions, demurrers, petitions, and pleadings filed ~~therein~~ shall be served upon the attorney general by the party filing the ~~same:~~ **motion, demurrer, petition, or pleading.** ~~provided, further, that~~ The clerk of the court shall cause to be served upon the attorney general a copy of the ruling made by the court upon ~~such~~ the motions, demurrers, petitions, and pleadings, and ~~such~~ the ruling shall not be ~~deemed~~ **considered** effective in any manner as against the attorney general or as against the state of Indiana or any board, bureau, commission, department, division, agency, or officer or employee in ~~his~~ **the employee's** capacity as an employee of the state of Indiana unless and until ~~such~~ a copy shall be served upon the attorney general or any deputy attorney general as provided in section 2 of this chapter. ~~provided, further, that~~ In any action in which the attorney general is required or authorized to appear or defend or entitled to be heard, in which action some matter

or thing occurs upon which occurrence time begins to run, the running of ~~such~~ time shall be suspended as to the attorney general until ~~such~~ service is had upon the attorney general or any deputy attorney general as provided in section 2 of this chapter. ~~provided, further, that~~ Whenever any claim filed for and on behalf of the state of Indiana or any board, bureau, commission, department, division, agency, officer, or institution of the state of Indiana in any estate or guardianship pending in any court having probate jurisdiction in the state of Indiana is not allowed and the clerk of the court, administrator, administratrix, executor, executrix, or guardian transfers ~~such the~~ claim to the trial docket, ~~said the~~ claim shall not be disposed of nor shall any disposition made of ~~such the~~ claim be deemed to be a final adjudication unless and until due notice of the trial date of ~~such the~~ claim shall be served on the attorney general or any deputy attorney general as provided in section 2 of this chapter at least ten (10) days prior to the date set for trial of ~~said the~~ claim.

SECTION 42. IC 4-6-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The compensation of any ~~such~~ special deputy attorney general shall be payable from the amount recovered for the benefit of any city, town, township, county, or other governmental unit or public entity of the state as a result of the successful prosecution of any ~~such~~ civil proceedings in which any ~~such~~ special deputy attorney general has been appointed and employed, and the attorney general of Indiana is ~~hereby~~ authorized to pay ~~such~~ compensation to any ~~such~~ special deputy attorney general from ~~such the~~ amount and to remit the balance ~~thereof~~ to the governmental unit or public entity ~~in on~~ behalf of which ~~such the~~ amount has been recovered. In the event any ~~such~~ civil proceedings are unsuccessful and, upon prosecution to final conclusion, do not result in the recovery of any ~~such~~ funds, ~~then, and in that event, such~~ compensation shall be payable from the funds of the governmental unit or public entity ~~in on~~ behalf of which any ~~such~~ civil proceedings may have been brought, and the disbursing officers of any and all governmental units or public entities of the state are ~~hereby~~ authorized and directed to make payment in full of any ~~such~~ compensation to any ~~such~~ special duty attorney general, without an appropriation being made ~~therefor~~ upon certification of the attorney general and the judge of the court in which the action was brought to any ~~such~~ disbursing officer of the amount due

any ~~such~~ special deputy attorney general for ~~his~~ **the special deputy attorney general's** services in connection with the conduct and prosecution of any ~~such~~ civil proceedings.

SECTION 43. IC 4-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The attorney general is ~~hereby~~ authorized to employ one (1) or more assistants, residing in the city of Washington, District of Columbia, to assist ~~him~~ **the attorney general** in the presentation and prosecution of claims of the state against the United States, pertaining to swamplands, or swampland indemnity, as ~~he~~ **the attorney general** may think necessary.

SECTION 44. IC 4-6-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As compensation and for all their costs and expenses, ~~such the~~ assistant or assistants shall receive a sum equal to not more than twenty-five ~~per cent percent~~ **per cent percent** (25%) of the money recovered and turned over to the state, to be fixed in the contract of employment. The state shall not be liable to ~~such the~~ assistant or assistants for any other sum, either for compensation or costs. ~~Provided, That~~ In case money ~~so~~ recovered is paid into the state treasury without ~~such the per cent percent~~ having been first deducted, the auditor of state shall issue ~~his the auditor of state's~~ warrant, upon a voucher approved by the attorney general, for a sum equal to not more than twenty-five ~~per cent percent~~ **per cent percent** (25%) of the money ~~so~~ recovered and paid in; and there is ~~hereby~~ appropriated out of the funds of the treasury not otherwise appropriated ~~such~~ sums as may be necessary for ~~such this~~ purpose.

SECTION 45. IC 4-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. In order to maintain full co-operation in the war effort in all fields of proper state activity and to secure concerted action among the states to preserve the operations of state functions of government, it shall be the duty of the attorney general to study existing and proposed federal legislation and to cooperate with the attorneys general of other cooperating states in ~~such~~ studies to determine the effect of ~~such~~ legislation upon the normal field of state functions and powers, and to report to ~~this state's~~ **Indiana's** governor, senators, and representatives in congress the results of ~~such the~~ studies in all instances where ~~he the attorney general considers~~ **deems such the** action appropriate, or where, in ~~his the~~ attorney

general's opinion, any legislation affects, or would affect, if enacted into law, the normal field of state functions and powers.

SECTION 46. IC 4-6-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The attorney general shall also make any reasonable or appropriate investigation or study of any ~~such~~ existing or proposed federal legislation whenever ~~he~~ **the attorney general** is specifically requested so to do by any of ~~this state's~~ **Indiana's** senators or representatives in congress and report the result ~~thereof of the investigation or study~~ as requested.

SECTION 47. IC 4-6-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The attorney general ~~and/or his~~ **and the attorney general's** deputy or assistant is ~~hereby~~ authorized to become a member of an organization existing on November 3, 1943, or formed after November 3, 1943, consisting of the attorneys general of similarly cooperating states ~~and/or and~~ their deputies and assistants and, through ~~such the~~ organization, is further authorized to ~~utilize use~~ the services of the Council of State Governments in any manner deemed appropriate to effect the purposes of this chapter.

SECTION 48. IC 4-6-9-4, AS AMENDED BY P.L.136-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The division has the following powers and duties:

- (1) The power to investigate any written consumer complaint made by a nonmerchant arising from a transaction between a merchant as defined in the Uniform Commercial Code and a nonmerchant concerning sales, leases, assignments, awards by chance, or other dispositions of goods, services, or repairs, and intangibles to a person for purposes that are primarily personal, familial, household, charitable, or agricultural, or a solicitation to supply any of the above things. When a consumer trades in or sells a motor vehicle to another consumer or nonconsumer, ~~he~~ **the consumer** shall be ~~deemed considered~~ to be a nonconsumer and shall be subject to the provisions of this chapter. The division shall have no jurisdiction over matters concerning utilities subject to regulation by the utility regulatory commission or by an agency of the United States except that the provisions of subdivision (5) shall apply and except as provided in IC 8-1-29.

(2) For complaints filed after August 31, 1984, the duty to ascertain from the consumer whether the consumer consents to public disclosure by the division of the filing of the complaint, including the consumer's identity and telephone number, if any.

(3) The duty to notify the merchant of the nature of the complaint by written communication and request a written reply.

(4) Upon receipt of reply, the duty to act as mediator between the parties and attempt to resolve all complaints in a conciliatory manner. The director of the division and the attorney general have discretion whether to mediate complaints involving a de minimis amount of money.

(5) If no reply is received or if the parties are unable to resolve their differences, and no violation of federal or state statute or rule is indicated, the duty to provide the complainant with a copy of all correspondence relating to the matter.

(6) Whenever a violation of a state or federal law or administrative rule is indicated, the duty to forward to the appropriate state or federal agency a copy of the correspondence and request that the agency further investigate the complaint and report to the division upon the disposition of the complaint.

(7) The power to initiate and prosecute civil actions on behalf of the state whenever an agency to which a complaint has been forwarded fails to act upon the complaint within ten (10) working days after its referral, or whenever no state agency has jurisdiction over the subject matter of the complaint.

(b) All complaints and correspondence in the possession of the division under this chapter are confidential unless disclosure of a complaint or correspondence is:

(1) requested by the person who filed the complaint;

(2) consented to, in whole or in part, after August 31, 1984, by the person who filed the complaint;

(3) in furtherance of an investigation by a law enforcement agency; or

(4) necessary for the filing of an action by the attorney general under IC 24-5-0.5.

(c) Notwithstanding subsection (b), the division may publicly disclose information relating to the status of complaints under subsection (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) Except for a residential telephone number published in the most recent quarterly telephone sales solicitation listing by the division under IC 24-4.7-3 and except as provided in subsection (e), all consumer information provided for the purposes of registering for or maintaining the no telephone sales solicitation listing is confidential.

(e) The name, address, and telephone number of a registrant of the most recent quarterly no telephone sales solicitation listing may be released for journalistic purposes if the registrant consents to the release of information after June 30, 2007.

SECTION 49. IC 4-7-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **He (a) The auditor of state** shall, from time to time, require all persons receiving ~~moneys~~ **money** or securities, or having the management of any property, money, securities, or funds of the state, of ~~which~~ **an account that** is kept in ~~his~~ **the auditor of state's** office, to render statements ~~thereof to him;~~ **the auditor of state.**

~~(b) and all such~~ **The** officers or persons **described in subsection (a)** shall render ~~such the~~ statements, at ~~such a~~ time and in ~~such a~~ form as ~~shall be~~ **required by the auditor of state.**

SECTION 50. IC 4-7-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~He~~ **The auditor of state** shall have power to administer oaths in the adjustment or settlement of all claims for or against the state.

SECTION 51. IC 4-7-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Whenever any person is entitled to draw money from the state treasury, the auditor may draw a warrant in ~~his~~ **the auditor's** favor on the treasurer of state or authorize an electronic funds transfer in conformity with IC 4-8.1-2-7. The auditor of state shall:

- (1) enter in a proper book provided for that purpose every warrant or electronic funds transfer ~~he the auditor~~ draws on the treasury:
 - (A) in the order ~~he the auditor~~ issues the **warrant or transfer; same;**
 - (B) in ~~such a~~ manner as to show the date; ~~thereof;~~
 - (C) in whose favor drawn;
 - (D) the nature of the claim upon which it is founded; and
 - (E) with a reference to the law under which it is drawn;

(2) carry ~~such the~~ entries into a book of general accounts, under separate and distinct heads; and

(3) number and file, in ~~his the auditor's~~ office, all papers and vouchers upon which ~~he the auditor~~ shall issue any warrant or electronic funds transfer for the payment of money.

SECTION 52. IC 4-7-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A copy of the account, in ~~such a~~ case made out and certified by the auditor, shall be sufficient evidence to support an action for the amount stated ~~therein~~ to be due, without proof of the signature or official character of ~~such the~~ auditor, subject ~~however,~~ to the right of the defendant to plead and give in evidence, as in other actions, all ~~such~~ matters as shall be legal and proper for ~~his the defendant's~~ defense.

SECTION 53. IC 4-7-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The party ~~so~~ sued shall be subject to the costs and charges of suit, except in cases in which ~~he the party~~ shall have rendered a true account, and shall also have paid the amount to the proper person authorized to receive the same, before the commencement of ~~such the~~ suit, or unless suit is brought against the representative of the original party.

SECTION 54. IC 4-7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The auditor of state is ~~hereby~~ authorized to designate two (2) of ~~his the auditor of state's~~ deputies as chief deputies. ~~Such The~~ chief deputies ~~provided for herein~~ shall not be members of the same political party and their salaries shall be fixed by the state budget committee.

SECTION 55. IC 4-8.1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The state treasury is composed of:

- (1) all moneys collected under any law of this state providing for the collection of revenue for state purposes;
- (2) all moneys borrowed on the credit of the state by the treasurer of state or any other authorized agent of the state;
- (3) all moneys derived from the sale of property belonging to or held in trust by the state;
- (4) all moneys and securities belonging to, lent to, or held in trust by the state, where no other disposition of them is required by law;

- (5) all income derived in any manner from any money or property specified in this section;
- (6) every fee, perquisite, or bonus received by any state officer in the discharge of ~~his~~ **the state officer's** duties;
- (7) all dividends arising from bank or other stock appropriated to the payment of any part of the interest on the public debt; and
- (8) all moneys from any source paid, belonging, or accruing to the state for the use of the state or to a state fund for any purpose.

SECTION 56. IC 4-8.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The governor may request the state board of accounts or appoint a certified public accountant to make, without previous notice of an inspection, a thorough inspection of the state treasury and the records relating to the state treasury. The treasurer of state, the auditor of state, and the employees of their offices, shall assist the state board of accounts or the accountant in all ways necessary to the performance of the inspection. The state board of accounts or the accountant is authorized to administer oaths to the treasurer of state, the auditor of state, or their employees for the purpose of obtaining sworn testimony. The state board of accounts or the accountant may compel the attendance of witnesses and send for persons and papers.

(b) The state board of accounts or the accountant shall certify ~~his~~ **the accountant's** findings to the treasurer of state, the auditor of state, and the governor.

(c) The accountant shall be paid for ~~his~~ **the accountant's** services and ~~his~~ **the accountant's** expenses by the governor out of ~~his~~ **the governor's** contingency fund at a rate determined reasonable by the governor.

SECTION 57. IC 4-8.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The treasurer of state shall deliver to ~~his~~ **the treasurer of state's** successor in office all ~~moneys~~ **money** and securities and all effects of ~~his~~ **the treasurer of state's** office.

SECTION 58. IC 4-8.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The treasurer of state may not use or permit any other person to use the ~~moneys~~ **money** or property received by ~~him~~ **the treasurer of state** or paid into the state treasury, except as permitted by law.

(b) The treasurer of state may not receive for ~~his~~ **the treasurer of state's** own use any interest, premium, gratuity, or bonus from the disposition of, or arising out of, any money or property belonging to the state, to any county of the state, to any state or county fund, or to any other political subdivision.

SECTION 59. IC 4-8.1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Before ~~moneys~~ **money** may be deposited in the state treasury, the treasurer of state must receive from the person or agency making the deposit a report of collections due the state treasury, describing the source of the ~~moneys~~ **money** and the fund and account to which they are to be credited. The treasurer of state shall acknowledge receipt of the ~~moneys~~ **money** deposited in the state treasury and shall send the original of the report of collections to the auditor of state, who shall, after preaudit, prepare ~~his~~ **the auditor of state's** accounting forms from the report. The auditor of state shall give the person or agency depositing the ~~moneys~~ **money** the appropriate auditor's form. The treasurer of state and the auditor of state shall reconcile collections daily.

SECTION 60. IC 4-8.1-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The treasurer of state shall keep double entry records of warrants paid, receipts, cash on hand, and investments for which ~~he~~ **the treasurer of state** is accountable by law in sufficient detail to fulfill the requirements of the law and the duty of ~~his~~ **the treasurer of state's** office to safeguard the state treasury.

SECTION 61. IC 4-8.1-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. All state ~~moneys~~ **money** deposited by any public debtor in a bank for the use of the state, except when otherwise directed by law, shall be deposited to the credit of the treasurer of state and subject to ~~his~~ **the treasurer of state's** order.

SECTION 62. IC 4-8.1-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The treasurer of state or ~~his~~ **the treasurer of state's** agent may rent safety deposit boxes or vaults of one (1) or more banks or trust companies located in the state and keep in them securities in ~~his~~ **the treasurer of state's or agent's** custody, or give the securities to a bank, trust company, or other depository to hold as custodian under IC 5-13.

(b) A bank, trust company, or other depository which accepts securities as custodian shall:

- (1) clip coupons;
- (2) surrender matured issues for collection; and
- (3) receive the proceeds of all collections and remit them to the treasurer of state.

SECTION 63. IC 4-8.1-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Any embezzlement or breach of trust on the part of the treasurer of state shall be immediately reported to the governor by the person discovering the embezzlement or breach of trust. The governor and the auditor shall make a careful examination to see if the embezzlement or breach of trust has occurred, and if it has, cause the treasurer of state to be arrested. After the arrest of the treasurer of state the governor shall appoint a deputy treasurer of state, who shall qualify and give bond as required for the treasurer of state and who shall be given exclusive control of the state treasury. The deputy treasurer has the powers and duties of and is subject to the liabilities of the treasurer of state until the treasurer of state is acquitted or ~~his~~ **the treasurer of state's** successor is elected and qualified.

SECTION 64. IC 4-10-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The auditor of state is ~~hereby~~ authorized and empowered, where the provisions of sections 1, 2, and 3 of this chapter are not literally and specifically followed, and where the terms of the appropriation act have been violated, to refuse issue of warrants, and if, in the examination of vouchers rendered by any departments of state government, any violations of any sections 1, 2, and 3 of this chapter are found to have been made where warrant has been issued, then ~~he~~ **the auditor of state** shall charge back to the proper department the deficient vouchers, and refuse further issue of warrants until the state has been given the proper credit for the amounts held to be irregular and void.

SECTION 65. IC 4-10-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~(a) It shall be unlawful for the~~ **A trustee on a** board of trustees of any benevolent, scientific, or educational institution, or ~~for~~ any correctional facility of the state, ~~to~~ **shall not:**

- (1) borrow money upon the credit of the state; ~~or to~~

(2) contract any indebtedness on the credit of the state; or to
 (3) make expenditures for improvements for ~~said institutions an~~
institution or correctional ~~facilities~~ **facility** in any way;
 unless the ~~said loans loan~~ or expenditure of money ~~are is~~ first
 authorized by an act of the general assembly. ~~for such purposes.~~

(b) A trustee who violates this section:

(1) commits a Class C infraction; and

(2) forfeits the trustee's office.

SECTION 66. IC 4-10-14-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2. A trustee who violates section 1 of this chapter commits a Class C infraction and forfeits his office.~~

SECTION 67. IC 4-10-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever there shall be a failure at any regular biennial session of the general assembly to pass an appropriation bill or bills, making appropriations for the objects and purposes hereinafter mentioned, it shall be lawful for the governor, secretary and treasurer of state, until appropriations shall be made by the legislature, to direct the auditor of state to draw ~~his~~ **the auditor of state's** warrants on the state treasury for ~~such the~~ sums as they may, from time to time, decide to be necessary for ~~such the~~ purposes respectively, not ~~however~~ exceeding the amounts appropriated for the same objects respectively by the last preceding appropriations which shall have been made by the general assembly; and to pay ~~such the~~ warrants as may, from time to time, be drawn and presented, a sufficient sum of money is ~~hereby~~ appropriated.

SECTION 68. IC 4-10-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As soon as the auditor of state makes a final determination of the amount of total state general fund revenues for a particular state fiscal year, ~~he~~ **the auditor of state** shall certify that amount to the budget director.

(b) As soon as possible after receiving the certification from the auditor of state under subsection (a), the budget director shall determine the amount, if any, that is appropriated into or out of the fund under section 4 of this chapter. If an appropriation is made into the fund under section 4 of this chapter, the budget director shall immediately certify that amount to the treasurer of state. If an appropriation is made out of the fund under section 4 of this chapter, the budget director shall certify to the treasurer of state an amount

equal to the part of the appropriation, if any, by which the general fund general operating budget, for the state fiscal year for which the appropriation is made, exceeds the budget director's estimate of the total general fund revenues for that same state fiscal year. The budget director shall make the certification or certifications of money to be transferred out of the fund at the time or times that ~~he~~ **the budget director** determines the general fund general operating budget would exceed the total estimated state general fund revenues.

(c) Immediately upon receiving a certification from the budget director under subsection (b), the auditor of state and treasurer of state shall make the appropriate transfer into or out of the fund.

(d) Any amount, which is appropriated out of the fund under section 4 of this chapter, but which has not been transferred out of the fund under this section at the end of the state fiscal year for which the appropriation is made, shall revert to the fund.

SECTION 69. IC 4-11-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. No borrower shall be permitted to defend any suit brought for the recovery of ~~any such~~ money on the ground that the officer who made the loan loaned a greater sum than the law authorized; nor shall any title to land, or lands and tenements, be ~~deemed~~ **considered** invalid because the mortgage upon which it was or may be sold was or is or may be for a sum greater than the law authorized to be loaned. ~~provided, however, that~~ This chapter shall not be ~~so~~ construed as to release any officer charged with the loaning of ~~said the~~ funds, or any of them, or ~~his the officer's~~ or their securities, from any liability incurred after August 17, 1855, for breach of duty.

SECTION 70. IC 4-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. In all cases where the mortgagor is considered of doubtful solvency, and the property, when offered for sale, will not bring the amount due on the mortgage, the state ~~herself~~ may bid in the property for what the same may be ~~deemed~~ **considered** worth, and hold the mortgagor liable upon ~~his the~~ **mortgagor's** bond for the deficiency. ~~Provided, however, That~~ If the state ~~shall~~ subsequently ~~sell~~ **sells** any land ~~so that was~~ bid in for more than the amount of principal, interest, damages, and costs due from the mortgagor or mortgagors, ~~he or they the mortgagor or mortgagors~~ shall be entitled to the surplus.

SECTION 71. IC 4-11-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The laws limiting the amount to be loaned by the officers having charge of ~~said the~~ funds shall not prevent substitutions, but ~~such the~~ substitutions may be made by the borrower, or any third person by ~~his the person's~~ consent where the officer having control of the fund believes the interest of the fund will not suffer. ~~thereby. Provided,~~ The mortgaged security shall, in no case, be diminished, but may be increased, if ~~deemed~~ **considered** insufficient.

SECTION 72. IC 4-11-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) In all cases where lands in this state have been mortgaged to the state of Indiana, or to trustees or to custodians of the funds hereinafter named, or to the officers having had control and management ~~thereof~~, prior to January 1, 1900, to secure the loans of the Indianapolis funds, the bank tax fund, the treasury fund, the congressional fund, the saline fund, the sinking fund, the state surplus revenue fund, the county surplus fund, the state university fund, the college fund, the seminary fund, the permanent endowment fund and all other state trust funds of this state, except the common school fund, and ~~such the~~ loans have been paid and not released, or not legally and properly released of record, or, having been released, ~~such the~~ releases have been lost before being recorded in the proper recorder's office, the auditor of state of the state of Indiana is ~~hereby~~ authorized and directed to execute a release of ~~such the~~ mortgage under ~~his the auditor of state's~~ hand and the seal of ~~his the auditor of state's~~ office.

(b) In case evidence of the payment of ~~such~~ mortgage debts ~~appear~~ **appears** in the records in the office of ~~said the~~ auditor of state, or in the office of the treasurer of state, then ~~such the~~ release of ~~such the~~ mortgage shall be executed without further proof, but if not, then the ~~said~~ auditor of state shall require documentary evidence and affidavits or other proof to be filed in ~~his the auditor of state's~~ office, which shall establish to ~~his the auditor of state's~~ satisfaction the fact of full payment of ~~said the~~ mortgage debt, ~~thereupon he and the auditor of state~~ shall release ~~such the~~ mortgage.

SECTION 73. IC 4-11-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The auditor of state ~~be and he is hereby~~ authorized to enter satisfaction of the mortgages

executed to the state of Indiana to secure loans made by the agents of the state appointed in the several counties of the state to loan the surplus revenue funds deposited with the state by the government of the United States and apportioned to the several counties of the state, and now remaining unsatisfied upon the records in the recorders' offices of the several counties of the state.

SECTION 74. IC 4-12-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A budget agency is created as an agency of the state. A director, appointed by the governor to serve at ~~his~~ **the governor's** will and pleasure, shall be the chief executive officer of the agency and shall be known as the budget director. The director shall receive the salary fixed by the governor and shall give all of ~~his~~ **the director's** time to ~~his~~ **the director's** office and the budget agency. ~~He~~ **The director** shall execute ~~such a~~ bond as shall be approved by the governor, conditioned for the faithful discharge of ~~his~~ **the director's** official duties, and an oath of office, and both shall be filed with the secretary of state.

(b) A budget committee consisting of five (5) regular members and four (4) alternate members is established: One (1) regular member is the budget director, while in office. The four (4) remaining regular members must be legislators selected in the following manner. Two (2) members must be senators appointed by the president pro tempore of the senate, one (1) of whom shall be nominated by the leader of the minority political party of the senate. Two (2) members must be representatives appointed by the speaker of the house of representatives, one (1) of whom shall be nominated by the leader of the minority political party of the house of representatives. Legislative appointments to the budget committee shall be made within fifteen (15) days after the official selection of the president pro tempore of the senate and the speaker of the house of representatives. Each member appointed by the president pro tempore of the senate and each member appointed by the speaker of the house of representatives shall serve at the will and pleasure of ~~his~~ **the member's** respective appointing leadership or until ~~his~~ **the member's** term as a member of the general assembly expires, whichever is shorter. Vacancies occurring in the legislative appointments to the budget committee shall be filled for the unexpired term by the president pro tempore of the senate or speaker of the house last elected in like manner as if appointment to ~~such the~~

vacant offices were being made originally. Nominations shall be made by the persons above mentioned in this section who were elected and selected at the last preceding session of the general assembly. When there is no ~~such~~ legislative officer entitled to fill vacancies, the governor shall fill ~~such the~~ vacancies from among members and members-elect of the senate and of the house of representatives who are members of the same house and political party as the vacating member. Any ~~such~~ appointee of the governor shall serve for the unexpired term of the vacating member or until the first day of the next session of the general assembly.

The four (4) alternate members of the budget committee must be legislators selected in the manner described in this section for the appointment of the four (4) regular legislative members of the budget committee. An alternate member is entitled to participate in the budget committee meetings in the same manner as the regular members, except that ~~he the alternate member~~ is entitled to vote only if the regular member from ~~his the alternate member's~~ respective house and political party is not present for the vote. The alternate members shall serve the same term of office as the regular members of the budget committee.

SECTION 75. IC 4-12-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Two (2) offices are ~~hereby~~ created in the budget agency which shall be responsible to, and junior and subordinate to, the budget director. The persons to fill ~~such the~~ offices shall be appointed by the governor to serve at ~~his the governor's~~ will and pleasure, shall not be adherents of the same political party, shall receive the salary fixed by the governor, shall give all of their time to the respective offices and to the budget agency, and each shall be a deputy budget director. The director shall designate the order in which ~~such the~~ deputy directors shall serve in the place and stead of the budget director in the event of ~~his the director's~~ disability or absence.

(b) The budget director is authorized to employ ~~such~~ staff members, assistants, employees, and clerks as ~~he the budget director~~ shall require to discharge efficiently and economically the duties and functions and rights and powers of the budget agency. ~~established hereby.~~ Within this authority the director may employ on a part-time or advisory basis the services of experts in the field of public revenue and

public finance and the administration thereof as such the services are desirable or necessary in the effective management and operation of the budget agency and in the discharge of its duties and functions.

(c) Promptly upon the receipt of a request therefor from the budget committee, the budget director shall provide such the assistants, employees, clerks, and experts as are reasonably required to permit prompt and efficient discharge of the duties and functions and work of the budget committee. To the extent that assistants, employees, clerks, and experts ordinarily employed by the budget agency are available and are not required by the budget agency to execute and administer appropriations made by law, the budget director shall utilize employ these persons to serve the budget committee.

SECTION 76. IC 4-12-1-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.5. (a) The budget director may determine on or after July 1 of each fiscal year the costs of operating, during the preceding fiscal year, the office of the auditor of state, the office of attorney general, the office of the treasurer of state, the department of administration, the state budget agency and any other state agency that the budget director determines is attributable to the operations of other state agencies. The budget director shall establish a formula to determine those costs.

(b) When the budget director has determined the total attributable amount of those costs for each of the state agencies, he the budget director shall certify those amounts to the auditor of state and shall transmit a duplicate of the certification to the treasurer of state.

(c) The amount certified by the budget director for an agency supported by any dedicated fund is appropriated to pay that cost from the dedicated fund used to support that agency. On receipt of the certification of the budget director, the auditor of state shall transfer from the dedicated funds to the state general fund the amounts certified by the budget director. The auditor of state shall make the appropriate entries in the records of those dedicated funds. The treasurer of state shall make the appropriate entries in his the treasurer of state's records.

SECTION 77. IC 4-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. There is hereby created a department of state government which shall be known as the Indiana department of administration, referred to in this chapter as the

department; and which shall consist of a commissioner as its executive head and of ~~such~~ officers and employees ~~which who~~ shall be appointed or employed in ~~such the~~ department. The commissioner shall be appointed by the governor and ~~he the commissioner~~ shall hold office at the pleasure of the governor. The commissioner shall be well versed in administrative management and in the affairs of state government which by law are the responsibility of the governor, and shall in no manner affect the separate judicial and legislative departments of state government which by law and the Constitution of the State of Indiana are under the jurisdiction and are the responsibility of other state elected officials. The compensation of the commissioner shall be fixed and determined by the ~~state~~ budget agency subject to the approval of the governor.

SECTION 78. IC 4-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The commissioner is empowered to adopt, amend, and promulgate ~~such~~ reasonable administrative and procedural rules and regulations, ~~not inconsistent~~ **consistent** with any applicable law of this state, as ~~he the commissioner~~ may ~~deem consider~~ necessary for the effective administration of this chapter. ~~provided, that all such~~ **Any** rules and regulations shall be issued and promulgated ~~pursuant to the provisions of under~~ **IC 4-22-2.**

SECTION 79. IC 4-13-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The auditor of state shall be director of auditing by virtue of ~~his the auditor of state's~~ office as auditor of state.

SECTION 80. IC 4-13-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. The commissioner of the department of administration, a member of ~~his the commissioner's~~ department, or a member of a standardization committee may not be financially interested or have any personal beneficial interest in any contract or purchase order for any supplies, materials, equipment, or services used by or furnished to any agency of the state.

SECTION 81. IC 4-13-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) For the purpose of the administration of the allotment system provided by this section, each fiscal year shall be divided into four (4) quarterly allotment

periods, beginning respectively on the first day of July, October, January, and April. ~~However,~~ In any case where the quarterly allotment period is impracticable, the ~~state~~ budget director may prescribe a different period suited to the circumstances but not extending beyond the end of any fiscal year.

(b) Except as otherwise expressly provided in this section, the provisions of this chapter relating to the allotment system and to the encumbering of funds shall apply to appropriations and funds of all kinds, including standing or annual appropriations and dedicated funds, from which expenditures are to be made from time to time by or under the authority of any state agency. ~~However,~~ The provisions relating to the allotment system shall not apply to ~~moneys~~ **money** made available for the purpose of conducting a post-audit of financial transactions of any state agency. Likewise, appropriations for construction or for the acquisition of real estate for public purposes may be exempted from the allotment system by the ~~state~~ budget director. ~~but in such cases he~~ **The budget director** shall prescribe ~~such~~ regulations as will ~~insure~~ **ensure** the proper application and encumbering of ~~those~~ funds.

(c) No appropriation to any state agency shall become available for expenditure until:

(1) ~~such the~~ state agency shall have submitted to the ~~state~~ budget agency a request for allotment, ~~such the~~ request for allotment to consist of an estimate of the amount required for each activity and each purpose for which money is to be expended during the applicable allotment period; and

(2) ~~such the~~ estimate contained in the request for allotment shall have been approved, increased, or decreased by the ~~state~~ budget director and funds allotted ~~therefor~~ as ~~hereinafter~~ provided.

The form of a request for allotment, including a request by hand, mail, facsimile transmission, or other electronic transmission, shall be prescribed by the ~~state~~ budget agency with the approval of the auditor of state and shall be submitted to them at least twenty-five (25) days prior to the beginning of the allotment period.

(d) Each request for allotment shall be reviewed by the ~~state~~ budget agency and respective amounts ~~therein~~ shall be allotted for expenditure if:

(1) the estimate ~~therein~~ is within the terms of the appropriation as to amount and purpose, having due regard for the probable future

needs of the state agency for the remainder of the fiscal year or other term for which the appropriation was made; and

(2) the agency contemplates expenditure of the allotment during the period.

Otherwise the ~~state~~ budget agency shall modify the estimate ~~so as~~ to conform with the terms of the appropriation and the prospective needs of the state agency, and shall reduce the amount to be allotted accordingly. The ~~state~~ budget agency shall act promptly upon all requests for allotment and shall notify every state agency of its allotments at least five (5) days before the beginning of each allotment period. The total amount allotted to any agency for the fiscal year or other term for which the appropriation was made shall not exceed the amount appropriated for ~~such the~~ year or term.

(e) The ~~state~~ budget director shall also have authority at any time to modify or amend any allotment previously made by ~~him~~. **the budget director.**

(f) In case the ~~state~~ budget director shall discover at any time that:

(1) the probable receipts from taxes or other sources for any fund will be less than were anticipated; and

(2) as a consequence the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted; ~~therefor~~;

he the budget director shall, with the approval of the governor, and after notice to the state agency or agencies concerned, reduce the amount or amounts allotted or to be allotted ~~so as~~ to prevent a deficit.

(g) The ~~state~~ budget agency shall promptly transmit records of all allotments and modifications ~~thereof~~ to the auditor of state.

(h) The auditor of state shall maintain as a part of the central accounting system for the state, as ~~hereinbefore~~ provided, records showing at all times, by funds, accounts, and other pertinent classifications, the amounts appropriated, the estimated revenues, the actual revenues or receipts; the amounts allotted and available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of the allotments for each state agency.

(i) No payment shall be made from any fund, allotment, or appropriation unless the auditor of state shall first certify that there is a sufficient unencumbered balance in ~~such the~~ fund, allotment, or

appropriation, after taking into consideration all previous expenditures to meet the same. In the case of an obligation to be paid from federal funds, a notice of a federal grant award shall be considered an appropriation against which obligations may be incurred, funds may be allotted, and encumbrances may be made.

(j) Every expenditure or obligation authorized or incurred in violation of the provisions of this chapter shall be void. Every payment made in violation of the provisions of this chapter shall be illegal, and every official authorizing or making ~~such a void~~ payment, or taking part ~~therein~~, **in a void payment**, and every person receiving ~~such a void~~ payment, or any part ~~thereof~~, **of a void payment**, shall be jointly and severally liable to the state for the full amount ~~so~~ paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this chapter, or take any part, ~~therein~~, it shall be ground for ~~his~~ removal **of the appointive officer or employee of the state** by the officer appointing ~~him~~, **the appointive officer or employee of the state**. ~~and~~ If the appointing officer ~~be other than is a person other than~~ the governor and ~~shall fail fails~~ to remove ~~such the~~ officer or employee, the governor may exercise ~~such the~~ power of removal after giving notice of the charges and opportunity for hearing ~~thereon~~ to the accused officer or employee and to the officer appointing ~~him~~. **the accused officer or employee.**

SECTION 82. IC 4-13-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. All rights, powers, and duties of preauditing and accounting for the financial transactions and activities of all state agencies vested in and conferred upon before March 13, 1947, the auditor of state remain vested in and conferred upon the auditor of state. The auditor of state is ~~hereby~~ authorized to employ ~~such~~ professional and clerical assistants as may be necessary to perform the duties imposed upon ~~him~~ **the auditor of state** by this chapter.

SECTION 83. IC 4-13-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) The commissioner of the department of administration shall establish a central warehouse.

(b) Whenever ~~in the opinion of the commissioner he the commissioner shall determine~~ **determines** that it is advantageous to

purchase commodities, materials, or supplies, which are used by several state agencies for their industries or for general operating purposes, ~~he~~ **the commissioner** may do so and warehouse same in the state warehouse. The cost of ~~such~~ commodities and the expense incident ~~thereto~~ shall be paid for in the first instance from the warehousing and stationary revolving fund.

(c) The commissioner shall keep all institutions and departments informed of the commodities, materials, and supplies which are available in the warehouse.

(d) The same procedure for requisitioning articles from the warehouse shall be followed as in requisitioning for purchases except that ~~said~~ **the** requisition shall be noted to be drawn from public warehouse. The commissioner shall invoice to each institution and file ~~his~~ **the commissioner's** claim for reimbursement for any articles furnished and shall add to the actual cost a sufficient amount to pay for all warehouse and handling charges but shall not charge any amount in excess of the actual cost and expense so as to show a profit in operating this warehouse.

SECTION 84. IC 4-13-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The public works division of the department of administration shall compile and maintain the historical data for each building constructed in the future for the state of Indiana and the historical data available for each building which has been constructed and is now in use by the state of Indiana.

~~Such~~ (b) Historical data for each building shall contain the following information:

- (1) Amount of funds available for the project and date it became available.
- (2) Name of person, agency, or institution originating **the** request for the construction project and the date of ~~such~~ **the** request.
- (3) Name of person or persons responsible for the preparation of the estimate of funds necessary to build the proposed project.
- (4) Name of architect or engineer and date of ~~his~~ **the architect's or engineer's** employment.
- (5) Name of person, agency, or institution who approved the drawings, plans, and specifications.
- (6) Name of contractor or contractors and date the contract or contracts were let.

- (7) Contract price as bid.
- (8) Copy of drawings, plans, and specifications.
- (9) Copy of all change orders.
- (10) Construction cost of the building.
- (11) Date building was accepted by the state of Indiana.
- (12) Dates of completion of any alterations and repairs.
- (13) Cost of alterations and repairs.
- (14) Name of contractor or contractors who made the alterations and repairs.
- (15) ~~Such~~ Other information or data that may be necessary or of interest.

SECTION 85. IC 4-15-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. There is ~~hereby~~ created the State Employees Appeals Commission which shall consist of five (5) members, not more than three (3) of whom shall be adherents of the same political party. One **(1)** ~~of said members~~ **member** shall be appointed for a term of one (1) year, one **(1)** for a term of two (2) years, one **(1)** ~~of whom~~ for a term of three (3) years, **and two (2)** for a term of four (4) years. Every member so appointed shall serve until ~~his~~ **the member's** successor shall have been appointed and qualified. Each successor shall serve a term of four (4) years. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment of the governor for the unexpired term.

SECTION 86. IC 4-15-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Each member of the commission shall receive as compensation for services a salary and in addition ~~thereto~~ shall receive actual and necessary traveling expenses and other expenses in the performance of ~~his~~ **the member's** duties in the amount approved by the governor and the ~~state~~ budget agency.

SECTION 87. IC 4-15-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. No employee shall suffer a penalty or the threat of a penalty because ~~he~~ **the employee** exercised ~~his~~ **the employee's** rights under this chapter.

SECTION 88. IC 4-15-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) There is created the affirmative action advisory committee to assist in the effective implementation of the affirmative action policy. The committee is composed of eight (8) members. The governor shall appoint the

members of the committee with the advice of the affirmative action officer. The members serve at the pleasure of the governor.

(b) A member of the committee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with **his the member's** duties, as provided in the state travel policies and procedures established by the department of administration and approved by the ~~state~~ budget agency. A member who is not an officer or employee of the state is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing **his the member's** duties.

(c) The committee shall select from its membership a chairperson and vice chairperson to serve for one (1) year from the date of selection. They may be reelected at the pleasure of the committee. In any instance where the chairperson or vice chairperson does not serve **his the chairperson's or vice chairperson's** full term, the committee shall select another to serve in **his the chairperson's or vice chairperson's** own right a full term.

(d) The affirmative action advisory committee shall:

- (1) provide liaison activities with the affirmative action officer with respect to problems and suggestions concerning the affirmative action policy;
- (2) advise the affirmative action officer and the governor of recommended changes in the implementation of the affirmative action policy and improved guidelines for state agency programs; and
- (3) advise the governor and the affirmative action officer concerning the effectiveness and status of the total implementation of the affirmative action policy.

(e) The affirmative action advisory committee may review the affirmative action programs of state agencies for effectiveness and improvements.

SECTION 89. IC 4-21.5-3-16, AS AMENDED BY P.L.126-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person who:

- (1) cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons; and
- (2) is a party or witness in any proceeding under this article;

is entitled to an interpreter to assist the person throughout the proceeding under this article.

(b) The interpreter may be retained by the person or may be appointed by the agency before which the proceeding is pending. If an interpreter is appointed by the agency, the fee for the services of the interpreter shall be set by the agency. The fee shall be paid from any funds available to the agency or be paid in any other manner ordered by the agency.

(c) Any agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

(d) Every interpreter for another person in a proceeding shall take the following oath:

Do you affirm, under penalties of perjury, that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him ~~(her)~~; **(or her)**, the questions that may be asked him ~~(her)~~; **(or her)**, and the answers that he ~~(she)~~ **(or she)** shall give to the questions, relative to the cause now under consideration before this agency?

(e) IC 35-44.1-2-1 concerning perjury applies to an interpreter.

SECTION 90. IC 4-23-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** The executive director shall be the chief administrative officer of the commission. The executive director shall supervise the employees of the commission and shall assist the commission in promoting and carrying on its activities and administrative work. The executive director shall not be a member of the commission, but shall devote ~~his or her~~ **the executive director's** full time to the performance of ~~his or her~~ **the executive director's** duties under the direction and supervision of the commission. The executive director's compensation shall be fixed by the commission with the approval of the budget agency.

(b) The executive director shall be selected for ~~his or her~~ **the executive director's** knowledge, competence, and experience in the performing and fine arts and in the development and encouragement of ~~the performing and fine arts thereof~~ through the efforts of private or governmental organizations.

SECTION 91. IC 4-23-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A commission is ~~hereby~~ created which shall be known as the "commission on forensic

sciences". It shall consist of five (5) members appointed by the governor; one (1) shall be a pathologist, one (1) shall be a person engaged in police work, one (1) shall be a coroner, and one (1) shall be a lawyer. The state health commissioner shall be the fifth member of the commission and shall serve as its secretary. In making the appointments, the governor may consult with, but shall not be bound by, the recommendation of organizations representing ~~such~~ **the** categories of appointees. In the first instance one (1) of the members shall be appointed for a term of one (1) year, one (1) of the members shall be appointed for a term of two (2) years, one (1) of the members shall be appointed for a term of three (3) years, and one (1) of the members shall be appointed for a term of four (4) years. ~~Thereafter,~~ Each member shall serve until ~~his~~ **the member's** successor is appointed and has qualified. Members of the commission may be removed by the governor for cause, and any vacancy shall be filled by appointment from the proper category and for the unexpired term. The members shall elect one (1) of their number to serve as ~~chairman~~ **chairperson** for a period of one (1) year.

SECTION 92. IC 4-23-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The commission shall meet at least once in each two-month period. A majority shall constitute a quorum for the transaction of business and a per diem of ten dollars (~~\$10.00~~) (**\$10**) per day, and actual expenses incurred shall be allowed to each member for ~~his~~ **the member's** attendance.

SECTION 93. IC 4-23-6-5, AS AMENDED BY P.L.2-2007, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The powers of the commission shall be as follows:

- (1) To establish and maintain a scientific laboratory for research and experimentation. The commission shall not duplicate adequate facilities for experimentation, research, or information which are available to the citizens of the state.
- (2) To appoint an administrative director who shall be a physician and should be a pathologist certified by the American Board of Pathology and to select and appoint or accept the loan of ~~such~~ other personnel as it deems necessary to carry out its purposes.
- (3) To establish and maintain a system of records and to collect data pertinent to the objectives of the commission.

- (4) To correlate information concerning forensic science facilities and make this information available to coroners, law enforcement officers, attorneys, and others.
- (5) To contract from time to time for the services or opinion of experts in connection with a particular problem or a program of research.
- (6) To engage in research and experimentation consistent with the objectives of the commission.
- (7) To establish and maintain a forensic sciences library either alone or in cooperation with any other agency of the state, the use of which shall be available to any interested persons.
- (8) To engage in and foster programs of information in forensic sciences for interested groups.
- (9) To establish from time to time and to promulgate a schedule of reasonable fees and to collect the same for the services of the commission. The considerations in formulating ~~such~~ a schedule shall be:
 - (A) uniformity;
 - (B) recovery of at least a portion of the cost of furnishing the major services of the commission; and
 - (C) availability of the services without burdensome expense to officers, agencies, and others in need of the services.

All money received by the commission ~~pursuant to~~ **under** this subdivision shall be paid to the commission, which shall give a proper receipt for the same, and shall at the end of each month report to the auditor of state the total amount received by it under the provisions of this subsection, from all sources, and shall at the same time, deposit the entire amount of ~~such the~~ receipts with the treasurer of state, who shall place them to the credit of a special fund to be created and known as the forensic sciences commission laboratory expense fund. The commission shall, by its ~~chairman~~ **chairperson** from time to time, certify to the auditor of state any necessary laboratory expenses incurred by the commission, and the auditor shall issue ~~his the~~ **the auditor's** warrant for the same, which shall be paid out of any funds ~~so~~ collected and ~~hereby~~ appropriated to the commission. ~~However,~~ Payments made by the auditor of state from the forensic sciences commission laboratory

expense fund ~~created herein~~ shall be limited so as not to exceed the amounts allotted from this fund by the budget committee.

(10) To accept gifts and grants of money, services, or property and to use the same for any given purpose consistent with the objectives of the commission.

(11) To use the services and facilities of the state department of health, state educational institutions, and hospitals and other agencies supported in whole or in part by public funds.

(12) To establish and maintain ~~such~~ branch offices as it ~~deems~~ **considers** necessary.

(13) To cooperate with any state or local agency or with any hospital or postsecondary educational institution in any scientific program consistent with the objectives of the commission.

SECTION 94. IC 4-23-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The commission on forensic sciences shall promulgate and adopt rules in accordance with IC 4-22-2 to:

(1) create a medical examiner system to aid, assist, and complement the coroner in the performance of ~~his~~ **the coroner's** duties by providing medical assistance in determining causes of death; and

(2) establish minimum and uniform standards of excellence, performance of duties, and maintenance of records to provide information to the state regarding causes of death for cases investigated.

The commission shall also adopt any other rules that are necessary to carry out the provisions of this section.

(b) The commission shall establish five (5) medical examiner districts within the state, taking into consideration population, geographical size of the area covered, availability of trained personnel, death rate by both natural and unnatural causes, and similar related factors. No county may be divided in the creation of a district.

(c) A district medical examiner shall be appointed by the commission for each district from nominees who are physicians licensed to practice in Indiana. Nominees must reside in the district they are nominated for, and a preference shall be given to practicing physicians in pathology.

(d) The district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service within the district. The associate examiners shall be licensed to practice in Indiana with a preference to practicing pathologists.

(e) District and associate medical examiners may engage in the private practice of medicine or surgery in addition to their duties as medical examiners.

(f) The district and associate medical examiners shall, at the request of coroners in their districts:

- (1) provide medical assistance in investigating deaths;
- (2) provide or contract for laboratory facilities for performing autopsies and investigations;
- (3) provide for the keeping of reports of all investigations and examinations; and
- (4) provide other functions which may be specified in rules adopted by the commission.

(g) A district or associate medical examiner who performs a medical examination or autopsy under the direction of a coroner is immune from civil liability for performing the examination or autopsy.

SECTION 95. IC 4-23-7.1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) Each political subdivision of the state may deliver to the library ten (10) copies of every report, document, bulletin, or other publication published at the expense of the state or one (1) or more of its political subdivisions.

(b) Any state, county, or other official of local government may turn over to the state library for permanent preservation, any books, records, documents, original papers, newspaper files, or printed books or materials not in current use in **his a state's, county's, or other official of local government's** office.

(c) The state library may make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office for preservation in the state library. County, city, and other officials shall permit ~~such~~ copies to be made of the books, records, documents, and papers in their respective offices.

SECTION 96. IC 4-23-7.1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. Any person injuring or losing a book, document, plaque, marker, or sign belonging to the

department is liable for threefold damages, and if the book injured or lost be one (1) volume of a set ~~he the person~~ is liable for the whole set, but on paying for the same, ~~he the person~~ may take the broken set. All money received under this section shall be deposited in the state library publications fund.

SECTION 97. IC 4-23-7.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Each state, county, township, city, town, judicial, or other public officer having in ~~his the~~ **officer's** charge or custody or capable of supplying, or required to collect and compile the information which may be required by the historical bureau, shall supply ~~such the~~ information promptly at the request of the historical bureau, whether the request is oral or by letter or circular or by the filling out of blank forms provided for that purpose by the historical bureau.

SECTION 98. IC 4-23-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The chief administrative officer of the commission shall be the state superintendent of public instruction. ~~He~~ **The chief administrative officer** shall ~~make provision for~~ **provide** office facilities and personnel to keep adequate records pertaining to the commission's business and may designate a professional employee of the department of education as executive secretary. It shall be the duty of the executive secretary to conduct business as directed by the commission.

SECTION 99. IC 4-24-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The chief administrative officer of the department, division, or state agency having administrative control and supervision of any institution shall make rules and regulations concerning the withdrawal of money held in trust for any patient or inmate, and concerning the deposit of any money to be held in trust for any patient or inmate. Upon the discharge or release of any patient or inmate, the superintendent or warden of the institution shall pay to the individual, or ~~his the individual's~~ legal guardian, all money due ~~him the individual~~ from any trust account.

SECTION 100. IC 4-24-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If any inmate of any penal or correctional institution, or any patient of any psychiatric institution, shall die, ~~his the inmate's or patient's~~ lawful heirs or devisees shall be entitled to any money credited to and held in trust for

~~such the~~ inmate or patient. If the heirs or devisees of ~~such the~~ inmate or patient are unknown, the money in ~~such the~~ trust account shall be kept intact to the account of the unknown heirs of ~~such the~~ inmate or patient for a period of two (2) years from the date of death. If, at the expiration of the two (2) year period, no heir or devisee of any deceased inmate or patient shall appear to make claim to ~~such the~~ money, ~~such the~~ money shall be paid to the clerk of the circuit court of the county from which ~~such the~~ inmate or patient was committed to ~~said the~~ institution, ~~said the~~ money to be held and disposed of by ~~said the~~ clerk of court in the same manner as are other unclaimed funds in ~~his the clerk of court's~~ office.

(b) If any inmate of a penal or correctional institution, or if any patient of a psychiatric hospital, shall escape from ~~such the~~ institution, or shall make an escape while absent from ~~such the~~ institution on parole or leave, any money credited to and held in trust for ~~such the~~ inmate or patient shall be kept intact for ~~such the~~ escaped inmate or patient for a period of two (2) years from the date of escape. If at the end of the two (2) year period the escaped inmate or patient does not appear to make claim to ~~such the~~ money, the money shall be paid to the clerk of the circuit court of the county from which ~~such the~~ inmate or patient was committed to ~~said the~~ institution, ~~said the~~ money to be held and disposed of by ~~said the~~ clerk of court in the same manner as are other unclaimed funds in ~~his the clerk of court's~~ office.

(c) No money belonging to any patient or inmate shall be paid over to the clerk of any court as provided in this section if ~~such the~~ inmate or patient is indebted to the state of Indiana for maintenance by ~~such the~~ institution, in which case any money credited on the books of ~~such the~~ institution to the account of any inmate or patient shall be applied against any indebtedness or maintenance, and the balance, if any, shall then be paid to ~~such the~~ clerk.

(d) Notwithstanding any other law, when the department of correction has determined that an offender has escaped from custody, the department of correction:

(1) may consider all of ~~his the escaped inmate's~~ property (except money) that is under the control of the department, to be abandoned property;

- (2) may dispose of the escaped inmate's abandoned property consistent with rules adopted by the department under IC 4-22-2; and
- (3) is not civilly liable for the safekeeping of the escaped inmate's property.

SECTION 101. IC 4-24-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in subsection (c), the superintendent or warden of any institution may not be held personally liable for the loss of:

- (1) money held in trust for any inmate or patient of the institution; or
- (2) money deposited in the recreation fund of the institution.

(b) Except as provided in subsection (c), in the event the superintendent or warden delegates to any officer or employee of ~~his~~ **the superintendent's or warden's** institution the authority to administer the provisions of sections 6 and 7 of this chapter, ~~such the~~ officer or employee may not be held personally liable for the loss of:

- (1) money held in trust for any inmate or patient of the institution; or
- (2) money deposited in the recreation fund of the institution.

(c) A superintendent or warden or a delegate of a superintendent or warden may be held personally liable under subsection (a) or (b) if the loss of money arises from the superintendent's, the warden's, or the delegate's official misconduct. All other losses under this section must be covered by the general blanket performance bond or crime insurance policy under subsection (d).

(d) No other bond except the general performance blanket bond given by the superintendent or warden of any institution, or by an officer or employee of the institution, shall be required. A general blanket performance bond or crime insurance policy endorsed to include faithful performance that is obtained under IC 5-4-1-15.1 shall cover any misfeasance or nonfeasance in the administration of sections 6 and 7 of this chapter on the part of any superintendent, warden, officer, or employee of the institution.

(e) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 102. IC 35-44.2-2-6, AS ADDED BY P.L.126-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: Sec. 6. A board of trustees or correctional facility that borrows without legislative approval under IC 4-10-14-1 is subject to a civil action for an infraction under ~~IC 4-10-14-2~~. **IC 4-10-14-1.**

P.L.216-2016

[SJ.14. Enrolled February 29, 2016.]

A JOINT RESOLUTION requesting the Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning imposition of fiscal restraints on the federal government, limitations of the powers and jurisdiction of federal powers, and the limitation of the terms of office for its officials and for members of Congress.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The legislature of the State of Indiana hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints of the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

SECTION 2. The secretary of state is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.

SECTION 3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States

until the legislatures of at least two-thirds of the several States have made applications on the same subject.

CERTIFICATE

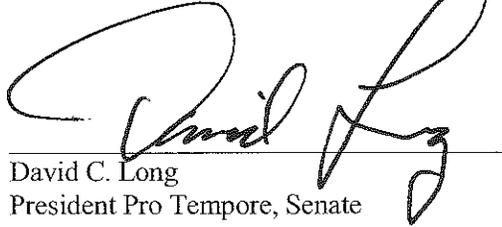
INDIANA GENERAL ASSEMBLY

SS:

STATE OF INDIANA

We, the undersigned, do hereby certify that P.L.1-2016 through P.L.216-2016 of the Second Regular Session of the One Hundred Nineteenth General Assembly of the State of Indiana have been compared with the enrolled acts from which they were taken and have been found correctly printed.

Signed in the State of Indiana, this 12th day of April, 2016.



David C. Long
President Pro Tempore, Senate



Brian C. Bosma
Speaker, House of Representatives

Seal

AUDITOR OF STATE
STATEMENT OF FUND NET POSITION
For the Fiscal Year Ended June 30, 2015
(amounts expressed in thousands)

	Balance 07/01/14	Revenues	Expenditures	Balance 06/30/15
Governmental Funds				
General Fund	\$ 3,621,416	\$ 14,530,753	\$ 12,173,650	\$ 3,885,881
Other Financing Sources, Net		(2,092,638)		
Public Welfare-Medicaid Assistance Fund	416,567	7,293,476	9,221,925	484,172
Other Financing Sources, Net		1,996,054		
Major Moves Construction Fund	637,205	5,414	41,245	703,599
Other Financing Sources, Net		102,225		
Special Revenue Funds	2,218,141	8,181,620	8,242,082	1,989,513
Other Financing Sources, Net		(168,166)		
Build Indiana Fund	35,240	166,870	4,847	19,716
Other Financing Sources, Net		(177,547)		
State Highway Fund	433,529	127,691	545,368	366,608
Other Financing Sources, Net		350,756		
Capital Projects Funds	47,789	22,605	26,252	44,617
Other Financing Sources, Net		475		
Permanent Funds	592,746	18,880	1,103	610,523
Proprietary Funds				
Unemployment Compensation Fund	(842,421)	1,179,520	385,585	(66,434)
Nonoperating Revenues/(Expenses), Net		(17,948)		
Non-Major Enterprise Funds	41,388	26,001	22,507	43,087
Nonoperating Revenues/(Expenses), Net		958		
Operating Transfers, Net		(2,753)		
Internal Service Funds	91,112	570,139	541,748	103,015
Nonoperating Revenues/(Expenses), Net		(13,072)		
Operating Transfers, Net		(3,416)		
Fiduciary Funds				
Indiana Public Retirement System	30,197,152	2,241,449	2,577,612	29,860,989
State Police Pension Fund	467,998	16,429	35,255	449,172
State Employee Retiree Health Benefit Trust Fund - Defined Benefit	89,711	46,420	28,988	107,143
State Employee Retiree Health Benefit Trust Fund - Defined Contribution	248,052	44,054	18,634	273,472
Private-Purpose Trust Funds	33,710	149,829	148,232	35,307
Agency Funds	774,914	6,296,241	6,172,640	898,515

AUDITOR OF STATE
STATEMENT OF FUND NET POSITION
For the Fiscal Year Ended June 30, 2015
(amounts expressed in thousands)

	<u>Balance 07/01/14</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance 06/30/15</u>
<u>Discretely Presented Component Unit -</u>				
<u>Governmental Funds</u>				
Indiana Economic Development Corporation	167,447	69,397	54,925	181,919
<u>Discretely Presented Component Units -</u>				
<u>Proprietary Funds</u>				
Indiana Finance Authority (IFA)	(1,351,468)	549,249	258,632	(1,060,851)
Indiana Stadium Convention and Building Authority (ISCBA)	22,971	57,765	74,909	5,827
IFA & ISCBA Interfund Eliminations	-	(74,693)	(74,693)	-
State Lottery Commission	15,105	1,057,819	1,057,116	15,808
Non-Major Proprietary Component Units	1,129,920	582,964	538,233	1,174,651
<u>Discretely Presented Component Units -</u>				
<u>Colleges and Universities</u>				
Indiana University	5,632,398	3,148,061	2,988,854	5,791,605
Purdue University	5,079,934	2,169,266	1,965,874	5,283,326
Non-Major Colleges and Universities	<u>2,572,881</u>	<u>1,738,864</u>	<u>1,585,987</u>	<u>2,725,758</u>
Total	<u>\$ 52,373,437</u>	<u>\$ 50,191,011</u>	<u>\$ 48,637,510</u>	<u>\$ 53,926,938</u>

Source: Comprehensive Annual Financial Report for the fiscal year ended June 30, 2015 (<http://www.in.gov/auditor/2578.htm>).

TABLES
AND
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Table of Citations Affected

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Affected Provisions	Type	SEC.	Effective	P.L.
Noncode				
0-2013-281-35.....	Repealed.....	41.....	07/01/2016.....	121-2016
0-2015-155-29.....	Repealed.....	44.....	03/22/2016.....	111-2016
Title 1				
1-1-4-5.....	Amended.....	1.....	07/01/2016.....	114-2016
Title 2				
2-2-2-1-3.....	Repealed.....	1.....	03/23/2016.....	149-2016
2-3-3-3.....	Amended.....	1.....	07/01/2016.....	84-2016
2-5-1.1-5.....	Amended.....	2.....	07/01/2016.....	84-2016
2-5-1.3-4.....	Amended.....	1.....	03/23/2016.....	123-2016
2-5-1.3-12.....	Amended.....	2.....	03/23/2016.....	123-2016
2-5-1.3-17.....	New.....	1.....	07/01/2016.....	62-2016
2-5-36-9.....	Amended.....	1.....	03/21/2016.....	88-2016
2-5-40.....	New.....	1.....	03/21/2016.....	11-2016
2-7-1-1.7.....	Amended.....	2.....	03/23/2016.....	149-2016
2-7-1-7.5.....	Repealed.....	3.....	03/23/2016.....	149-2016
2-7-4-5.5.....	Amended.....	4.....	03/23/2016.....	149-2016
2-7-5-7.....	Amended.....	5.....	03/23/2016.....	149-2016
2-7-6-2.....	Amended.....	6.....	03/23/2016.....	149-2016
Title 3				
3-6-5-34.....	Amended.....	3.....	07/01/2016.....	84-2016
3-6-5.2-9.....	Amended.....	4.....	07/01/2016.....	84-2016
3-6-5.4-10.....	Amended.....	5.....	07/01/2016.....	84-2016
3-6-11-4.....	Repealed.....	1.....	03/21/2016.....	83-2016
3-6-11-5.....	Amended.....	2.....	03/21/2016.....	83-2016
3-6-11-6.....	Repealed.....	3.....	03/21/2016.....	83-2016
3-6-11-7.....	Amended.....	4.....	03/21/2016.....	83-2016
3-6-11-7.5.....	Repealed.....	5.....	03/21/2016.....	83-2016
3-7-10-2.....	New.....	1.....	07/01/2016.....	198-2016
3-7-24-2.....	Amended.....	2.....	07/01/2016.....	198-2016
3-7-26.7-3.....	Amended.....	3.....	07/01/2016.....	198-2016
3-8-2-23.....	Amended.....	6.....	07/01/2016.....	84-2016
3-8-2.5-8.....	Amended.....	7.....	07/01/2016.....	84-2016
3-8-6-16.....	Amended.....	8.....	07/01/2016.....	84-2016
3-8-7-29.....	Amended.....	9.....	07/01/2016.....	84-2016
3-10-1-4.6.....	Amended.....	7.....	03/23/2016.....	149-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
3-10-1-19.....	Amended.....	1.....	03/21/2016.....	21-2016
3-10-1-19.5.....	Amended.....	2.....	03/21/2016.....	21-2016
3-11-2-8.....	Amended.....	3.....	03/21/2016.....	21-2016
3-11-2-10.....	Amended.....	4.....	03/21/2016.....	21-2016
3-11-2-12.....	Amended.....	5.....	03/21/2016.....	21-2016
3-11-2-12.2.....	Amended.....	6.....	03/21/2016.....	21-2016
3-11-2-12.4.....	New.....	7.....	03/21/2016.....	21-2016
3-11-2-12.9.....	Amended.....	8.....	03/21/2016.....	21-2016
3-11-7-4.....	Amended.....	9.....	03/21/2016.....	21-2016
3-11-7-11.5.....	Amended.....	10.....	03/21/2016.....	21-2016
3-11-7-12.....	Amended.....	11.....	03/21/2016.....	21-2016
3-11-7-15.....	Amended.....	12.....	03/21/2016.....	21-2016
3-11-7.5-4.....	Amended.....	13.....	03/21/2016.....	21-2016
3-11-7.5-5.....	Amended.....	14.....	03/21/2016.....	21-2016
3-11-7.5-10.....	Amended.....	15.....	03/21/2016.....	21-2016
3-11-8-10.3.....	Amended.....	8.....	03/23/2016.....	149-2016
3-11-13-11.....	Amended.....	16.....	03/21/2016.....	21-2016
3-11-13-14.....	Amended.....	17.....	03/21/2016.....	21-2016
3-11-13-31.7.....	Amended.....	18.....	03/21/2016.....	21-2016
3-11-14-3.5.....	Amended.....	19.....	03/21/2016.....	21-2016
3-11-14-23.....	Amended.....	20.....	03/21/2016.....	21-2016
3-11-15-13.3.....	Amended.....	21.....	03/21/2016.....	21-2016
3-12-1-5.....	Amended.....	22.....	03/21/2016.....	21-2016
3-12-1-7.....	Amended.....	23.....	03/21/2016.....	21-2016
3-12-1-7.5.....	Amended.....	24.....	03/21/2016.....	21-2016
3-12-1-8.....	Amended.....	25.....	03/21/2016.....	21-2016
3-12-4-16.....	Amended.....	10.....	07/01/2016.....	84-2016
3-12-4-17.....	Amended.....	11.....	07/01/2016.....	84-2016
3-12-6-8.....	Amended.....	12.....	07/01/2016.....	84-2016
3-12-12-2.....	Amended.....	13.....	07/01/2016.....	84-2016
3-12-12-7.....	Amended.....	14.....	07/01/2016.....	84-2016
3-12-12-8.....	Amended.....	15.....	07/01/2016.....	84-2016
3-12-12-21.....	Amended.....	16.....	07/01/2016.....	84-2016
3-14-3-24.....	Repealed.....	6.....	03/21/2016.....	83-2016

Title 4

4-1-3-1.....	Amended.....	1.....	07/01/2016.....	215-2016
4-1-6-1.....	Amended.....	2.....	07/01/2016.....	215-2016
4-1-6-3.....	Amended.....	3.....	07/01/2016.....	215-2016
4-1-6-4.....	Amended.....	4.....	07/01/2016.....	215-2016
4-1-6-5.....	Amended.....	5.....	07/01/2016.....	215-2016
4-1-8-2.....	Amended.....	6.....	07/01/2016.....	215-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
4-1-8-4.....	Amended.....	7.....	07/01/2016.....	215-2016
4-1-8-5.....	Amended.....	8.....	07/01/2016.....	215-2016
4-1-8-6.....	Amended.....	9.....	07/01/2016.....	215-2016
4-2-4-3.....	Amended.....	10.....	07/01/2016.....	215-2016
4-3-1-2.....	Amended.....	11.....	07/01/2016.....	215-2016
4-3-1-3.....	Amended.....	12.....	07/01/2016.....	215-2016
4-3-3-3.....	Amended.....	13.....	07/01/2016.....	215-2016
4-3-4-1.....	Amended.....	14.....	07/01/2016.....	215-2016
4-3-5-2.....	Amended.....	15.....	07/01/2016.....	215-2016
4-3-6-2.....	Amended.....	16.....	07/01/2016.....	215-2016
4-3-6-5.....	Amended.....	17.....	07/01/2016.....	215-2016
4-3-6-9.....	Amended.....	18.....	07/01/2016.....	215-2016
4-3-9-3.....	Amended.....	19.....	07/01/2016.....	215-2016
4-3-9-4.....	Amended.....	20.....	07/01/2016.....	215-2016
4-3-25.....	New.....	1.....	07/01/2016.....	7-2016
4-4-2-1.1.....	Amended.....	21.....	07/01/2016.....	215-2016
4-4-2-2.....	Amended.....	22.....	07/01/2016.....	215-2016
4-4-2-3.....	Amended.....	23.....	07/01/2016.....	215-2016
4-4-10-9-19.....	Amended.....	24.....	07/01/2016.....	215-2016
4-4-10-9-20.....	Amended.....	25.....	07/01/2016.....	215-2016
4-4-11-0.4.....	Amended.....	1.....	07/01/2016.....	111-2016
4-4-11-12.....	Amended.....	26.....	07/01/2016.....	215-2016
4-4-11-13.....	Amended.....	27.....	07/01/2016.....	215-2016
4-4-11-15.6.....	Amended.....	1.....	07/01/2016.....	121-2016
4-4-28-5.....	Amended.....	1.....	01/01/2016.....	50-2016
4-4-28-5.5.....	New.....	2.....	01/01/2016.....	50-2016
4-4-28-6.....	Amended.....	3.....	01/01/2016.....	50-2016
4-4-28-7.....	Amended.....	4.....	01/01/2016.....	50-2016
4-4-28-8.....	Amended.....	5.....	01/01/2016.....	50-2016
4-4-28-12.....	Amended.....	6.....	01/01/2016.....	50-2016
4-4-28-13.....	Amended.....	7.....	01/01/2016.....	50-2016
4-4-28-14.....	Amended.....	8.....	01/01/2016.....	50-2016
4-4-28-16.....	Amended.....	9.....	01/01/2016.....	50-2016
4-4-35-5.....	Amended.....	1.....	07/01/2016.....	145-2016
4-4-37-1.3.....	New.....	1.....	07/01/2016.....	202-2016
4-4-37-7.....	Amended.....	2.....	07/01/2016.....	202-2016
4-4-37-8.....	Amended.....	3.....	07/01/2016.....	202-2016
4-4-37-9.....	Amended.....	4.....	07/01/2016.....	202-2016
4-5-1-3.....	Amended.....	28.....	07/01/2016.....	215-2016
4-5-1-4.....	Amended.....	29.....	07/01/2016.....	215-2016
4-5-1-12.....	Amended.....	1.....	07/01/2016.....	174-2016
4-5-2-1.....	Amended.....	30.....	07/01/2016.....	215-2016
4-6-1-3.....	Amended.....	31.....	07/01/2016.....	215-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
4-6-1-4	Amended	32	07/01/2016	215-2016
4-6-1-6	Amended	33	07/01/2016	215-2016
4-6-2-1	Amended	34	07/01/2016	215-2016
4-6-2-1.5	Amended	9	03/23/2016	149-2016
4-6-2-2	Amended	35	07/01/2016	215-2016
4-6-2-3	Amended	36	07/01/2016	215-2016
4-6-2-4	Amended	37	07/01/2016	215-2016
4-6-2-5	Amended	38	07/01/2016	215-2016
4-6-2-8	Amended	39	07/01/2016	215-2016
4-6-2-9	Amended	40	07/01/2016	215-2016
4-6-4-1	Amended	41	07/01/2016	215-2016
4-6-6-4	Amended	42	07/01/2016	215-2016
4-6-7-1	Amended	43	07/01/2016	215-2016
4-6-7-3	Amended	44	07/01/2016	215-2016
4-6-8-1	Amended	45	07/01/2016	215-2016
4-6-8-2	Amended	46	07/01/2016	215-2016
4-6-8-4	Amended	47	07/01/2016	215-2016
4-6-9-4	Amended	48	07/01/2016	215-2016
4-7-1-3	Amended	49	07/01/2016	215-2016
4-7-1-4	Amended	50	07/01/2016	215-2016
4-7-1-5	Amended	51	07/01/2016	215-2016
4-7-1-8	Amended	52	07/01/2016	215-2016
4-7-1-9	Amended	53	07/01/2016	215-2016
4-7-2-1	Amended	54	07/01/2016	215-2016
4-8.1-1-1	Amended	55	07/01/2016	215-2016
4-8.1-1-6	Amended	56	07/01/2016	215-2016
4-8.1-2-3	Amended	57	07/01/2016	215-2016
4-8.1-2-5	Amended	58	07/01/2016	215-2016
4-8.1-2-6	Amended	59	07/01/2016	215-2016
4-8.1-2-10	Amended	60	07/01/2016	215-2016
4-8.1-2-11	Amended	61	07/01/2016	215-2016
4-8.1-2-12	Amended	62	07/01/2016	215-2016
4-8.1-2-13	Amended	63	07/01/2016	215-2016
4-10-11-4	Amended	64	07/01/2016	215-2016
4-10-14-1	Amended	65	07/01/2016	215-2016
4-10-14-2	Repealed	66	07/01/2016	215-2016
4-10-15-1	Amended	67	07/01/2016	215-2016
4-10-18-5	Amended	68	07/01/2016	215-2016
4-10-22-1	Amended	1	03/23/2016	146-2016
4-10-22-2	Amended	2	03/23/2016	146-2016
4-10-22-3	Amended	3	03/23/2016	146-2016
4-11-1-2	Amended	69	07/01/2016	215-2016
4-11-1-4	Amended	70	07/01/2016	215-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
4-11-1-5.....	Amended.....	71.....	07/01/2016.....	215-2016
4-11-2-1.....	Amended.....	72.....	07/01/2016.....	215-2016
4-11-3-1.....	Amended.....	73.....	07/01/2016.....	215-2016
4-12-1-3.....	Amended.....	74.....	07/01/2016.....	215-2016
4-12-1-4.....	Amended.....	75.....	07/01/2016.....	215-2016
4-12-1-13.5.....	Amended.....	76.....	07/01/2016.....	215-2016
4-13-1-2.....	Amended.....	77.....	07/01/2016.....	215-2016
4-13-1-7.....	Amended.....	78.....	07/01/2016.....	215-2016
4-13-1.1-5.....	Amended.....	4.....	07/01/2016.....	198-2016
4-13-1.4-2.....	Amended.....	5.....	07/01/2016.....	198-2016
4-13-2-4.....	Amended.....	79.....	07/01/2016.....	215-2016
4-13-2-14.7.....	Amended.....	1.....	07/01/2016.....	13-2016
4-13-2-16.....	Amended.....	80.....	07/01/2016.....	215-2016
4-13-2-18.....	Amended.....	81.....	07/01/2016.....	215-2016
4-13-2-24.....	Amended.....	82.....	07/01/2016.....	215-2016
4-13-2-28.....	Amended.....	83.....	07/01/2016.....	215-2016
4-13-13-1.....	Amended.....	84.....	07/01/2016.....	215-2016
4-13.6-4-2.5.....	New.....	1.....	03/23/2016.....	144-2016
4-13.6-4-4.5.....	New.....	2.....	07/01/2016.....	144-2016
4-15-1.5-1.....	Amended.....	85.....	07/01/2016.....	215-2016
4-15-1.5-3.....	Amended.....	86.....	07/01/2016.....	215-2016
4-15-2.2-1.....	Amended.....	2.....	07/01/2016.....	121-2016
4-15-10-5.....	Amended.....	87.....	07/01/2016.....	215-2016
4-15-12-8.....	Amended.....	88.....	07/01/2016.....	215-2016
4-15-17-3.....	Amended.....	3.....	07/01/2016.....	121-2016
4-20.5-6-11.....	Repealed.....	4.....	07/01/2016.....	121-2016
4-20.5-6-12.....	Repealed.....	5.....	07/01/2016.....	121-2016
4-21.5-2-5.....	Amended.....	6.....	07/01/2016.....	198-2016
4-21.5-3-4.....	Amended.....	7.....	07/01/2016.....	198-2016
4-21.5-3-6.....	Amended.....	1.....	03/21/2016.....	35-2016
4-21.5-3-16.....	Amended.....	89.....	07/01/2016.....	215-2016
4-22-2-21.....	Amended.....	10.....	03/23/2016.....	149-2016
4-22-2-21.....	Amended.....	7.....	07/01/2016.....	204-2016
4-23-2-4.....	Amended.....	90.....	07/01/2016.....	215-2016
4-23-2.5-4.....	Amended.....	8.....	07/01/2016.....	198-2016
4-23-6-1.....	Amended.....	91.....	07/01/2016.....	215-2016
4-23-6-3.....	Amended.....	92.....	07/01/2016.....	215-2016
4-23-6-5.....	Amended.....	93.....	07/01/2016.....	215-2016
4-23-6-6.....	Amended.....	94.....	07/01/2016.....	215-2016
4-23-7.1-28.....	Amended.....	95.....	07/01/2016.....	215-2016
4-23-7.1-34.....	Amended.....	96.....	07/01/2016.....	215-2016
4-23-7.2-13.....	Amended.....	97.....	07/01/2016.....	215-2016
4-23-12-3.....	Amended.....	98.....	07/01/2016.....	215-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
4-23-24.2-5.....	Amended.....	6.....	07/01/2016.....	121-2016
4-24-6-3.....	Amended.....	99.....	07/01/2016.....	215-2016
4-24-6-4.....	Amended.....	2.....	03/21/2016.....	35-2016
4-24-6-5.....	Amended.....	100.....	07/01/2016.....	215-2016
4-24-6-9.....	Amended.....	101.....	07/01/2016.....	215-2016
4-31-2-20.6.....	New.....	1.....	07/01/2016.....	212-2016
4-31-7-1.....	Amended.....	11.....	07/01/2015.....	149-2016
4-33-4-3.5.....	Amended.....	1.....	07/01/2015.....	72-2016
4-33-4-3.7.....	New.....	2.....	07/01/2015.....	72-2016
4-33-11-2.....	Amended.....	17.....	07/01/2016.....	84-2016
4-33-12-6.....	Amended.....	1.....	07/01/2016.....	204-2016
4-33-12-6.....	Amended.....	12.....	03/23/2016.....	149-2016
4-33-12-8.....	New.....	2.....	07/01/2016.....	204-2016
4-33-12-9.....	New.....	3.....	07/01/2016.....	204-2016
4-33-12.5-6.....	Amended.....	4.....	07/01/2016.....	204-2016
4-33-12.5-7.....	Amended.....	5.....	07/01/2016.....	204-2016
4-33-13-5.....	Amended.....	6.....	07/01/2016.....	204-2016
4-33-24.....	New.....	2.....	07/01/2016.....	212-2016
4-35-4-5.....	Amended.....	3.....	07/01/2015.....	72-2016
4-35-4-5.1.....	New.....	4.....	07/01/2015.....	72-2016
4-35-7-12.....	Amended.....	1.....	03/23/2016.....	122-2016
4-35-8-3-4.....	Amended.....	13.....	03/23/2016.....	149-2016
4-35-8-3-5.....	Amended.....	14.....	03/23/2016.....	149-2016
4-35-8-7-3.....	Amended.....	15.....	07/01/2015.....	149-2016
4-37-3-4.....	Amended.....	1.....	07/01/2016.....	125-2016

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5-1-4-7.....	Amended.....	18.....	07/01/2016.....	84-2016
5-1-14-14.....	Amended.....	1.....	01/01/2017.....	197-2016
5-1-16-45.....	Amended.....	19.....	07/01/2016.....	84-2016
5-1-16.5-47.....	Amended.....	20.....	07/01/2016.....	84-2016
5-1-17.5-30.....	Amended.....	16.....	03/23/2016.....	149-2016
5-1.5-8-5.....	Amended.....	1.....	03/21/2016.....	47-2016
5-2-6-3.....	Amended.....	1.....	07/01/2016.....	71-2016
5-2-6-16.....	Repealed.....	2.....	07/01/2016.....	7-2016
5-2-6-23.....	Amended.....	1.....	03/21/2016.....	77-2016
5-2-6.1-8.....	Amended.....	1.....	07/01/2016.....	65-2016
5-2-6.1-11.5.....	Amended.....	9.....	07/01/2016.....	198-2016
5-2-6.1-16.....	Amended.....	2.....	07/01/2016.....	65-2016
5-2-10-6.....	Amended.....	3.....	07/01/2016.....	7-2016
5-2-10-8.....	Amended.....	4.....	07/01/2016.....	7-2016
5-2-10.1-2.....	Amended.....	1.....	07/01/2016.....	25-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
5-2-10.1-11.....	Amended.....	2.....	07/01/2016.....	25-2016
5-2-10.1-12.....	Amended.....	3.....	07/01/2016.....	25-2016
5-2-11-1.6.....	Amended.....	5.....	07/01/2016.....	7-2016
5-2-11-5.....	Amended.....	6.....	07/01/2016.....	7-2016
5-2-16-2.....	Amended.....	1.....	07/01/2016.....	76-2016
5-2-16-3.....	Amended.....	2.....	07/01/2016.....	76-2016
5-2-22.....	New.....	1.....	07/01/2016.....	52-2016
5-3-1-0.2.....	New.....	1.....	07/01/2016.....	147-2016
5-3-1-1.....	Amended.....	2.....	07/01/2016.....	147-2016
5-3-1-1.5.....	Amended.....	3.....	07/01/2016.....	147-2016
5-3-1-2.....	Amended.....	4.....	07/01/2016.....	147-2016
5-3-1-2.3.....	Amended.....	17.....	03/23/2016.....	149-2016
5-3-1-4.....	Amended.....	5.....	07/01/2016.....	147-2016
5-4-1-0.5.....	New.....	1.....	07/01/2016.....	188-2016
5-4-1-5.1.....	Amended.....	2.....	07/01/2016.....	188-2016
5-4-1-18.....	Amended.....	3.....	07/01/2016.....	188-2016
5-4-1-18.....	Amended.....	1.....	03/21/2016.....	60-2016
5-4-1-19.....	Amended.....	4.....	07/01/2016.....	188-2016
5-4-4-1.....	Amended.....	21.....	07/01/2016.....	84-2016
5-4-4-9.....	Amended.....	22.....	07/01/2016.....	84-2016
5-8-1-23.....	Amended.....	23.....	07/01/2016.....	84-2016
5-8-1-34.....	Amended.....	24.....	07/01/2016.....	84-2016
5-8-1-35.....	Amended.....	25.....	07/01/2016.....	84-2016
5-8-5-5.....	Amended.....	26.....	07/01/2016.....	84-2016
5-10-5-5-2.....	Amended.....	1.....	07/01/2016.....	193-2016
5-10-8-6.6.....	Repealed.....	7.....	07/01/2016.....	121-2016
5-10-8-7.....	Amended.....	8.....	07/01/2016.....	121-2016
5-10-8-14.9.....	Amended.....	18.....	03/23/2016.....	149-2016
5-10-8-17.....	New.....	1.....	07/01/2016.....	19-2016
5-10-8-18.....	New.....	2.....	07/01/2016.....	19-2016
5-10-10-4.8.....	Amended.....	2.....	07/01/2016.....	193-2016
5-10-13-4.....	Amended.....	2.....	01/01/2017.....	197-2016
5-10-15-7.....	Amended.....	3.....	01/01/2017.....	197-2016
5-10.2-2-3.....	Amended.....	3.....	07/01/2016.....	193-2016
5-10.2-2-3.3.....	Amended.....	4.....	07/01/2016.....	193-2016
5-10.2-2-4.....	Amended.....	5.....	07/01/2016.....	193-2016
5-10.2-2-4.1.....	New.....	6.....	07/01/2016.....	193-2016
5-10.2-2-21.....	Amended.....	7.....	07/01/2016.....	193-2016
5-10.2-2-24.....	New.....	8.....	07/01/2016.....	193-2016
5-10.2-3-5.....	Amended.....	9.....	07/01/2016.....	193-2016
5-10.2-3-6.....	Amended.....	10.....	07/01/2016.....	193-2016
5-10.2-3-10.....	Amended.....	11.....	07/01/2016.....	193-2016
5-10.2-4-7.2.....	Amended.....	12.....	07/01/2016.....	193-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
5-10.2-11.....	New.....	1.....	07/01/2016.....	177-2016
5-10.3-2-3.....	Amended.....	13.....	07/01/2016.....	193-2016
5-10.3-7-1.1.....	Amended.....	1.....	07/01/2016.....	209-2016
5-10.3-7-2.....	Amended.....	10.....	07/01/2016.....	198-2016
5-10.3-7-4.3.....	New.....	2.....	07/01/2016.....	209-2016
5-10.3-12-1.....	Amended.....	14.....	07/01/2016.....	193-2016
5-10.3-12-1.....	Amended.....	3.....	07/01/2016.....	209-2016
5-10.3-12-20.....	Amended.....	4.....	07/01/2016.....	209-2016
5-10.3-12-20.3.....	New.....	15.....	07/01/2016.....	193-2016
5-10.3-12-20.5.....	Amended.....	5.....	07/01/2016.....	209-2016
5-10.3-12-21.....	Amended.....	6.....	07/01/2016.....	209-2016
5-10.3-12-22.....	Amended.....	16.....	07/01/2016.....	193-2016
5-10.3-12-31.....	Amended.....	7.....	07/01/2016.....	209-2016
5-10.3-12-32.....	New.....	8.....	07/01/2016.....	209-2016
5-10.4-2-6.....	Amended.....	17.....	07/01/2016.....	193-2016
5-11-1-7.....	Amended.....	19.....	03/23/2016.....	149-2016
5-11-1-28.....	Amended.....	11.....	07/01/2016.....	198-2016
5-11-5-1.....	Amended.....	5.....	07/01/2016.....	188-2016
5-11-10-1.....	Amended.....	9.....	07/01/2016.....	121-2016
5-11-10-1.6.....	Amended.....	10.....	07/01/2016.....	121-2016
5-11-13-0.5.....	New.....	1.....	07/01/2016.....	208-2016
5-13-9-2.....	Amended.....	2.....	03/21/2016.....	47-2016
5-13-10.5-18.....	Amended.....	6.....	07/01/2016.....	188-2016
5-13-10.5-18.....	Amended.....	8.....	03/24/2016.....	204-2016
5-14-1.5-3.5.....	Amended.....	1.....	07/01/2016.....	154-2016
5-14-1.5-3.6.....	Amended.....	2.....	07/01/2016.....	154-2016
5-14-1.5-6.1.....	Amended.....	2.....	07/01/2016.....	145-2016
5-14-3-2.....	Amended.....	12.....	07/01/2016.....	198-2016
5-14-3-2.....	Amended.....	1.....	07/01/2016.....	58-2016
5-14-3-3.....	Amended.....	2.....	07/01/2016.....	58-2016
5-14-3-4.....	Amended.....	3.....	07/01/2016.....	58-2016
5-14-3-4.....	Amended.....	3.....	07/01/2016.....	145-2016
5-14-3-5.1.....	New.....	4.....	07/01/2016.....	58-2016
5-14-3-5.2.....	New.....	5.....	07/01/2016.....	58-2016
5-14-3-5.3.....	New.....	6.....	07/01/2016.....	58-2016
5-14-3-8.....	Amended.....	7.....	07/01/2016.....	58-2016
5-14-3-9.....	Amended.....	8.....	07/01/2016.....	58-2016
5-14-3.5-13.....	Repealed.....	11.....	07/01/2016.....	121-2016
5-14-3.6-5.....	Repealed.....	12.....	07/01/2016.....	121-2016
5-14-3.7-3.....	Amended.....	2.....	01/01/2017.....	208-2016
5-14-3.8-3.....	Amended.....	3.....	01/01/2017.....	208-2016
5-14-3.8-3.5.....	New.....	1.....	07/01/2016.....	142-2016
5-14-3.8-6.....	Repealed.....	13.....	07/01/2016.....	121-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
5-14-3.9.....	New.....	4.....	07/01/2016.....	208-2016
5-16-8-3.....	Amended.....	27.....	07/01/2016.....	84-2016
5-16-9-1.....	Amended.....	13.....	07/01/2016.....	198-2016
5-16-9-3.....	Amended.....	4.....	01/01/2017.....	197-2016
5-16-9-5.....	Amended.....	14.....	07/01/2016.....	198-2016
5-16-9-8.....	Amended.....	15.....	07/01/2016.....	198-2016
5-16-9-9.....	Amended.....	16.....	07/01/2016.....	198-2016
5-20-1-27.....	Amended.....	5.....	07/01/2016.....	72-2016
5-20-5-15.5.....	Amended.....	1.....	01/01/2017.....	181-2016
5-20-6-3.....	Amended.....	6.....	07/01/2016.....	72-2016
5-22-14-0.5.....	New.....	1.....	07/01/2016.....	113-2016
5-22-14-2.5.....	New.....	2.....	07/01/2016.....	113-2016
5-22-14-3.5.....	Amended.....	3.....	07/01/2016.....	113-2016
5-22-14-11.....	Amended.....	4.....	07/01/2016.....	113-2016
5-26-4-1.....	Amended.....	17.....	07/01/2016.....	198-2016
5-28-3-5.....	Repealed.....	4.....	07/01/2016.....	145-2016
5-28-5-6.5.....	Amended.....	5.....	07/01/2016.....	145-2016
5-28-6-1.....	Amended.....	14.....	07/01/2016.....	121-2016
5-28-8-4.....	Amended.....	6.....	07/01/2016.....	145-2016
¹ 5-28-11.....	Repealed.....	7.....	07/01/2016.....	145-2016
5-28-11-10.....	Amended.....	15.....	07/01/2016.....	121-2016
5-28-11.5-5.....	Amended.....	8.....	07/01/2016.....	145-2016
5-28-14-9.....	Amended.....	9.....	07/01/2016.....	145-2016
5-28-15-5.....	Amended.....	10.....	07/01/2016.....	145-2016
5-28-15-5.5.....	Amended.....	9.....	01/01/2017.....	204-2016
5-28-15-5.5.....	New.....	11.....	07/01/2016.....	145-2016
5-28-15-7.....	Amended.....	12.....	07/01/2016.....	145-2016
5-28-15-9.....	Amended.....	13.....	07/01/2016.....	145-2016
5-28-15-10.....	Amended.....	5.....	03/24/2016.....	202-2016
5-28-15-10.....	Amended.....	14.....	07/01/2016.....	145-2016
5-28-15-11.....	Amended.....	15.....	07/01/2016.....	145-2016
5-28-16-3.....	Amended.....	16.....	07/01/2016.....	145-2016
5-28-16-4.....	Amended.....	17.....	07/01/2016.....	145-2016
5-28-16-5.....	Amended.....	18.....	07/01/2016.....	145-2016
5-28-16-6.....	Amended.....	19.....	07/01/2016.....	145-2016
5-28-17-3.....	Amended.....	20.....	07/01/2016.....	145-2016
5-28-26-5.....	Amended.....	5.....	01/01/2017.....	197-2016
5-28-26-6.....	Amended.....	6.....	01/01/2017.....	197-2016
5-28-26-16.....	Amended.....	7.....	01/01/2017.....	197-2016
5-28-28-5.....	Amended.....	21.....	07/01/2016.....	145-2016

¹ P.L.202-2016, SEC.8 stated the general assembly's intention to repeal IC 5-28-11.

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Affected Provisions	Type	SEC.	Effective	P.L.
5-28-28-9.....	Amended.....	22.....	07/01/2016.....	145-2016
5-30-8-7.....	Repealed.....	2.....	07/01/2015.....	122-2016
5-32-1-4.....	Repealed.....	3.....	07/01/2015.....	122-2016

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6-1.1-1-4.5.....	New.....	1.....	01/01/2017.....	207-2016
6-1.1-2-10.....	Amended.....	1.....	07/01/2016.....	184-2016
6-1.1-3-7.2.....	Amended.....	1.....	03/24/2016.....	199-2016
6-1.1-3-7.3.....	Amended.....	2.....	03/24/2016.....	199-2016
6-1.1-3-14.....	Amended.....	1.....	07/01/2016.....	180-2016
6-1.1-4-4.5.....	Amended.....	2.....	01/01/2016.....	180-2016
6-1.1-4-4.8.....	New.....	1.....	07/01/2016.....	205-2016
6-1.1-4-13.....	Amended.....	3.....	01/01/2016.....	180-2016
6-1.1-4-13.2.....	Amended.....	4.....	01/01/2016.....	180-2016
6-1.1-4-25.....	Amended.....	1.....	07/01/2016.....	203-2016
6-1.1-4-43.....	Repealed.....	10.....	01/01/2016.....	204-2016
6-1.1-4-43.....	Amended.....	20.....	03/23/2016.....	149-2016
6-1.1-4-44.....	Repealed.....	11.....	01/01/2016.....	204-2016
6-1.1-6-12.....	Amended.....	2.....	07/01/2016.....	111-2016
6-1.1-6-13.....	Amended.....	3.....	07/01/2016.....	111-2016
6-1.1-6-14.....	Amended.....	5.....	07/01/2016.....	180-2016
6-1.1-6-23.....	Amended.....	4.....	07/01/2016.....	111-2016
6-1.1-6-2-9.....	Amended.....	6.....	07/01/2016.....	180-2016
6-1.1-6-7-5.....	Amended.....	2.....	01/01/2017.....	207-2016
6-1.1-6-7-9.....	Amended.....	7.....	07/01/2016.....	180-2016
6-1.1-7-10.....	Amended.....	18.....	03/24/2016.....	198-2016
6-1.1-7-10.4.....	Amended.....	19.....	03/24/2016.....	198-2016
6-1.1-7-11.....	Amended.....	20.....	03/24/2016.....	198-2016
6-1.1-10-11.....	Amended.....	28.....	07/01/2016.....	84-2016
6-1.1-10-15.....	Amended.....	8.....	07/01/2016.....	180-2016
6-1.1-10-16.....	Amended.....	2.....	07/01/2016.....	181-2016
6-1.1-10-16.7.....	Amended.....	3.....	07/01/2016.....	181-2016
6-1.1-10-37.8.....	New.....	2.....	01/01/2016.....	203-2016
6-1.1-10.3-2.....	Amended.....	8.....	01/01/2017.....	197-2016
6-1.1-10.3-3.....	Amended.....	9.....	01/01/2017.....	197-2016
6-1.1-10.3-5.....	Amended.....	10.....	01/01/2017.....	197-2016
6-1.1-10.3-7.....	Amended.....	11.....	01/01/2017.....	197-2016
6-1.1-11-3.8.....	Amended.....	3.....	07/01/2016.....	203-2016
6-1.1-11-4.....	Amended.....	21.....	07/01/2016.....	198-2016
6-1.1-11-7.....	Amended.....	1.....	07/01/2016.....	196-2016
6-1.1-12-14.....	Amended.....	1.....	01/01/2017.....	100-2016
6-1.1-12-14.5.....	New.....	2.....	01/01/2017.....	100-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-12-17.9.....	Amended.....	1.....	03/24/2016.....	190-2016
6-1.1-12-18.....	Amended.....	4.....	07/01/2016.....	181-2016
6-1.1-12-19.....	Amended.....	5.....	07/01/2016.....	181-2016
6-1.1-12-20.....	Amended.....	6.....	07/01/2016.....	181-2016
6-1.1-12-22.....	Amended.....	7.....	07/01/2016.....	181-2016
6-1.1-12-23.....	Amended.....	8.....	07/01/2016.....	181-2016
6-1.1-12-24.....	Amended.....	9.....	07/01/2016.....	181-2016
6-1.1-12-25.....	Amended.....	10.....	07/01/2016.....	181-2016
6-1.1-12-26.2.....	Amended.....	6.....	07/01/2016.....	202-2016
6-1.1-12-37.....	Amended.....	4.....	01/01/2017.....	203-2016
6-1.1-12-37.....	Amended.....	12.....	01/01/2017.....	197-2016
6-1.1-12-37.....	Amended.....	3.....	01/01/2017.....	100-2016
6-1.1-12-46.....	Amended.....	11.....	07/01/2016.....	181-2016
6-1.1-12.1-5.....	Amended.....	5.....	07/01/2016.....	203-2016
6-1.1-12.1-5.3.....	Amended.....	6.....	01/01/2016.....	203-2016
6-1.1-12.1-6.....	Amended.....	12.....	07/01/2016.....	181-2016
6-1.1-14-12.....	Amended.....	2.....	07/01/2016.....	184-2016
6-1.1-15-0.7.....	New.....	12.....	07/01/2016.....	204-2016
6-1.1-15-1.....	Amended.....	21.....	03/23/2016.....	149-2016
6-1.1-15-2.5.....	Amended.....	22.....	03/23/2016.....	149-2016
6-1.1-15-3.....	Amended.....	2.....	07/01/2016.....	196-2016
6-1.1-15-4.....	Amended.....	3.....	01/01/2017.....	207-2016
6-1.1-15-10.5.....	Amended.....	7.....	07/01/2016.....	203-2016
6-1.1-15-10.7.....	New.....	9.....	07/01/2016.....	180-2016
6-1.1-15-12.....	Amended.....	3.....	07/01/2016.....	196-2016
6-1.1-17-0.5.....	Amended.....	3.....	07/01/2016.....	184-2016
6-1.1-17-0.7.....	New.....	4.....	07/01/2016.....	184-2016
6-1.1-17-1.....	Amended.....	5.....	07/01/2016.....	184-2016
6-1.1-17-3.....	Amended.....	6.....	07/01/2016.....	184-2016
6-1.1-17-3.5.....	Repealed.....	7.....	07/01/2016.....	184-2016
6-1.1-17-3.6.....	New.....	8.....	07/01/2016.....	184-2016
6-1.1-17-3.7.....	Repealed.....	9.....	07/01/2016.....	184-2016
6-1.1-17-5.6.....	Amended.....	10.....	07/01/2016.....	184-2016
6-1.1-17-16.....	Amended.....	23.....	03/23/2016.....	149-2016
6-1.1-17-16.....	Amended.....	11.....	07/01/2016.....	184-2016
6-1.1-17-16.7.....	Amended.....	12.....	07/01/2016.....	184-2016
6-1.1-18-1.....	Amended.....	24.....	03/23/2016.....	149-2016
6-1.1-18-5.....	Amended.....	13.....	07/01/2016.....	184-2016
6-1.1-18-23.....	New.....	10.....	07/01/2016.....	180-2016
6-1.1-18.5-1.....	Amended.....	13.....	01/01/2017.....	197-2016
6-1.1-18.5-2.....	Amended.....	14.....	07/01/2016.....	184-2016
6-1.1-18.5-3.....	Amended.....	14.....	01/01/2017.....	197-2016
6-1.1-18.5-7.....	Amended.....	8.....	07/01/2016.....	203-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-18.5-8.1	Repealed	9	07/01/2016	203-2016
6-1.1-18.5-9.8	Amended	15	07/01/2016	184-2016
6-1.1-18.5-10	Amended	16	07/01/2016	184-2016
6-1.1-18.5-10.1	Repealed	17	07/01/2016	184-2016
6-1.1-18.5-12	Amended	29	07/01/2016	84-2016
6-1.1-18.5-13	Amended	10	07/01/2016	203-2016
6-1.1-18.5-13	Amended	15	01/01/2017	197-2016
6-1.1-18.5-13.5	Repealed	11	07/01/2016	203-2016
6-1.1-18.5-13.6	Repealed	12	07/01/2016	203-2016
6-1.1-18.5-18	Repealed	16	01/01/2017	197-2016
6-1.1-18.5-19.1	Amended	18	07/01/2016	184-2016
6-1.1-18.5-24	New	19	07/01/2016	184-2016
6-1.1-18.5-25	New	11	07/01/2016	180-2016
6-1.1-18.5-26	New	12	07/01/2016	180-2016
6-1.1-20-3.1	Amended	1	07/01/2016	138-2016
6-1.1-20-3.5	Amended	2	07/01/2016	138-2016
6-1.1-20-3.6	Amended	25	03/23/2016	149-2016
6-1.1-20.3-6.9	Amended	1	03/23/2016	127-2016
6-1.1-20.3-14	Repealed	16	07/01/2016	121-2016
6-1.1-20.6-3	Amended	17	01/01/2017	197-2016
6-1.1-20.6-9.9	Amended	1	07/01/2016	151-2016
6-1.1-20.6-10	Amended	18	01/01/2017	197-2016
6-1.1-20.6-11.1	New	20	07/01/2016	184-2016
6-1.1-21.8-4	Amended	19	01/01/2017	197-2016
6-1.1-22-8.1	Amended	20	01/01/2017	197-2016
6-1.1-22.5-8	Amended	21	01/01/2017	197-2016
6-1.1-23-1	Amended	30	07/01/2016	84-2016
6-1.1-23-2	Amended	31	07/01/2016	84-2016
6-1.1-24-1.5	Amended	1	03/24/2016	187-2016
6-1.1-24-3	Amended	2	03/24/2016	187-2016
6-1.1-24-3.4	New	3	03/24/2016	187-2016
6-1.1-24-5.3	Amended	26	03/23/2016	149-2016
6-1.1-24-6.1	Amended	4	03/24/2016	187-2016
6-1.1-24-6.7	Amended	5	03/24/2016	187-2016
6-1.1-24-6.9	Amended	6	03/24/2016	187-2016
6-1.1-24-7	Amended	7	07/01/2016	187-2016
6-1.1-24-7.5	Amended	8	07/01/2016	187-2016
6-1.1-24-17	Amended	9	03/24/2016	187-2016
6-1.1-24.5-2	Amended	1	03/24/2016	183-2016
6-1.1-24.5-3	Amended	2	03/24/2016	183-2016
6-1.1-24.5-4	Amended	3	03/24/2016	183-2016
6-1.1-24.5-5	Amended	4	03/24/2016	183-2016
6-1.1-24.5-6	Amended	5	03/24/2016	183-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-24.5-9.....	Amended.....	6.....	03/24/2016.....	183-2016
6-1.1-25-1.....	Amended.....	10.....	07/01/2016.....	187-2016
6-1.1-25-2.....	Amended.....	11.....	07/01/2016.....	187-2016
6-1.1-25-4.6.....	Amended.....	7.....	03/24/2016.....	183-2016
6-1.1-28-0.1.....	New.....	4.....	01/01/2017.....	207-2016
6-1.1-28-0.2.....	New.....	5.....	01/01/2017.....	207-2016
6-1.1-28-0.3.....	New.....	6.....	01/01/2017.....	207-2016
6-1.1-28-0.4.....	New.....	7.....	01/01/2017.....	207-2016
6-1.1-28-0.5.....	New.....	8.....	01/01/2017.....	207-2016
6-1.1-28-0.6.....	New.....	9.....	01/01/2017.....	207-2016
6-1.1-28-0.7.....	New.....	10.....	01/01/2017.....	207-2016
6-1.1-28-0.8.....	New.....	11.....	01/01/2017.....	207-2016
6-1.1-28-1.....	Amended.....	12.....	01/01/2017.....	207-2016
6-1.1-28-2.....	Amended.....	13.....	01/01/2017.....	207-2016
6-1.1-28-3.....	Amended.....	14.....	01/01/2017.....	207-2016
6-1.1-28-4.....	Amended.....	15.....	01/01/2017.....	207-2016
6-1.1-28-6.....	Amended.....	16.....	01/01/2017.....	207-2016
6-1.1-28-8.....	Amended.....	17.....	01/01/2017.....	207-2016
6-1.1-28-9.....	Amended.....	18.....	01/01/2017.....	207-2016
6-1.1-28-10.....	Amended.....	19.....	01/01/2017.....	207-2016
6-1.1-28-12.....	Amended.....	27.....	03/23/2016.....	149-2016
6-1.1-30-17.....	Amended.....	22.....	01/01/2017.....	197-2016
6-1.1-31-2.....	Amended.....	13.....	07/01/2016.....	203-2016
6-1.1-31-6.....	Amended.....	13.....	01/01/2016.....	204-2016
6-1.1-31.7-3.5.....	Amended.....	20.....	01/01/2017.....	207-2016
6-1.1-33.5-3.....	Amended.....	14.....	07/01/2016.....	203-2016
6-1.1-35-3.....	Amended.....	21.....	01/01/2017.....	207-2016
6-1.1-35.2-2.....	Amended.....	22.....	01/01/2017.....	207-2016
6-1.1-35.2-3.....	Amended.....	23.....	01/01/2017.....	207-2016
6-1.1-36-4.....	Amended.....	32.....	07/01/2016.....	84-2016
6-1.1-36-7.....	Amended.....	12.....	07/01/2016.....	187-2016
6-1.1-36-12.....	Amended.....	13.....	07/01/2016.....	180-2016
6-1.1-36-17.....	Amended.....	23.....	01/01/2017.....	197-2016
6-1.1-36-17.....	Amended.....	15.....	07/01/2016.....	203-2016
6-1.1-36-18.....	Repealed.....	16.....	07/01/2016.....	203-2016
6-1.1-37-7.....	Amended.....	3.....	03/24/2016.....	199-2016
6-1.1-37-10.....	Amended.....	28.....	03/23/2016.....	149-2016
6-1.1-40-11.....	Amended.....	17.....	01/02/2016.....	203-2016
6-1.1-41-4.....	Amended.....	21.....	07/01/2016.....	184-2016
6-1.1-41-6.....	Amended.....	18.....	07/01/2016.....	203-2016
6-1.1-42-22.....	Amended.....	13.....	07/01/2016.....	181-2016
6-1.1-42-28.....	Amended.....	19.....	07/01/2016.....	203-2016
6-1.1-44-6.....	Amended.....	20.....	01/02/2016.....	203-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.5-5-10.....	Amended.....	33.....	07/01/2016.....	84-2016
6-2.5-1-14.7.....	New.....	14.....	01/01/2010.....	181-2016
6-2.5-1-14.9.....	New.....	15.....	01/01/2010.....	181-2016
6-2.5-1-19.5.....	New.....	16.....	07/01/2017.....	181-2016
6-2.5-1-27.7.....	New.....	17.....	01/01/2010.....	181-2016
6-2.5-3-2.....	Amended.....	18.....	01/01/2010.....	181-2016
6-2.5-3-7.5.....	New.....	14.....	07/01/2016.....	204-2016
6-2.5-4-4.....	Amended.....	19.....	07/01/2017.....	181-2016
6-2.5-4-4.2.....	New.....	20.....	07/01/2017.....	181-2016
6-2.5-4-9.....	Amended.....	21.....	01/01/2010.....	181-2016
6-2.5-5-3.....	Amended.....	22.....	01/01/2017.....	181-2016
6-2.5-5-47.....	New.....	1.....	07/01/2016.....	195-2016
6-2.5-10-1.....	Amended.....	4.....	07/01/2016.....	146-2016
6-3-1-3.5.....	Amended.....	4.....	01/01/2016.....	122-2016
6-3-1-3.5.....	Amended.....	23.....	01/01/2017.....	181-2016
6-3-1-11.....	Amended.....	15.....	01/01/2016.....	204-2016
6-3-2-2.....	Amended.....	5.....	03/23/2016.....	122-2016
6-3-2-3.2.....	Amended.....	1.....	01/01/2014.....	210-2016
6-3-3-5.1.....	Repealed.....	24.....	01/01/2017.....	181-2016
6-3-3-12.....	Amended.....	25.....	07/01/2016.....	181-2016
6-3-3-14.6.....	Amended.....	26.....	07/01/2016.....	181-2016
6-3-4-4.1.....	Amended.....	24.....	01/01/2017.....	197-2016
6-3-4-8.....	Amended.....	25.....	01/01/2017.....	197-2016
6-3-4-12.....	Amended.....	27.....	07/01/2016.....	181-2016
6-3-4-12.....	Amended.....	26.....	01/01/2017.....	197-2016
6-3-4-13.....	Amended.....	27.....	01/01/2017.....	197-2016
6-3-4-15.....	Amended.....	28.....	07/01/2016.....	181-2016
6-3-4-15.7.....	Amended.....	28.....	01/01/2017.....	197-2016
6-3-4-17.....	Amended.....	29.....	01/01/2017.....	197-2016
6-3.1-11-1.....	Amended.....	16.....	01/01/2017.....	204-2016
6-3.1-11-3.....	Repealed.....	17.....	01/01/2017.....	204-2016
6-3.1-11-5.....	Amended.....	18.....	01/01/2017.....	204-2016
6-3.1-11-6.....	Repealed.....	19.....	01/01/2017.....	204-2016
6-3.1-11-7.....	Repealed.....	20.....	01/01/2017.....	204-2016
6-3.1-11-15.....	Repealed.....	21.....	01/01/2017.....	204-2016
6-3.1-11-16.....	Amended.....	22.....	01/01/2017.....	204-2016
6-3.1-11-18.5.....	New.....	23.....	01/01/2017.....	204-2016
6-3.1-11-19.....	Amended.....	24.....	01/01/2017.....	204-2016
6-3.1-11-19.5.....	New.....	25.....	01/01/2017.....	204-2016
6-3.1-13-3.....	Repealed.....	23.....	07/01/2016.....	145-2016
6-3.1-13-14.....	Amended.....	24.....	07/01/2016.....	145-2016
6-3.1-13-19.....	Amended.....	25.....	07/01/2016.....	145-2016
6-3.1-13-19.5.....	Amended.....	26.....	07/01/2016.....	145-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-3.1-13-19.7.....	Amended.....	27.....	07/01/2016.....	145-2016
6-3.1-13-22.....	Amended.....	28.....	07/01/2016.....	145-2016
6-3.1-13-24.....	Amended.....	29.....	07/01/2016.....	145-2016
6-3.1-18-4.5.....	New.....	10.....	01/01/2016.....	50-2016
6-3.1-18-6.....	Amended.....	11.....	01/01/2016.....	50-2016
6-3.1-18-9.....	Amended.....	12.....	01/01/2016.....	50-2016
6-3.1-19-1.....	Amended.....	30.....	01/01/2017.....	197-2016
6-3.1-20-7.....	Amended.....	26.....	07/01/2016.....	204-2016
6-3.1-26-3.....	Repealed.....	30.....	07/01/2016.....	145-2016
6-3.1-26-15.....	Amended.....	6.....	03/23/2016.....	122-2016
6-3.1-26-16.....	Amended.....	7.....	03/23/2016.....	122-2016
6-3.1-26-17.....	Amended.....	31.....	07/01/2016.....	145-2016
6-3.1-26-21.....	Amended.....	32.....	07/01/2016.....	145-2016
6-3.1-26-22.....	Amended.....	33.....	07/01/2016.....	145-2016
6-3.1-26-23.....	Amended.....	34.....	07/01/2016.....	145-2016
6-3.1-26-25.....	Amended.....	35.....	07/01/2016.....	145-2016
6-3.1-31.9-4.....	Repealed.....	36.....	07/01/2016.....	145-2016
6-3.1-31.9-18.....	Amended.....	37.....	07/01/2016.....	145-2016
6-3.1-31.9-19.....	Amended.....	38.....	07/01/2016.....	145-2016
6-3.1-31.9-20.....	Amended.....	39.....	07/01/2016.....	145-2016
6-3.1-31.9-21.....	Amended.....	40.....	07/01/2016.....	145-2016
6-3.1-31.9-22.....	Amended.....	41.....	07/01/2016.....	145-2016
6-3.5-0.7.....	Repealed.....	31.....	01/01/2017.....	197-2016
6-3.5-0.8.....	Repealed.....	32.....	01/01/2017.....	197-2016
6-3.5-2.....	Repealed.....	33.....	01/01/2017.....	197-2016
6-3.5-4-1.....	Amended.....	34.....	01/01/2017.....	197-2016
6-3.5-4-1.....	Amended.....	22.....	07/01/2016.....	198-2016
6-3.5-4-1.....	Amended.....	5.....	07/01/2016.....	146-2016
6-3.5-4-1.1.....	Amended.....	35.....	01/01/2017.....	197-2016
6-3.5-4-2.....	Amended.....	6.....	07/01/2016.....	146-2016
6-3.5-4-13.....	Amended.....	7.....	07/01/2016.....	146-2016
6-3.5-4-15.5.....	Amended.....	23.....	07/01/2016.....	198-2016
6-3.5-5-1.....	Amended.....	36.....	01/01/2017.....	197-2016
6-3.5-5-1.....	Amended.....	24.....	07/01/2016.....	198-2016
6-3.5-5-1.....	Amended.....	8.....	07/01/2016.....	146-2016
6-3.5-5-1.1.....	Amended.....	37.....	01/01/2017.....	197-2016
6-3.5-5-2.....	Amended.....	9.....	07/01/2016.....	146-2016
6-3.5-5-9.....	Amended.....	25.....	07/01/2016.....	198-2016
6-3.5-5-13.....	Amended.....	26.....	07/01/2016.....	198-2016
6-3.5-5-15.....	Amended.....	10.....	07/01/2016.....	146-2016
6-3.5-9-1.....	Amended.....	38.....	01/01/2017.....	197-2016
6-3.5-10.....	New.....	11.....	03/23/2016.....	146-2016
6-3.5-11.....	New.....	12.....	03/23/2016.....	146-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-3.6-1-1.....	Amended.....	39.....	01/01/2017.....	197-2016
6-3.6-1-1.1.....	New.....	40.....	07/01/2016.....	197-2016
6-3.6-1-1.5.....	New.....	41.....	03/24/2016.....	197-2016
6-3.6-1-3.....	Amended.....	42.....	01/01/2017.....	197-2016
6-3.6-1-4.....	Amended.....	43.....	01/01/2017.....	197-2016
6-3.6-2-13.5.....	New.....	14.....	07/01/2016.....	180-2016
6-3.6-2-14.....	Amended.....	44.....	01/01/2017.....	197-2016
6-3.6-3-1.....	Amended.....	15.....	07/01/2016.....	180-2016
6-3.6-3-7.5.....	New.....	45.....	07/01/2016.....	197-2016
6-3.6-5-5.....	Amended.....	46.....	01/01/2017.....	197-2016
6-3.6-6-2.5.....	New.....	16.....	07/01/2016.....	180-2016
6-3.6-6-3.....	Amended.....	17.....	07/01/2016.....	180-2016
6-3.6-6-3.....	Amended.....	47.....	01/01/2017.....	197-2016
6-3.6-6-4.....	Amended.....	48.....	01/01/2017.....	197-2016
6-3.6-6-5.....	Amended.....	49.....	07/01/2016.....	197-2016
6-3.6-6-6.....	Repealed.....	50.....	07/01/2016.....	197-2016
6-3.6-6-7.....	Repealed.....	51.....	07/01/2016.....	197-2016
6-3.6-6-8.....	Amended.....	52.....	01/01/2017.....	197-2016
6-3.6-6-9.....	Amended.....	53.....	01/01/2017.....	197-2016
6-3.6-6-9.....	Amended.....	29.....	03/23/2016.....	149-2016
6-3.6-6-11.....	Amended.....	54.....	01/01/2017.....	197-2016
6-3.6-6-11.....	Amended.....	18.....	07/01/2016.....	180-2016
6-3.6-6-12.....	Amended.....	19.....	07/01/2016.....	180-2016
6-3.6-6-20.....	Amended.....	20.....	07/01/2016.....	180-2016
6-3.6-6-20.....	Amended.....	55.....	07/01/2016.....	197-2016
6-3.6-7-2.....	Amended.....	56.....	01/01/2017.....	197-2016
6-3.6-7-3.....	Amended.....	57.....	01/01/2017.....	197-2016
6-3.6-7-4.....	Amended.....	58.....	01/01/2017.....	197-2016
6-3.6-7-8.....	Amended.....	59.....	01/01/2017.....	197-2016
6-3.6-7-12.....	Amended.....	60.....	01/01/2017.....	197-2016
6-3.6-7-19.5.....	New.....	61.....	01/01/2017.....	197-2016
6-3.6-7-21.5.....	New.....	62.....	01/01/2017.....	197-2016
6-3.6-7-27.....	Amended.....	63.....	01/01/2017.....	197-2016
6-3.6-8-5.....	Amended.....	64.....	01/01/2017.....	197-2016
6-3.6-8-8.....	Repealed.....	65.....	01/01/2017.....	197-2016
6-3.6-9-1.....	Amended.....	1.....	03/23/2016.....	126-2016
6-3.6-9-5.....	Amended.....	22.....	07/01/2016.....	184-2016
6-3.6-9-9.....	Amended.....	66.....	07/01/2016.....	197-2016
6-3.6-9-10.....	Amended.....	21.....	07/01/2016.....	180-2016
6-3.6-9-11.....	Amended.....	67.....	07/01/2016.....	197-2016
6-3.6-9-15.....	Amended.....	2.....	07/01/2016.....	126-2016
6-3.6-9-17.....	New.....	3.....	03/23/2016.....	126-2016
6-3.6-10-7.....	Amended.....	68.....	01/01/2017.....	197-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-3.6-10-7.....	Amended.....	7.	07/01/2016.....	188-2016
6-3.6-10-8.....	Amended.....	8.	07/01/2016.....	188-2016
6-3.6-11-1.....	Amended.....	69.	01/01/2017.....	197-2016
6-3.6-11-3.....	Amended.....	70.	01/01/2017.....	197-2016
6-3.6-11-4.....	Amended.....	71.	01/01/2017.....	197-2016
6-3.6-11-6.....	New.....	72.	01/01/2017.....	197-2016
6-4.1-4-1.....	Amended.....	2.	03/24/2016.....	190-2016
6-4.1-4-2.....	Amended.....	3.	03/24/2016.....	190-2016
6-4.1-4-6.....	Amended.....	4.	03/24/2016.....	190-2016
6-4.1-5-2.....	Amended.....	5.	03/24/2016.....	190-2016
6-4.1-5-3.....	Amended.....	6.	03/24/2016.....	190-2016
6-4.1-5-4.....	Amended.....	7.	03/24/2016.....	190-2016
6-4.1-5-5.....	Amended.....	8.	03/24/2016.....	190-2016
6-4.1-5-6.....	Amended.....	9.	03/24/2016.....	190-2016
6-4.1-5-7.....	Amended.....	10.	03/24/2016.....	190-2016
6-4.1-5-8.....	Amended.....	11.	03/24/2016.....	190-2016
6-4.1-5-9.....	Amended.....	12.	03/24/2016.....	190-2016
6-4.1-5-10.....	Amended.....	13.	03/24/2016.....	190-2016
6-4.1-5-11.....	Amended.....	14.	03/24/2016.....	190-2016
6-4.1-6-1.....	Amended.....	15.	03/24/2016.....	190-2016
6-4.1-6-2.....	Amended.....	16.	03/24/2016.....	190-2016
6-4.1-6-4.....	Amended.....	17.	03/24/2016.....	190-2016
6-4.1-6-6.....	Amended.....	18.	03/24/2016.....	190-2016
6-4.1-7-1.....	Amended.....	19.	03/24/2016.....	190-2016
6-4.1-7-2.....	Amended.....	20.	03/24/2016.....	190-2016
6-4.1-7-3.....	Amended.....	21.	03/24/2016.....	190-2016
6-4.1-7-4.....	Amended.....	22.	03/24/2016.....	190-2016
6-4.1-7-6.5.....	New.....	23.	03/24/2016.....	190-2016
6-4.1-9-1.....	Amended.....	24.	03/24/2016.....	190-2016
6-4.1-9-5.....	Amended.....	25.	03/24/2016.....	190-2016
6-4.1-9-6.....	Amended.....	26.	03/24/2016.....	190-2016
6-4.1-9-7.....	Amended.....	27.	03/24/2016.....	190-2016
6-4.1-9-8.....	Amended.....	28.	03/24/2016.....	190-2016
6-4.1-12-1.....	Amended.....	29.	03/24/2016.....	190-2016
6-4.1-12-2.....	Amended.....	30.	03/24/2016.....	190-2016
6-4.1-12-4.....	Amended.....	31.	03/24/2016.....	190-2016
6-6-1.1-903.....	Amended.....	27.	07/01/2016.....	204-2016
6-6-2.5-32.5.....	Amended.....	27.	07/01/2016.....	198-2016
6-6-4.1-2.....	Amended.....	28.	07/01/2016.....	198-2016
6-6-4.1-13.....	Amended.....	29.	07/01/2016.....	198-2016
6-6-4.1-27.....	Amended.....	30.	07/01/2016.....	198-2016
6-6-5-1.....	Amended.....	31.	07/01/2016.....	198-2016
6-6-5-1.....	Amended.....	2.	07/01/2016.....	174-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-6-5-5.....	Amended.....	32.....	01/01/2017.....	198-2016
6-6-5-7.2.....	Amended.....	33.....	07/01/2016.....	198-2016
6-6-5-7.7.....	Amended.....	34.....	07/01/2016.....	198-2016
6-6-5-9.....	Amended.....	30.....	03/23/2016.....	149-2016
6-6-5-9.....	Amended.....	35.....	07/01/2016.....	198-2016
6-6-5-10.4.....	Amended.....	36.....	07/01/2016.....	198-2016
6-6-5-11.....	Amended.....	37.....	07/01/2016.....	198-2016
6-6-5.1-1.....	Amended.....	38.....	07/01/2016.....	198-2016
6-6-5.1-13.....	Amended.....	39.....	01/01/2017.....	198-2016
6-6-5.1-15.....	Amended.....	40.....	07/01/2016.....	198-2016
6-6-5.1-19.....	Amended.....	41.....	07/01/2016.....	198-2016
6-6-5.1-21.....	Amended.....	42.....	07/01/2016.....	198-2016
6-6-5.1-23.....	Amended.....	43.....	07/01/2016.....	198-2016
6-6-5.1-25.....	Amended.....	44.....	07/01/2016.....	198-2016
6-6-5.5-1.....	Amended.....	45.....	07/01/2016.....	198-2016
6-6-5.5-2.....	Amended.....	46.....	07/01/2016.....	198-2016
6-6-5.5-7.....	Amended.....	47.....	07/01/2016.....	198-2016
6-6-5.5-7.5.....	Amended.....	48.....	07/01/2016.....	198-2016
6-6-5.5-10.....	Amended.....	49.....	07/01/2016.....	198-2016
6-6-5.5-17.....	Amended.....	50.....	07/01/2016.....	198-2016
6-6-11-12.....	Amended.....	51.....	07/01/2016.....	198-2016
6-6-11-12.5.....	Amended.....	1.....	07/01/2016.....	95-2016
6-6-11-13.....	Amended.....	52.....	07/01/2016.....	198-2016
6-6-11-17.....	Amended.....	53.....	07/01/2016.....	198-2016
6-6-11-20.....	Amended.....	54.....	07/01/2016.....	198-2016
6-6-11-23.....	Repealed.....	55.....	07/01/2016.....	198-2016
6-6-11-29.....	Amended.....	56.....	07/01/2016.....	198-2016
6-7-1-2.....	Amended.....	1.....	07/01/2016.....	191-2016
6-7-1-3.....	Amended.....	2.....	07/01/2016.....	191-2016
6-7-1-9.....	Amended.....	3.....	07/01/2016.....	191-2016
6-7-1-12.....	Amended.....	4.....	07/01/2016.....	191-2016
6-7-1-14.....	Amended.....	5.....	07/01/2016.....	191-2016
6-7-1-17.....	Amended.....	6.....	07/01/2016.....	191-2016
6-7-1-29.1.....	Amended.....	2.....	07/01/2016.....	95-2016
6-7-2-13.....	Amended.....	7.....	07/01/2016.....	191-2016
6-8-11-11.5.....	Amended.....	8.....	01/01/2016.....	122-2016
6-8-11-17.....	Amended.....	9.....	01/01/2016.....	122-2016
6-8-11-23.....	Amended.....	10.....	01/01/2016.....	122-2016
6-8-12-3.....	Amended.....	73.....	01/01/2017.....	197-2016
6-8.1-1-1.....	Amended.....	74.....	01/01/2017.....	197-2016
6-8.1-1-1.....	Amended.....	17.....	07/01/2016.....	121-2016
6-8.1-1-1.....	Amended.....	57.....	07/01/2016.....	198-2016
6-8.1-3-16.....	Amended.....	75.....	01/01/2017.....	197-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
6-8.1-3-25.....	Amended.....	13.	03/23/2016.....	146-2016
6-8.1-5-2.....	Amended.....	58.	07/01/2016.....	198-2016
6-8.1-5-2.....	Amended.....	76.	01/01/2017.....	197-2016
6-8.1-5-2.....	Amended.....	31.	03/23/2016.....	149-2016
6-8.1-6-8.....	Amended.....	77.	01/01/2017.....	197-2016
6-8.1-8-2.....	Amended.....	29.	07/01/2016.....	181-2016
6-8.1-9-4.....	Amended.....	1.	07/01/2016.....	99-2016
6-8.1-10-2.1.....	Amended.....	30.	07/01/2016.....	181-2016
6-9-2-4.3.....	Amended.....	28.	07/01/2016.....	204-2016
6-9-10.5-8.....	Amended.....	78.	01/01/2017.....	197-2016
6-9-25-1.5.....	New.....	1.	07/01/2016.....	194-2016
6-9-25-9.5.....	Amended.....	2.	07/01/2016.....	194-2016
6-9-25-15.....	New.....	3.	07/01/2016.....	194-2016
6-9-26-12.5.....	Amended.....	79.	01/01/2017.....	197-2016
6-9-29-3.....	Amended.....	31.	07/01/2016.....	181-2016
6-9-33-7.5.....	New.....	4.	07/01/2016.....	194-2016
6-9-33-8.....	Amended.....	80.	01/01/2017.....	197-2016
6-9-38-6.....	Amended.....	81.	01/01/2017.....	197-2016
6-10-1-2.....	Amended.....	32.	03/23/2016.....	149-2016

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7.1-1-3-47.5.....	Amended.....	2.	03/21/2016.....	60-2016
7.1-2-3-33.....	Amended.....	1.	07/01/2016.....	214-2016
7.1-3-1-29.....	Amended.....	3.	03/21/2016.....	35-2016
7.1-3-2-7.....	Amended.....	2.	07/01/2016.....	214-2016
7.1-3-5-2.....	Amended.....	1.	03/23/2016.....	133-2016
7.1-3-5-2.....	Amended.....	3.	03/24/2016.....	214-2016
7.1-3-6-2.....	Amended.....	4.	07/01/2016.....	214-2016
7.1-3-6-3.6.....	Amended.....	5.	03/24/2016.....	214-2016
7.1-3-6-3.8.....	New.....	6.	03/24/2016.....	214-2016
7.1-3-9-13.....	New.....	7.	03/24/2016.....	214-2016
7.1-3-9-13.....	New.....	1.	03/23/2016.....	140-2016
7.1-3-12-5.....	Amended.....	8.	07/01/2016.....	214-2016
7.1-3-16-6.....	Amended.....	9.	07/01/2016.....	214-2016
7.1-3-17.8.....	New.....	10.	07/01/2016.....	214-2016
7.1-3-18.5-5.....	Amended.....	11.	07/01/2016.....	214-2016
7.1-3-18.5-6.....	Amended.....	12.	07/01/2016.....	214-2016
7.1-3-18.5-8.....	Amended.....	13.	07/01/2016.....	214-2016
7.1-3-18.5-11.....	New.....	14.	07/01/2016.....	214-2016
7.1-3-19-17.....	Amended.....	15.	03/24/2016.....	214-2016
7.1-3-19-17.....	Amended.....	3.	03/21/2016.....	60-2016
7.1-3-20-8.6.....	Amended.....	1.	07/01/2016.....	132-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
7.1-3-20-8.6	Amended	16	07/01/2016	214-2016
7.1-3-20-16	Amended	1	07/01/2016	131-2016
7.1-3-20-16	Amended	17	07/01/2016	214-2016
7.1-3-20-16.3	Amended	18	07/01/2016	214-2016
7.1-3-20-16.3	New	2	07/01/2016	131-2016
7.1-3-20-16.8	New	19	03/24/2016	214-2016
7.1-3-20-17.5	New	20	07/01/2016	214-2016
7.1-3-20-17.5	New	2	07/01/2016	133-2016
7.1-3-20-18	Amended	21	07/01/2016	214-2016
7.1-3-20-18.6	New	22	07/01/2016	214-2016
7.1-3-20-18.7	New	23	07/01/2016	214-2016
7.1-3-20-18.7	New	3	07/01/2016	133-2016
7.1-3-20-27	New	4	07/01/2016	133-2016
7.1-3-21-5	Amended	24	03/24/2016	214-2016
7.1-3-21-5	Amended	5	03/23/2016	133-2016
7.1-3-21-5.2	Amended	25	03/24/2016	214-2016
7.1-3-21-5.2	Amended	6	03/23/2016	133-2016
7.1-3-21-5.4	Amended	26	03/24/2016	214-2016
7.1-3-21-5.4	Amended	7	03/23/2016	133-2016
7.1-3-21-5.6	New	27	03/24/2016	214-2016
7.1-3-21-5.6	New	8	03/23/2016	133-2016
7.1-3-23-20.5	Amended	2	03/21/2016	13-2016
7.1-3-27-8	Amended	28	07/01/2016	214-2016
7.1-4-4.1-5	Amended	29	07/01/2016	214-2016
7.1-4-4.1-9	Amended	30	07/01/2016	214-2016
7.1-5-3-4	Amended	31	07/01/2016	214-2016
7.1-5-3-4	Amended	9	07/01/2016	133-2016
7.1-5-7-4.5	New	32	07/01/2016	214-2016
7.1-5-10-21	Repealed	1	07/01/2016	59-2016
7.1-7-4-1	Amended	33	03/24/2016	214-2016

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8-1-1.1-6.1	Amended	33	03/23/2016	149-2016
8-1-2-0.5	New	1	07/01/2016	104-2016
8-1-2-6	Amended	1	03/22/2016	98-2016
8-1-2-61.8	New	1	07/01/2016	107-2016
8-1-2.6-13	Amended	34	03/23/2016	149-2016
8-1-8.3-1	Amended	59	07/01/2016	198-2016
8-1-8.5-9	Amended	35	03/23/2016	149-2016
8-1-19-2	Amended	34	07/01/2016	84-2016
8-1-30.3-2.5	New	2	03/22/2016	98-2016
8-1-30.3-3	Amended	3	03/22/2016	98-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
8-1-30.3-5.....	Amended.....	4.....	03/22/2016.....	98-2016
8-1-30.3-6.....	Amended.....	5.....	03/22/2016.....	98-2016
8-1-30.5.....	Repealed.....	1.....	01/01/2016.....	102-2016
8-1-30.7.....	New.....	2.....	03/22/2016.....	102-2016
8-1-31-9.....	Amended.....	2.....	07/01/2016.....	104-2016
8-1-31.5.....	New.....	3.....	07/01/2016.....	104-2016
8-1-34-23.....	Amended.....	36.....	03/23/2016.....	149-2016
8-1-34-30.....	Amended.....	3.....	07/01/2016.....	65-2016
8-1.5-1-10.....	Amended.....	6.....	03/22/2016.....	98-2016
8-1.5-2-4.....	Amended.....	7.....	03/22/2016.....	98-2016
8-1.5-2-5.....	Amended.....	37.....	03/23/2016.....	149-2016
8-1.5-2-5.....	Amended.....	8.....	03/22/2016.....	98-2016
8-1.5-2-6.....	Amended.....	9.....	03/22/2016.....	98-2016
8-1.5-2-6.1.....	New.....	10.....	03/22/2016.....	98-2016
8-1.5-5-24.....	Amended.....	35.....	07/01/2016.....	84-2016
8-2-17-5.....	Amended.....	36.....	07/01/2016.....	84-2016
8-2-17-6.....	Amended.....	37.....	07/01/2016.....	84-2016
8-2.1-19.1-5.....	Amended.....	60.....	07/01/2016.....	198-2016
8-2.1-23-2.....	Amended.....	61.....	07/01/2016.....	198-2016
8-2.1-24-18.....	Amended.....	62.....	07/01/2016.....	198-2016
8-4-10-1.....	Amended.....	38.....	07/01/2016.....	84-2016
8-4-21-2.....	Amended.....	39.....	07/01/2016.....	84-2016
8-4-32-2.....	Amended.....	40.....	07/01/2016.....	84-2016
8-4-32-3.....	Amended.....	41.....	07/01/2016.....	84-2016
8-6-2.1-13.....	Amended.....	42.....	07/01/2016.....	84-2016
8-6-2.1-20.....	Amended.....	43.....	07/01/2016.....	84-2016
8-6-2.1-21.....	Amended.....	44.....	07/01/2016.....	84-2016
8-6-2.1-25.....	Amended.....	45.....	07/01/2016.....	84-2016
8-6-2.1-26.....	Amended.....	46.....	07/01/2016.....	84-2016
8-6-2.1-28.....	Amended.....	47.....	07/01/2016.....	84-2016
8-6-3-1.....	Amended.....	48.....	07/01/2016.....	84-2016
8-6-7.6-1.....	Repealed.....	63.....	07/01/2016.....	198-2016
8-6-7.6-1.1.....	Repealed.....	64.....	07/01/2016.....	198-2016
8-6-7.6-1.5.....	New.....	65.....	07/01/2016.....	198-2016
8-6-7.6-2.....	Repealed.....	66.....	07/01/2016.....	198-2016
8-6-7.6-2.1.....	Amended.....	67.....	07/01/2016.....	198-2016
8-6-7.6-3.....	New.....	68.....	07/01/2016.....	198-2016
8-6-7.6-4.....	New.....	69.....	07/01/2016.....	198-2016
8-6-7.7-1.1.....	New.....	70.....	07/01/2016.....	198-2016
8-6-7.7-3.2.....	Amended.....	71.....	07/01/2016.....	198-2016
8-6-7.7-3.3.....	Amended.....	72.....	07/01/2016.....	198-2016
8-10-1-7.....	Amended.....	49.....	07/01/2016.....	84-2016
8-10-1-8.....	Amended.....	50.....	07/01/2016.....	84-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
8-14-8-4.....	Amended.....	14.....	07/01/2016.....	146-2016
8-14-14.1-5.....	Amended.....	15.....	03/23/2016.....	146-2016
8-14-16-5.....	Amended.....	82.....	01/01/2017.....	197-2016
8-15-3-23.....	Amended.....	32.....	01/01/2010.....	181-2016
8-15.5-1-2.....	Amended.....	38.....	03/23/2016.....	149-2016
8-15.5-1-2.....	Amended.....	33.....	03/24/2016.....	181-2016
8-15.5-4-0.5.....	New.....	34.....	03/24/2016.....	181-2016
8-15.5-4-11.....	Amended.....	35.....	03/24/2016.....	181-2016
8-15.7-7-2.....	Amended.....	36.....	01/01/2010.....	181-2016
8-17-1-19.....	Amended.....	51.....	07/01/2016.....	84-2016
8-18-8-5.....	Amended.....	83.....	01/01/2017.....	197-2016
8-18-21-3.....	Amended.....	52.....	07/01/2016.....	84-2016
8-18-22-6.....	Amended.....	84.....	01/01/2017.....	197-2016
8-20-1-72.....	Amended.....	53.....	07/01/2016.....	84-2016
8-21-9-18.....	Amended.....	54.....	07/01/2016.....	84-2016
8-22-1-5.1.....	New.....	3.....	07/01/2016.....	154-2016
8-22-3-7.....	Amended.....	4.....	07/01/2016.....	154-2016
8-23-10-0.5.....	New.....	3.....	03/23/2016.....	144-2016
8-23-10-1.....	Amended.....	4.....	03/23/2016.....	144-2016
8-23-10-2.5.....	New.....	5.....	07/01/2016.....	144-2016
8-23-30.....	New.....	16.....	03/23/2016.....	146-2016
8-24.....	Repealed.....	18.....	07/01/2016.....	121-2016
8-25-2-2.....	Amended.....	85.....	01/01/2017.....	197-2016
8-25-2-3.....	Amended.....	86.....	01/01/2017.....	197-2016
8-25-2-4.....	Repealed.....	87.....	01/01/2017.....	197-2016
8-25-2-5.....	Repealed.....	88.....	01/01/2017.....	197-2016
8-25-2-6.....	Amended.....	89.....	01/01/2017.....	197-2016
8-25-3-1.....	Amended.....	90.....	01/01/2017.....	197-2016
8-25-3-2.....	Repealed.....	91.....	01/01/2017.....	197-2016
8-25-3-3.....	Repealed.....	92.....	01/01/2017.....	197-2016
8-25-3-5.....	Repealed.....	93.....	01/01/2017.....	197-2016
8-25-3-6.....	Amended.....	94.....	01/01/2017.....	197-2016
8-25-5-6.....	Amended.....	95.....	01/01/2017.....	197-2016
8-25-6-2.....	Amended.....	21.....	03/24/2016.....	203-2016
8-25-6-3.....	Amended.....	96.....	01/01/2017.....	197-2016
8-25-6-4.....	Amended.....	97.....	01/01/2017.....	197-2016
8-25-6-8.....	Amended.....	22.....	07/01/2016.....	203-2016
8-25-6-10.....	Amended.....	98.....	01/01/2017.....	197-2016
8-25-6-10.....	Amended.....	23.....	03/24/2016.....	203-2016
8-25-6-11.....	Repealed.....	99.....	01/01/2017.....	197-2016
8-25-6-12.....	Amended.....	100.....	01/01/2017.....	197-2016
8-25-6-14.....	Amended.....	101.....	01/01/2017.....	197-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
Title 9				
9-13-2-0.1.....	Repealed.....	73.....	07/01/2016.....	198-2016
9-13-2-1.1.....	Repealed.....	74.....	07/01/2016.....	198-2016
9-13-2-1.2.....	Repealed.....	75.....	07/01/2016.....	198-2016
9-13-2-1.5.....	Repealed.....	76.....	07/01/2016.....	198-2016
9-13-2-2.2.....	Repealed.....	77.....	07/01/2016.....	198-2016
9-13-2-3.....	Amended.....	78.....	07/01/2016.....	198-2016
9-13-2-5.3.....	New.....	79.....	07/01/2016.....	198-2016
9-13-2-5.5.....	Repealed.....	80.....	07/01/2016.....	198-2016
9-13-2-7.....	Repealed.....	3.....	07/01/2016.....	174-2016
9-13-2-8.....	Amended.....	81.....	07/01/2016.....	198-2016
9-13-2-9.....	Amended.....	82.....	07/01/2016.....	198-2016
9-13-2-10.....	Amended.....	83.....	07/01/2016.....	198-2016
9-13-2-10.2.....	Repealed.....	84.....	07/01/2016.....	198-2016
9-13-2-17.....	Amended.....	85.....	07/01/2016.....	198-2016
9-13-2-19.2.....	Repealed.....	86.....	07/01/2016.....	198-2016
9-13-2-24.....	Amended.....	87.....	07/01/2016.....	198-2016
9-13-2-26.....	Repealed.....	88.....	07/01/2016.....	198-2016
9-13-2-27.....	Repealed.....	89.....	07/01/2016.....	198-2016
9-13-2-28.3.....	Repealed.....	90.....	07/01/2016.....	198-2016
9-13-2-28.4.....	New.....	91.....	07/01/2016.....	198-2016
9-13-2-29.....	Repealed.....	92.....	07/01/2016.....	198-2016
9-13-2-29.5.....	Repealed.....	93.....	07/01/2016.....	198-2016
9-13-2-30.....	Amended.....	94.....	07/01/2016.....	198-2016
9-13-2-31.....	Amended.....	95.....	07/01/2016.....	198-2016
9-13-2-32.7.....	Amended.....	96.....	07/01/2016.....	198-2016
9-13-2-33.5.....	Repealed.....	97.....	07/01/2016.....	198-2016
9-13-2-35.....	Amended.....	98.....	07/01/2016.....	198-2016
9-13-2-36.....	Repealed.....	99.....	07/01/2016.....	198-2016
9-13-2-37.....	Repealed.....	4.....	07/01/2016.....	174-2016
9-13-2-38.....	Amended.....	100.....	07/01/2016.....	198-2016
9-13-2-39.7.....	New.....	101.....	07/01/2016.....	198-2016
9-13-2-42.....	Amended.....	5.....	07/01/2016.....	174-2016
9-13-2-43.5.....	Repealed.....	102.....	07/01/2016.....	198-2016
9-13-2-45.....	Amended.....	6.....	07/01/2016.....	174-2016
9-13-2-45.7.....	Repealed.....	103.....	07/01/2016.....	198-2016
9-13-2-48.....	Amended.....	104.....	07/01/2016.....	198-2016
9-13-2-48.5.....	Amended.....	105.....	07/01/2016.....	198-2016
9-13-2-49.6.....	New.....	106.....	07/01/2016.....	198-2016
9-13-2-66.....	Repealed.....	107.....	07/01/2016.....	198-2016
9-13-2-66.3.....	Repealed.....	108.....	07/01/2016.....	198-2016
9-13-2-66.5.....	Repealed.....	109.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-13-2-66.7.....	New.....	110.....	07/01/2016.....	198-2016
9-13-2-69.8.....	Repealed.....	111.....	07/01/2016.....	198-2016
9-13-2-70.1.....	Repealed.....	112.....	07/01/2016.....	198-2016
9-13-2-70.2.....	Repealed.....	113.....	07/01/2016.....	198-2016
9-13-2-72.5.....	Repealed.....	114.....	07/01/2016.....	198-2016
9-13-2-72.7.....	Repealed.....	115.....	07/01/2016.....	198-2016
9-13-2-73.....	Amended.....	116.....	07/01/2016.....	198-2016
9-13-2-74.....	Amended.....	117.....	07/01/2016.....	198-2016
9-13-2-75.....	Amended.....	118.....	07/01/2016.....	198-2016
9-13-2-77.....	Amended.....	119.....	07/01/2016.....	198-2016
9-13-2-77.5.....	Repealed.....	120.....	07/01/2016.....	198-2016
9-13-2-78.....	Amended.....	121.....	07/01/2016.....	198-2016
9-13-2-79.5.....	Repealed.....	122.....	07/01/2016.....	198-2016
9-13-2-83.....	Repealed.....	123.....	07/01/2016.....	198-2016
9-13-2-87.....	Repealed.....	124.....	07/01/2016.....	198-2016
9-13-2-93.2.....	New.....	125.....	07/01/2016.....	198-2016
9-13-2-94.2.....	Repealed.....	126.....	07/01/2016.....	198-2016
9-13-2-95.....	Amended.....	127.....	07/01/2016.....	198-2016
9-13-2-96.....	Amended.....	128.....	03/24/2016.....	198-2016
9-13-2-97.5.....	Repealed.....	7.....	07/01/2016.....	174-2016
9-13-2-101.....	Repealed.....	129.....	07/01/2016.....	198-2016
9-13-2-102.3.....	Amended.....	130.....	07/01/2016.....	198-2016
9-13-2-103.....	Amended.....	131.....	07/01/2016.....	198-2016
9-13-2-103.2.....	Amended.....	132.....	07/01/2016.....	198-2016
9-13-2-105.....	Amended.....	133.....	07/01/2016.....	198-2016
9-13-2-105.....	Amended.....	8.....	07/01/2016.....	174-2016
9-13-2-107.....	Repealed.....	134.....	07/01/2016.....	198-2016
9-13-2-107.5.....	Repealed.....	135.....	07/01/2016.....	198-2016
9-13-2-113.....	Amended.....	136.....	07/01/2016.....	198-2016
9-13-2-113.5.....	New.....	137.....	07/01/2016.....	198-2016
9-13-2-117.5.....	Amended.....	138.....	07/01/2016.....	198-2016
9-13-2-118.....	Amended.....	139.....	07/01/2016.....	198-2016
9-13-2-120.....	Repealed.....	140.....	07/01/2016.....	198-2016
9-13-2-120.7.....	Amended.....	141.....	07/01/2016.....	198-2016
9-13-2-121.....	Amended.....	142.....	07/01/2016.....	198-2016
9-13-2-123.....	Amended.....	143.....	07/01/2016.....	198-2016
9-13-2-123.5.....	Amended.....	144.....	07/01/2016.....	198-2016
9-13-2-124.....	Amended.....	145.....	07/01/2016.....	198-2016
9-13-2-124.5.....	Repealed.....	146.....	07/01/2016.....	198-2016
9-13-2-127.....	Amended.....	147.....	07/01/2016.....	198-2016
9-13-2-128.3.....	Repealed.....	148.....	07/01/2016.....	198-2016
9-13-2-129.....	Repealed.....	149.....	07/01/2016.....	198-2016
9-13-2-132.....	Amended.....	150.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-13-2-133.....	Amended.....	151.....	07/01/2016.....	198-2016
9-13-2-138.....	Repealed.....	152.....	07/01/2016.....	198-2016
9-13-2-143.....	Amended.....	153.....	07/01/2016.....	198-2016
9-13-2-144.5.....	Repealed.....	154.....	07/01/2016.....	198-2016
9-13-2-145.....	Repealed.....	155.....	07/01/2016.....	198-2016
9-13-2-149.....	Amended.....	156.....	07/01/2016.....	198-2016
9-13-2-149.5.....	Repealed.....	157.....	07/01/2016.....	198-2016
9-13-2-149.8.....	Amended.....	158.....	07/01/2016.....	198-2016
9-13-2-150.....	Amended.....	159.....	03/24/2016.....	198-2016
9-13-2-152.5.....	Repealed.....	160.....	07/01/2016.....	198-2016
9-13-2-152.7.....	New.....	161.....	07/01/2016.....	198-2016
9-13-2-160.....	Amended.....	162.....	07/01/2016.....	198-2016
9-13-2-161.....	Amended.....	163.....	07/01/2016.....	198-2016
9-13-2-162.....	Amended.....	164.....	07/01/2016.....	198-2016
9-13-2-164.....	Amended.....	165.....	07/01/2016.....	198-2016
9-13-2-170.1.....	Repealed.....	166.....	07/01/2016.....	198-2016
9-13-2-170.3.....	Amended.....	167.....	07/01/2016.....	198-2016
9-13-2-173.....	Amended.....	168.....	07/01/2016.....	198-2016
9-13-2-173.5.....	Amended.....	169.....	07/01/2016.....	198-2016
9-13-2-173.7.....	Amended.....	170.....	07/01/2016.....	198-2016
9-13-2-177.3.....	Amended.....	171.....	07/01/2016.....	198-2016
9-13-2-177.5.....	Repealed.....	172.....	07/01/2016.....	198-2016
9-13-2-186.....	Repealed.....	173.....	07/01/2016.....	198-2016
9-13-2-188.3.....	New.....	174.....	07/01/2016.....	198-2016
9-13-2-188.5.....	Repealed.....	175.....	07/01/2016.....	198-2016
9-13-2-196.....	Amended.....	176.....	07/01/2016.....	198-2016
9-13-2-196.5.....	Amended.....	177.....	07/01/2016.....	198-2016
9-13-2-198.....	Amended.....	178.....	07/01/2016.....	198-2016
9-13-2-199.....	Repealed.....	9.....	07/01/2016.....	174-2016
9-13-2-201.....	Repealed.....	179.....	07/01/2016.....	198-2016
9-14-1.....	Repealed.....	180.....	07/01/2016.....	198-2016
9-14-2.....	Repealed.....	181.....	07/01/2016.....	198-2016
9-14-3.....	Repealed.....	182.....	07/01/2016.....	198-2016
9-14-3.5.....	Repealed.....	183.....	07/01/2016.....	198-2016
9-14-4.....	Repealed.....	184.....	07/01/2016.....	198-2016
9-14-5.....	Repealed.....	185.....	07/01/2016.....	198-2016
9-14-6.....	New.....	186.....	07/01/2016.....	198-2016
9-14-7.....	New.....	187.....	07/01/2016.....	198-2016
9-14-8.....	New.....	188.....	07/01/2016.....	198-2016
9-14-9.....	New.....	189.....	07/01/2016.....	198-2016
9-14-10.....	New.....	190.....	07/01/2016.....	198-2016
9-14-11.....	New.....	191.....	07/01/2016.....	198-2016
9-14-12.....	New.....	192.....	07/01/2016.....	198-2016

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9-14-13.....	New.....	193.....	07/01/2016.....	198-2016
9-14-14.....	New.....	194.....	07/01/2016.....	198-2016
9-14.1.....	New.....	195.....	07/01/2016.....	198-2016
9-15.....	Repealed.....	196.....	07/01/2016.....	198-2016
9-16.....	Repealed.....	197.....	07/01/2016.....	198-2016
9-17-1-0.5.....	New.....	198.....	07/01/2016.....	198-2016
9-17-1-1.....	Amended.....	199.....	07/01/2016.....	198-2016
9-17-1-2.....	Repealed.....	200.....	07/01/2016.....	198-2016
9-17-2-1.....	Amended.....	201.....	07/01/2016.....	198-2016
9-17-2-1.5.....	Repealed.....	202.....	07/01/2016.....	198-2016
9-17-2-2.....	Amended.....	203.....	07/01/2016.....	198-2016
9-17-2-4.....	Amended.....	204.....	07/01/2016.....	198-2016
9-17-2-5.....	Repealed.....	205.....	07/01/2016.....	198-2016
9-17-2-6.....	Amended.....	206.....	07/01/2016.....	198-2016
9-17-2-8.....	Repealed.....	207.....	07/01/2016.....	198-2016
9-17-2-9.....	Repealed.....	208.....	07/01/2016.....	198-2016
9-17-2-10.....	Repealed.....	209.....	07/01/2016.....	198-2016
9-17-2-11.....	Repealed.....	210.....	07/01/2016.....	198-2016
9-17-2-12.....	Amended.....	211.....	07/01/2016.....	198-2016
9-17-2-12.5.....	Repealed.....	212.....	07/01/2016.....	198-2016
9-17-2-13.....	Repealed.....	213.....	07/01/2016.....	198-2016
9-17-2-13.5.....	New.....	214.....	07/01/2016.....	198-2016
9-17-2-14.5.....	New.....	215.....	07/01/2016.....	198-2016
9-17-2-14.7.....	New.....	216.....	07/01/2016.....	198-2016
9-17-2-15.....	Amended.....	217.....	07/01/2016.....	198-2016
9-17-2-17.....	Repealed.....	218.....	07/01/2016.....	198-2016
9-17-2-18.....	New.....	219.....	07/01/2016.....	198-2016
9-17-2-19.....	New.....	220.....	03/24/2016.....	198-2016
9-17-3-0.5.....	Amended.....	221.....	07/01/2016.....	198-2016
9-17-3-2.....	Amended.....	222.....	07/01/2016.....	198-2016
9-17-3-3.2.....	Amended.....	223.....	07/01/2016.....	198-2016
9-17-3-4.....	Amended.....	224.....	07/01/2016.....	198-2016
9-17-3-5.....	Amended.....	225.....	07/01/2016.....	198-2016
9-17-3-6.....	Amended.....	226.....	07/01/2016.....	198-2016
9-17-4-0.3.....	Amended.....	227.....	07/01/2016.....	198-2016
9-17-4-0.5.....	Amended.....	228.....	07/01/2016.....	198-2016
9-17-4-1.....	Amended.....	229.....	07/01/2016.....	198-2016
9-17-4-2.....	Amended.....	230.....	07/01/2016.....	198-2016
9-17-4-4.....	Amended.....	231.....	07/01/2016.....	198-2016
9-17-4-4.5.....	Amended.....	232.....	07/01/2016.....	198-2016
9-17-4-7.....	Amended.....	233.....	07/01/2016.....	198-2016
9-17-4-8.....	Amended.....	234.....	07/01/2016.....	198-2016
9-17-4-10.....	Amended.....	235.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-17-4-11.....	Amended.....	236.....	07/01/2016.....	198-2016
9-17-4-12.....	Amended.....	237.....	07/01/2016.....	198-2016
9-17-4-19.....	Amended.....	238.....	07/01/2016.....	198-2016
9-17-5-1.....	Amended.....	239.....	07/01/2016.....	198-2016
9-17-5-2.....	Amended.....	240.....	07/01/2016.....	198-2016
9-17-5-4.....	Amended.....	241.....	07/01/2016.....	198-2016
9-17-6-1.....	Repealed.....	242.....	07/01/2016.....	198-2016
9-17-6-2.....	Repealed.....	243.....	07/01/2016.....	198-2016
9-17-6-4.....	Repealed.....	244.....	07/01/2016.....	198-2016
9-17-6-5.....	Repealed.....	245.....	07/01/2016.....	198-2016
9-17-6-6.....	Repealed.....	246.....	07/01/2016.....	198-2016
9-17-6-7.....	Repealed.....	247.....	07/01/2016.....	198-2016
9-17-6-8.....	Repealed.....	248.....	07/01/2016.....	198-2016
9-17-6-9.....	Repealed.....	249.....	07/01/2016.....	198-2016
9-17-6-10.....	Repealed.....	250.....	07/01/2016.....	198-2016
9-17-6-11.....	Repealed.....	251.....	07/01/2016.....	198-2016
9-17-6-12.....	Repealed.....	252.....	07/01/2016.....	198-2016
9-17-6-13.....	Repealed.....	253.....	07/01/2016.....	198-2016
9-17-6-14.....	Repealed.....	254.....	07/01/2016.....	198-2016
9-17-6-15.....	Repealed.....	255.....	07/01/2016.....	198-2016
9-17-6-15.1.....	Amended.....	256.....	07/01/2016.....	198-2016
9-17-6-15.3.....	Amended.....	257.....	07/01/2016.....	198-2016
9-17-6-17.....	Amended.....	258.....	07/01/2016.....	198-2016
9-17-6-18.....	New.....	259.....	03/24/2016.....	198-2016
9-17-7.....	Repealed.....	260.....	07/01/2016.....	198-2016
9-18-1-2.....	Amended.....	261.....	07/01/2016.....	198-2016
9-18-1-2.....	Amended.....	10.....	07/01/2016.....	174-2016
9-18-1-3.....	New.....	262.....	07/01/2016.....	198-2016
9-18-2-5.....	Amended.....	263.....	07/01/2016.....	198-2016
9-18-2-6.....	Repealed.....	264.....	07/01/2016.....	198-2016
9-18-2-7.....	Amended.....	265.....	07/01/2016.....	198-2016
9-18-2-8.....	Amended.....	266.....	07/01/2016.....	198-2016
9-18-2-16.....	Amended.....	267.....	07/01/2016.....	198-2016
9-18-2-22.....	Amended.....	268.....	07/01/2016.....	198-2016
9-18-2-41.....	Amended.....	269.....	07/01/2016.....	198-2016
9-18-2-47.....	Amended.....	270.....	07/01/2016.....	198-2016
9-18-2.5-3.....	Amended.....	271.....	07/01/2016.....	198-2016
9-18-2.5-13.....	Repealed.....	272.....	07/01/2016.....	198-2016
9-18-2.5-15.....	Repealed.....	273.....	07/01/2016.....	198-2016
9-18-3-6.5.....	Amended.....	274.....	07/01/2016.....	198-2016
9-18-4-1.....	Amended.....	275.....	07/01/2016.....	198-2016
9-18-4-7.....	Amended.....	276.....	07/01/2016.....	198-2016
9-18-5-1.....	Amended.....	277.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-18-7-1.....	Amended.....	278.....	07/01/2016.....	198-2016
9-18-9-1.....	Amended.....	279.....	07/01/2016.....	198-2016
9-18-11-13.....	Repealed.....	280.....	07/01/2016.....	198-2016
9-18-12-1.....	Amended.....	281.....	07/01/2016.....	198-2016
9-18-12-2.....	Amended.....	282.....	07/01/2016.....	198-2016
9-18-12-2.5.....	Amended.....	283.....	07/01/2016.....	198-2016
9-18-12-4.....	Repealed.....	284.....	07/01/2016.....	198-2016
9-18-12-5.....	Repealed.....	285.....	07/01/2016.....	198-2016
9-18-12-6.....	Repealed.....	286.....	07/01/2016.....	198-2016
9-18-12-8.....	New.....	287.....	07/01/2016.....	198-2016
9-18-12.5-6.....	Amended.....	288.....	07/01/2016.....	198-2016
9-18-13-3.....	Amended.....	289.....	07/01/2016.....	198-2016
9-18-13-4.....	Repealed.....	290.....	07/01/2016.....	198-2016
9-18-13-7.....	Amended.....	291.....	07/01/2016.....	198-2016
9-18-15.....	Repealed.....	292.....	07/01/2016.....	198-2016
9-18-16.....	Repealed.....	293.....	07/01/2016.....	198-2016
9-18-17.....	Repealed.....	294.....	07/01/2016.....	198-2016
9-18-18.....	Repealed.....	295.....	07/01/2016.....	198-2016
9-18-19.....	Repealed.....	296.....	07/01/2016.....	198-2016
9-18-20.....	Repealed.....	297.....	07/01/2016.....	198-2016
9-18-22.....	Repealed.....	298.....	07/01/2016.....	198-2016
9-18-23.....	Repealed.....	299.....	07/01/2016.....	198-2016
9-18-24.....	Repealed.....	300.....	07/01/2016.....	198-2016
9-18-24.5.....	Repealed.....	301.....	07/01/2016.....	198-2016
¹ 9-18-25.....	Repealed.....	302.....	07/01/2016.....	198-2016
9-18-25-17.5.....	Amended.....	1.....	07/01/2016.....	201-2016
9-18-27.....	Repealed.....	303.....	07/01/2016.....	198-2016
9-18-27.....	Repealed.....	11.....	07/01/2016.....	174-2016
9-18-28.....	Repealed.....	304.....	07/01/2016.....	198-2016
² 9-18-29.....	Repealed.....	305.....	07/01/2016.....	198-2016
9-18-29-5.....	Amended.....	1.....	07/01/2016.....	172-2016
9-18-30.....	Repealed.....	306.....	07/01/2016.....	198-2016
9-18-31.....	Repealed.....	307.....	07/01/2016.....	198-2016
9-18-33.....	Repealed.....	308.....	07/01/2016.....	198-2016
9-18-34.....	Repealed.....	309.....	07/01/2016.....	198-2016
9-18-37.....	Repealed.....	310.....	07/01/2016.....	198-2016
9-18-40.....	Repealed.....	311.....	07/01/2016.....	198-2016
9-18-41.....	Repealed.....	312.....	07/01/2016.....	198-2016

¹ P.L.198-2016, SEC.688 stated the general assembly's intention to repeal IC 9-18-25.

² P.L.198-2016, SEC.691 stated the general assembly's intention to repeal IC 9-18-29.

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9-18-42.....	Repealed.....	313.....	07/01/2016.....	198-2016
9-18-44.....	Repealed.....	314.....	07/01/2016.....	198-2016
9-18-45.....	Repealed.....	315.....	07/01/2016.....	198-2016
9-18-45.8.....	Repealed.....	316.....	07/01/2016.....	198-2016
9-18-46.2.....	Repealed.....	317.....	07/01/2016.....	198-2016
9-18-47.....	Repealed.....	318.....	07/01/2016.....	198-2016
9-18-48.....	Repealed.....	319.....	07/01/2016.....	198-2016
9-18-49.....	Repealed.....	320.....	07/01/2016.....	198-2016
9-18-50.....	Repealed.....	321.....	07/01/2016.....	198-2016
9-18-51.....	Repealed.....	322.....	07/01/2016.....	198-2016
9-18-52.....	Repealed.....	323.....	07/01/2016.....	198-2016
9-18-53.....	Repealed.....	324.....	07/01/2016.....	198-2016
9-18-54.....	Repealed.....	325.....	07/01/2016.....	198-2016
9-18.1.....	New.....	326.....	07/01/2016.....	198-2016
9-18.5.....	New.....	327.....	07/01/2016.....	198-2016
9-19-1-4.....	Amended.....	328.....	07/01/2016.....	198-2016
9-19-1-5.....	Amended.....	329.....	07/01/2016.....	198-2016
9-19-4-3.....	Amended.....	330.....	07/01/2016.....	198-2016
9-19-6-23.....	Amended.....	331.....	07/01/2016.....	198-2016
9-19-7-2.....	Amended.....	332.....	07/01/2016.....	198-2016
9-19-8-1.....	Amended.....	333.....	07/01/2016.....	198-2016
9-19-10-1.....	Amended.....	334.....	07/01/2016.....	198-2016
9-19-11-1.....	Amended.....	335.....	07/01/2016.....	198-2016
9-20-1-1.....	Amended.....	336.....	07/01/2016.....	198-2016
9-20-1-2.....	Amended.....	337.....	07/01/2016.....	198-2016
9-20-1-5.....	New.....	338.....	07/01/2016.....	198-2016
9-20-4-1.....	Amended.....	339.....	07/01/2016.....	198-2016
9-20-5-3.....	Amended.....	340.....	07/01/2016.....	198-2016
9-20-5-7.....	Amended.....	341.....	07/01/2016.....	198-2016
9-20-6-3.....	Amended.....	342.....	07/01/2016.....	198-2016
9-20-6-5.....	Amended.....	343.....	07/01/2016.....	198-2016
9-20-6-6.....	Amended.....	344.....	07/01/2016.....	198-2016
9-20-6-13.....	New.....	345.....	07/01/2016.....	198-2016
9-20-8-2.....	Amended.....	346.....	07/01/2016.....	198-2016
9-20-9-9.....	Amended.....	347.....	07/01/2016.....	198-2016
9-20-9-10.....	Amended.....	348.....	07/01/2016.....	198-2016
9-20-14-0.5.....	New.....	349.....	07/01/2016.....	198-2016
9-20-14-1.....	Amended.....	350.....	07/01/2016.....	198-2016
9-20-14-2.....	Amended.....	351.....	07/01/2016.....	198-2016
9-20-14-6.....	Amended.....	352.....	07/01/2016.....	198-2016
9-20-15-0.5.....	New.....	353.....	07/01/2016.....	198-2016
9-20-15-1.....	Amended.....	354.....	07/01/2016.....	198-2016
9-20-15-2.....	Amended.....	355.....	07/01/2016.....	198-2016

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9-20-15-2.1.....	Amended.....	356.....	07/01/2016.....	198-2016
9-20-15-6.....	Amended.....	357.....	07/01/2016.....	198-2016
9-20-15-7.....	Amended.....	358.....	07/01/2016.....	198-2016
9-20-18-13.....	Amended.....	359.....	07/01/2016.....	198-2016
9-20-18-15.....	Amended.....	360.....	07/01/2016.....	198-2016
9-21-3-3.....	Amended.....	361.....	07/01/2016.....	198-2016
9-21-3.5-15.....	Amended.....	362.....	07/01/2016.....	198-2016
9-21-5-11.....	Amended.....	1.....	07/01/2016.....	41-2016
9-21-7-2.....	Amended.....	363.....	07/01/2016.....	198-2016
9-21-8-52.....	Amended.....	364.....	07/01/2016.....	198-2016
9-21-11-8.....	Amended.....	365.....	07/01/2016.....	198-2016
9-21-11-12.....	Amended.....	366.....	07/01/2016.....	198-2016
9-21-11-13.5.....	Repealed.....	367.....	07/01/2016.....	198-2016
9-21-18-1.....	Amended.....	1.....	07/01/2016.....	38-2016
9-21-18-4.1.....	New.....	2.....	07/01/2016.....	38-2016
9-21-21-0.5.....	New.....	368.....	07/01/2016.....	198-2016
9-22-1-21.5.....	Amended.....	369.....	07/01/2016.....	198-2016
9-22-1-23.....	Amended.....	6.....	07/01/2016.....	147-2016
9-22-1-24.....	Amended.....	370.....	07/01/2016.....	198-2016
9-22-1.5-2.....	Amended.....	371.....	03/24/2016.....	198-2016
9-22-1.5-3.....	Amended.....	372.....	03/24/2016.....	198-2016
9-22-1.5-4.....	Amended.....	373.....	03/24/2016.....	198-2016
9-22-1.5-5.....	Amended.....	374.....	03/24/2016.....	198-2016
9-22-1.5-6.....	Amended.....	375.....	03/24/2016.....	198-2016
9-22-1.5-7.....	Amended.....	376.....	03/24/2016.....	198-2016
9-22-1.7.....	New.....	377.....	03/24/2016.....	198-2016
9-22-2-4.....	Amended.....	378.....	07/01/2016.....	198-2016
9-22-3-0.5.....	Repealed.....	379.....	07/01/2016.....	198-2016
9-22-3-1.....	Amended.....	380.....	07/01/2016.....	198-2016
9-22-3-2.....	Amended.....	381.....	07/01/2016.....	198-2016
9-22-3-2.5.....	Amended.....	382.....	07/01/2016.....	198-2016
9-22-3-3.....	Amended.....	383.....	07/01/2016.....	198-2016
9-22-3-4.....	Repealed.....	384.....	07/01/2016.....	198-2016
9-22-3-4.1.....	New.....	385.....	07/01/2016.....	198-2016
9-22-3-4.2.....	New.....	386.....	07/01/2016.....	198-2016
9-22-3-4.3.....	New.....	387.....	07/01/2016.....	198-2016
9-22-3-4.4.....	New.....	388.....	07/01/2016.....	198-2016
9-22-3-5.....	Amended.....	389.....	07/01/2016.....	198-2016
9-22-3-6.....	Amended.....	390.....	07/01/2016.....	198-2016
9-22-3-7.....	Amended.....	391.....	07/01/2016.....	198-2016
9-22-3-7.5.....	Amended.....	392.....	07/01/2016.....	198-2016
9-22-3-8.....	Repealed.....	393.....	07/01/2016.....	198-2016
9-22-3-10.....	Amended.....	394.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-22-3-11.....	Repealed.....	395.....	07/01/2016.....	198-2016
9-22-3-15.....	Amended.....	396.....	07/01/2016.....	198-2016
9-22-3-16.....	Repealed.....	397.....	07/01/2016.....	198-2016
9-22-3-18.5.....	Amended.....	398.....	07/01/2016.....	198-2016
9-22-3-19.....	Amended.....	399.....	07/01/2016.....	198-2016
9-22-3-20.....	Amended.....	400.....	07/01/2016.....	198-2016
9-22-3-21.....	Amended.....	401.....	07/01/2016.....	198-2016
9-22-3-24.....	Amended.....	402.....	07/01/2016.....	198-2016
9-22-3-31.....	Amended.....	403.....	07/01/2016.....	198-2016
9-22-3-32.....	Amended.....	404.....	07/01/2016.....	198-2016
9-22-3-37.....	Amended.....	405.....	07/01/2016.....	198-2016
9-22-5-1.1.....	Amended.....	406.....	07/01/2016.....	198-2016
9-22-5-2.....	Amended.....	407.....	07/01/2016.....	198-2016
9-22-5-3.....	Amended.....	408.....	07/01/2016.....	198-2016
9-22-5-4.....	Repealed.....	409.....	07/01/2016.....	198-2016
9-22-5-8.....	Repealed.....	410.....	07/01/2016.....	198-2016
9-22-5-10.....	Amended.....	411.....	07/01/2016.....	198-2016
9-22-5-13.....	Amended.....	412.....	07/01/2016.....	198-2016
9-22-5-18.....	Amended.....	413.....	07/01/2016.....	198-2016
9-22-5-18.2.....	Amended.....	12.....	07/01/2016.....	174-2016
9-22-5-19.....	Repealed.....	414.....	07/01/2016.....	198-2016
9-22-6-1.....	Amended.....	415.....	07/01/2016.....	198-2016
9-22-6-2.....	Amended.....	416.....	07/01/2016.....	198-2016
9-24-1-1.....	Amended.....	417.....	07/01/2016.....	198-2016
9-24-1-1.5.....	Repealed.....	418.....	07/01/2016.....	198-2016
9-24-1-4.....	Repealed.....	419.....	07/01/2016.....	198-2016
9-24-1-5.....	Repealed.....	420.....	07/01/2016.....	198-2016
9-24-1-6.....	Repealed.....	421.....	07/01/2016.....	198-2016
9-24-1-7.....	Amended.....	422.....	07/01/2016.....	198-2016
9-24-2-2.5.....	Amended.....	3.....	07/01/2016.....	76-2016
9-24-2-2.5.....	Amended.....	423.....	07/01/2016.....	198-2016
9-24-2-3.....	Amended.....	424.....	07/01/2016.....	198-2016
9-24-2-3.1.....	Amended.....	425.....	07/01/2016.....	198-2016
9-24-2-4.....	Amended.....	426.....	07/01/2016.....	198-2016
9-24-2-5.....	Amended.....	427.....	07/01/2016.....	198-2016
9-24-2-6.....	Amended.....	428.....	07/01/2016.....	198-2016
9-24-3-1.....	Amended.....	429.....	07/01/2016.....	198-2016
9-24-3-2.5.....	Amended.....	430.....	07/01/2016.....	198-2016
9-24-3-4.....	Repealed.....	431.....	07/01/2016.....	198-2016
9-24-3-4.5.....	New.....	432.....	07/01/2016.....	198-2016
9-24-4-0.5.....	New.....	433.....	07/01/2016.....	198-2016
9-24-4-1.....	Amended.....	434.....	07/01/2016.....	198-2016
9-24-4-2.....	Amended.....	435.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-24-4-3.....	Amended.....	436.....	07/01/2016.....	198-2016
9-24-4-4.....	Amended.....	437.....	07/01/2016.....	198-2016
9-24-4-4.1.....	New.....	438.....	07/01/2016.....	198-2016
9-24-4-5.....	Amended.....	439.....	07/01/2016.....	198-2016
9-24-4-5.3.....	Amended.....	440.....	07/01/2016.....	198-2016
9-24-4-5.5.....	Repealed.....	441.....	07/01/2016.....	198-2016
9-24-4-6.....	Amended.....	442.....	07/01/2016.....	198-2016
9-24-5-0.5.....	New.....	443.....	07/01/2016.....	198-2016
9-24-5-1.....	Amended.....	444.....	07/01/2016.....	198-2016
9-24-5-3.....	Amended.....	445.....	07/01/2016.....	198-2016
9-24-5-3.1.....	New.....	446.....	07/01/2016.....	198-2016
9-24-5-4.....	Amended.....	447.....	07/01/2016.....	198-2016
9-24-5-5.....	Amended.....	448.....	07/01/2016.....	198-2016
9-24-5-5.5.....	Amended.....	449.....	07/01/2016.....	198-2016
9-24-5-6.....	Amended.....	450.....	07/01/2016.....	198-2016
9-24-6.....	Repealed.....	451.....	07/01/2016.....	198-2016
9-24-6.1.....	New.....	452.....	07/01/2016.....	198-2016
9-24-6.5.....	Repealed.....	453.....	07/01/2016.....	198-2016
9-24-7-1.....	Amended.....	454.....	07/01/2016.....	198-2016
9-24-7-2.....	Repealed.....	455.....	07/01/2016.....	198-2016
9-24-7-4.....	Amended.....	456.....	07/01/2016.....	198-2016
9-24-8-0.5.....	Amended.....	457.....	07/01/2016.....	198-2016
9-24-8-1.....	Repealed.....	458.....	07/01/2016.....	198-2016
9-24-8-3.....	Amended.....	459.....	07/01/2016.....	198-2016
9-24-8-4.....	Amended.....	460.....	07/01/2016.....	198-2016
9-24-8.5.....	New.....	461.....	07/01/2016.....	198-2016
9-24-9-1.....	Amended.....	462.....	07/01/2016.....	198-2016
9-24-9-2.....	Amended.....	463.....	07/01/2016.....	198-2016
9-24-9-2.3.....	New.....	464.....	07/01/2016.....	198-2016
9-24-9-2.5.....	Amended.....	465.....	07/01/2016.....	198-2016
9-24-9-3.....	Amended.....	466.....	07/01/2016.....	198-2016
9-24-9-4.....	Amended.....	467.....	07/01/2016.....	198-2016
9-24-9-5.....	Amended.....	468.....	07/01/2016.....	198-2016
9-24-9-5.5.....	Amended.....	469.....	07/01/2016.....	198-2016
9-24-9-7.....	Repealed.....	470.....	07/01/2016.....	198-2016
9-24-10-1.....	Amended.....	471.....	07/01/2016.....	198-2016
9-24-10-2.....	Repealed.....	472.....	07/01/2016.....	198-2016
9-24-10-3.....	Repealed.....	473.....	07/01/2016.....	198-2016
9-24-10-4.....	Amended.....	474.....	07/01/2016.....	198-2016
9-24-10-6.....	Amended.....	475.....	07/01/2016.....	198-2016
9-24-10-7.....	Amended.....	476.....	07/01/2016.....	198-2016
9-24-11-1.....	Amended.....	477.....	07/01/2016.....	198-2016
9-24-11-2.....	Amended.....	478.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-24-11-3.3.....	Repealed.....	479.....	07/01/2016.....	198-2016
9-24-11-3.5.....	New.....	480.....	07/01/2016.....	198-2016
9-24-11-3.6.....	New.....	481.....	07/01/2016.....	198-2016
9-24-11-3.7.....	New.....	482.....	07/01/2016.....	198-2016
9-24-11-4.....	Amended.....	483.....	07/01/2016.....	198-2016
9-24-11-5.....	Amended.....	484.....	07/01/2016.....	198-2016
9-24-11-5.5.....	Amended.....	485.....	07/01/2016.....	198-2016
9-24-11-7.....	Amended.....	486.....	07/01/2016.....	198-2016
9-24-11-8.....	Amended.....	487.....	07/01/2016.....	198-2016
9-24-11-10.....	Amended.....	488.....	07/01/2016.....	198-2016
9-24-12-0.5.....	Amended.....	489.....	07/01/2016.....	198-2016
9-24-12-1.....	Amended.....	490.....	07/01/2016.....	198-2016
9-24-12-2.....	Amended.....	491.....	07/01/2016.....	198-2016
9-24-12-3.....	Amended.....	492.....	07/01/2016.....	198-2016
9-24-12-4.....	Amended.....	493.....	07/01/2016.....	198-2016
9-24-12-5.....	Amended.....	494.....	07/01/2016.....	198-2016
9-24-12-7.....	Amended.....	495.....	07/01/2016.....	198-2016
9-24-12-10.....	Amended.....	496.....	07/01/2016.....	198-2016
9-24-12-11.....	Amended.....	497.....	07/01/2016.....	198-2016
9-24-12-12.....	Repealed.....	498.....	07/01/2016.....	198-2016
9-24-12-13.....	New.....	499.....	07/01/2016.....	198-2016
9-24-13-1.....	Amended.....	500.....	07/01/2016.....	198-2016
9-24-13-3.....	Amended.....	501.....	07/01/2016.....	198-2016
9-24-13-4.....	Amended.....	502.....	07/01/2016.....	198-2016
9-24-13-6.....	Amended.....	503.....	07/01/2016.....	198-2016
9-24-14-1.....	Amended.....	504.....	07/01/2016.....	198-2016
9-24-14-3.5.....	Amended.....	505.....	07/01/2016.....	198-2016
9-24-14-5.....	New.....	506.....	07/01/2016.....	198-2016
9-24-14-6.....	New.....	507.....	07/01/2016.....	198-2016
9-24-16-1.....	Amended.....	508.....	07/01/2016.....	198-2016
9-24-16-1.5.....	Repealed.....	509.....	07/01/2016.....	198-2016
9-24-16-2.....	Amended.....	510.....	07/01/2016.....	198-2016
9-24-16-3.....	Amended.....	511.....	07/01/2016.....	198-2016
9-24-16-4.5.....	Amended.....	512.....	07/01/2016.....	198-2016
9-24-16-10.....	Amended.....	513.....	07/01/2016.....	198-2016
9-24-16-14.....	Repealed.....	514.....	07/01/2016.....	198-2016
9-24-16.5-1.....	Amended.....	515.....	07/01/2016.....	198-2016
9-24-16.5-2.....	Amended.....	516.....	07/01/2016.....	198-2016
9-24-16.5-7.....	Repealed.....	517.....	07/01/2016.....	198-2016
9-24-16.5-14.....	New.....	518.....	07/01/2016.....	198-2016
9-24-17-1.....	Amended.....	519.....	07/01/2016.....	198-2016
9-24-17-2.....	Amended.....	520.....	07/01/2016.....	198-2016
9-24-17-3.....	Repealed.....	521.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-24-17-6.....	Repealed.....	522.....	07/01/2016.....	198-2016
9-24-17-7.....	Amended.....	523.....	07/01/2016.....	198-2016
9-24-17-8.....	Amended.....	524.....	07/01/2016.....	198-2016
9-24-17-9.....	Repealed.....	525.....	07/01/2016.....	198-2016
9-24-18-0.5.....	Amended.....	526.....	07/01/2016.....	198-2016
9-24-18-1.....	Amended.....	527.....	07/01/2016.....	198-2016
9-24-18-2.....	Amended.....	528.....	07/01/2016.....	198-2016
9-24-18-3.....	Amended.....	529.....	07/01/2016.....	198-2016
9-24-18-6.....	Amended.....	530.....	07/01/2016.....	198-2016
9-24-18-7.5.....	Amended.....	531.....	07/01/2016.....	198-2016
9-24-18-9.....	Amended.....	532.....	07/01/2016.....	198-2016
9-24-18-11.....	Repealed.....	533.....	07/01/2016.....	198-2016
9-24-19-1.....	Amended.....	534.....	07/01/2016.....	198-2016
9-24-19-2.....	Amended.....	535.....	07/01/2016.....	198-2016
9-24-19-3.....	Amended.....	536.....	07/01/2016.....	198-2016
9-24-19-8.....	Amended.....	537.....	07/01/2016.....	198-2016
9-25-1-6.....	Amended.....	538.....	07/01/2016.....	198-2016
9-25-1-7.....	Amended.....	539.....	07/01/2016.....	198-2016
9-25-2-3.....	Amended.....	1.....	07/01/2016.....	124-2016
9-25-3-2.....	Amended.....	540.....	07/01/2016.....	198-2016
9-25-4-5.....	Amended.....	2.....	07/01/2016.....	124-2016
9-25-4-6.....	Amended.....	541.....	07/01/2016.....	198-2016
9-25-4-10.....	Amended.....	3.....	07/01/2016.....	124-2016
9-25-6-3.5.....	Amended.....	542.....	07/01/2016.....	198-2016
9-25-6-5.....	Amended.....	4.....	07/01/2016.....	124-2016
9-25-6-15.....	Amended.....	543.....	07/01/2016.....	198-2016
9-25-6-15.1.....	New.....	544.....	07/01/2016.....	198-2016
9-25-7-3.....	Amended.....	545.....	07/01/2016.....	198-2016
9-25-7-6.....	Amended.....	546.....	07/01/2016.....	198-2016
9-25-8-2.....	Amended.....	547.....	07/01/2016.....	198-2016
9-25-8-3.....	Repealed.....	548.....	07/01/2016.....	198-2016
9-25-9-7.....	Amended.....	549.....	07/01/2016.....	198-2016
9-26-1-1.1.....	Amended.....	1.....	07/01/2016.....	63-2016
9-26-1-1.2.....	New.....	2.....	07/01/2016.....	63-2016
9-26-9.....	New.....	550.....	07/01/2016.....	198-2016
9-27-7-2.....	Amended.....	551.....	07/01/2016.....	198-2016
9-27-7-3.....	Amended.....	552.....	07/01/2016.....	198-2016
9-27-7-4.....	Amended.....	553.....	07/01/2016.....	198-2016
9-27-7-7.....	Amended.....	554.....	07/01/2016.....	198-2016
9-28-5-1.....	Amended.....	555.....	07/01/2016.....	198-2016
9-28-5-1-5.....	Repealed.....	556.....	07/01/2016.....	198-2016
9-29-1.....	Repealed.....	557.....	07/01/2016.....	198-2016
9-29-2.....	Repealed.....	558.....	07/01/2016.....	198-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
¹ 9-29-4.	Repealed.	559.	07/01/2016.....	198-2016
9-29-5-9.	Amended.....	560.	07/01/2016.....	198-2016
9-29-5-21.....	Repealed.	561.	07/01/2016.....	198-2016
9-29-5-22.....	Repealed.	562.	07/01/2016.....	198-2016
9-29-5-24.....	Repealed.	563.	07/01/2016.....	198-2016
9-29-5-25.....	Repealed.	564.	07/01/2016.....	198-2016
9-29-5-26.....	Repealed.	565.	07/01/2016.....	198-2016
9-29-5-30.....	Amended.....	566.	07/01/2016.....	198-2016
9-29-5-30.1.....	Amended.....	567.	07/01/2016.....	198-2016
9-29-5-32.5.....	Repealed.	568.	07/01/2016.....	198-2016
9-29-5-33.....	Repealed.	569.	07/01/2016.....	198-2016
9-29-5-34.5.....	Repealed.	570.	07/01/2016.....	198-2016
9-29-5-34.7.....	Repealed.	571.	07/01/2016.....	198-2016
9-29-5-35.....	Repealed.	572.	07/01/2016.....	198-2016
9-29-5-36.....	Repealed.	573.	07/01/2016.....	198-2016
9-29-5-37.....	Repealed.	574.	07/01/2016.....	198-2016
9-29-5-38.....	Repealed.	575.	07/01/2016.....	198-2016
9-29-5-38.5.....	Repealed.	576.	07/01/2016.....	198-2016
9-29-5-38.6.....	Repealed.	577.	07/01/2016.....	198-2016
9-29-5-45.....	Repealed.	578.	07/01/2016.....	198-2016
9-29-5-47.2.....	New.....	579.	07/01/2016.....	198-2016
9-29-6.....	Repealed.	580.	07/01/2016.....	198-2016
9-29-7.....	Repealed.	581.	07/01/2016.....	198-2016
9-29-9.....	Repealed.	582.	07/01/2016.....	198-2016
9-29-10.....	Repealed.	583.	07/01/2016.....	198-2016
9-29-11.....	Repealed.	584.	07/01/2016.....	198-2016
9-29-11.5.....	Repealed.	585.	07/01/2016.....	198-2016
9-29-12.....	Repealed.	586.	07/01/2016.....	198-2016
9-29-13.....	Repealed.	587.	07/01/2016.....	198-2016
9-29-14.....	Repealed.	588.	07/01/2016.....	198-2016
9-29-15.....	Repealed.	589.	07/01/2016.....	198-2016
9-29-16.....	Repealed.	590.	07/01/2016.....	198-2016
9-29-17.....	Repealed.	13.	07/01/2016.....	174-2016
9-29-17-16.....	Repealed.	591.	07/01/2016.....	198-2016
9-30-2-2.....	Amended.....	592.	07/01/2016.....	198-2016
9-30-2-5.....	Amended.....	593.	07/01/2016.....	198-2016
9-30-3-12.....	Amended.....	594.	07/01/2016.....	198-2016
9-30-3-15.....	Amended.....	595.	07/01/2016.....	198-2016
9-30-4-1.....	Repealed.	596.	07/01/2016.....	198-2016
9-30-4-6.....	Repealed.	597.	07/01/2016.....	198-2016

¹ P.L.198-2016, SEC.690 stated the general assembly's intention to repeal IC 9-29-4.

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Affected Provisions	Type	SEC.	Effective	P.L.
9-30-4-6.1.....	New.....	598.	07/01/2016.....	198-2016
9-30-4-9.....	Repealed.	599.	07/01/2016.....	198-2016
9-30-4-14.....	Repealed.	600.	07/01/2016.....	198-2016
9-30-5-5.....	Amended.....	1.	07/01/2016.....	26-2016
9-30-6-4.....	Repealed.	601.	07/01/2016.....	198-2016
9-30-8-3.....	Amended.....	2.	07/01/2016.....	71-2016
9-30-8-7.....	New.....	3.	07/01/2016.....	71-2016
9-30-8-8.....	New.....	4.	07/01/2016.....	71-2016
9-30-9-1.....	Amended.....	55.	07/01/2016.....	84-2016
9-30-9-2.....	Amended.....	56.	07/01/2016.....	84-2016
9-30-9-10.....	Amended.....	57.	07/01/2016.....	84-2016
9-30-10-14.1.....	Amended.....	602.	07/01/2016.....	198-2016
9-30-10-14.2.....	New.....	603.	07/01/2016.....	198-2016
9-30-13-0.5.....	Amended.....	604.	07/01/2016.....	198-2016
9-30-13-9.....	New.....	2.	07/01/2016.....	41-2016
9-30-15-3.....	Amended.....	605.	07/01/2016.....	198-2016
9-30-15.5-1.....	Amended.....	606.	07/01/2016.....	198-2016
9-30-16-1.....	Amended.....	607.	07/01/2016.....	198-2016
9-30-16-1.....	Amended.....	3.	07/01/2016.....	41-2016
9-30-16-3.....	Amended.....	608.	07/01/2016.....	198-2016
9-30-16-3.....	Amended.....	4.	07/01/2016.....	41-2016
9-30-16-3.5.....	New.....	5.	07/01/2016.....	41-2016
9-30-16-4.....	Amended.....	609.	07/01/2016.....	198-2016
9-30-16-5.....	Amended.....	6.	07/01/2016.....	41-2016
9-30-16-5.....	Amended.....	610.	07/01/2016.....	198-2016
9-30-16-7.....	New.....	611.	07/01/2016.....	198-2016
9-31-1-4.....	Amended.....	612.	07/01/2016.....	198-2016
9-31-1-5.....	Repealed.	613.	07/01/2016.....	198-2016
9-31-1-6.....	Amended.....	614.	07/01/2016.....	198-2016
9-31-1-8.....	New.....	615.	07/01/2016.....	198-2016
9-31-1-9.....	New.....	616.	07/01/2016.....	198-2016
¹ 9-31-2.....	Repealed.	617.	07/01/2016.....	198-2016
9-31-2-6.....	Amended.....	14.	07/01/2016.....	174-2016
9-31-2-17.....	Amended.....	15.	07/01/2016.....	174-2016
9-31-3-2.....	Amended.....	618.	07/01/2016.....	198-2016
9-31-3-5.....	Amended.....	16.	07/01/2016.....	174-2016
9-31-3-6.....	Amended.....	17.	07/01/2016.....	174-2016
9-31-3-7.....	Amended.....	18.	07/01/2016.....	174-2016
9-31-3-8.....	Amended.....	619.	07/01/2016.....	198-2016
9-31-3-9.....	Amended.....	620.	07/01/2016.....	198-2016

¹ P.L.198-2016, SEC.689 stated the general assembly's intention to repeal IC 9-31-2.

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Affected Provisions	Type	SEC.	Effective	P.L.
9-31-3-12.....	Amended.....	621.....	07/01/2016.....	198-2016
9-31-3-13.....	Amended.....	622.....	07/01/2016.....	198-2016
9-31-3-16.....	Repealed.....	623.....	07/01/2016.....	198-2016
9-31-3-19.....	Amended.....	19.....	07/01/2016.....	174-2016
9-32-1-2.....	New.....	20.....	07/01/2016.....	174-2016
9-32-1-3.....	New.....	21.....	07/01/2016.....	174-2016
9-32-2-4.....	Amended.....	22.....	07/01/2016.....	174-2016
9-32-2-5.....	Amended.....	23.....	07/01/2016.....	174-2016
9-32-2-6.....	Amended.....	24.....	07/01/2016.....	174-2016
9-32-2-9.5.....	New.....	25.....	07/01/2016.....	174-2016
9-32-2-10.3.....	New.....	26.....	07/01/2016.....	174-2016
9-32-2-11.5.....	New.....	27.....	07/01/2016.....	174-2016
9-32-2-11.6.....	New.....	28.....	07/01/2016.....	174-2016
9-32-2-15.2.....	New.....	29.....	07/01/2016.....	174-2016
9-32-2-15.4.....	New.....	30.....	07/01/2016.....	174-2016
9-32-2-15.5.....	New.....	31.....	07/01/2016.....	174-2016
9-32-2-18.4.....	New.....	32.....	07/01/2016.....	174-2016
9-32-2-18.6.....	New.....	624.....	07/01/2016.....	198-2016
9-32-2-18.7.....	New.....	33.....	07/01/2016.....	174-2016
9-32-2-24.5.....	New.....	34.....	07/01/2016.....	174-2016
9-32-2-25.....	Amended.....	35.....	07/01/2016.....	174-2016
9-32-2-28.....	Repealed.....	36.....	07/01/2016.....	174-2016
9-32-3-1.....	Amended.....	37.....	07/01/2016.....	174-2016
9-32-3-4.....	New.....	38.....	07/01/2016.....	174-2016
9-32-3-5.....	New.....	39.....	07/01/2016.....	174-2016
9-32-3-6.....	New.....	40.....	07/01/2016.....	174-2016
9-32-3-7.....	New.....	41.....	07/01/2016.....	174-2016
9-32-3-8.....	New.....	42.....	07/01/2016.....	174-2016
9-32-3-9.....	New.....	43.....	07/01/2016.....	174-2016
9-32-3-10.....	New.....	44.....	07/01/2016.....	174-2016
9-32-3-11.....	New.....	45.....	07/01/2016.....	174-2016
9-32-3-12.....	New.....	46.....	07/01/2016.....	174-2016
9-32-3-13.....	New.....	47.....	07/01/2016.....	174-2016
9-32-4-1.....	Amended.....	48.....	07/01/2016.....	174-2016
9-32-4-2.....	Amended.....	49.....	07/01/2016.....	174-2016
9-32-5-5.....	Amended.....	50.....	07/01/2016.....	174-2016
9-32-5-6.....	Amended.....	51.....	07/01/2016.....	174-2016
9-32-5-6.....	Amended.....	625.....	07/01/2016.....	198-2016
9-32-5-9.....	Amended.....	52.....	07/01/2016.....	174-2016
9-32-6-1.....	Amended.....	53.....	07/01/2016.....	174-2016
9-32-6-2.....	Amended.....	54.....	07/01/2016.....	174-2016
9-32-6-3.....	Amended.....	55.....	07/01/2016.....	174-2016
9-32-6-4.....	Amended.....	56.....	07/01/2016.....	174-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-32-6-5.....	Amended.....	57.....	07/01/2016.....	174-2016
9-32-6-6.5.....	Amended.....	58.....	07/01/2016.....	174-2016
9-32-6-7.....	Amended.....	59.....	07/01/2016.....	174-2016
9-32-6-8.....	Amended.....	60.....	07/01/2016.....	174-2016
9-32-6-10.....	Amended.....	61.....	07/01/2016.....	174-2016
9-32-6-11.....	Amended.....	626.....	07/01/2016.....	198-2016
9-32-6-11.....	Amended.....	62.....	07/01/2016.....	174-2016
9-32-6-12.....	Amended.....	63.....	07/01/2016.....	174-2016
9-32-6-13.....	Amended.....	64.....	07/01/2016.....	174-2016
9-32-6-15.....	Repealed.....	65.....	07/01/2016.....	174-2016
9-32-6-16.....	New.....	66.....	07/01/2016.....	174-2016
9-32-6.5.....	New.....	67.....	07/01/2016.....	174-2016
9-32-6.5-2.....	Amended.....	627.....	07/01/2016.....	198-2016
9-32-6.5-10.....	Amended.....	628.....	07/01/2016.....	198-2016
9-32-7-1.....	Amended.....	68.....	07/01/2016.....	174-2016
9-32-7-3.....	Amended.....	69.....	07/01/2016.....	174-2016
9-32-8-2.....	Amended.....	70.....	07/01/2016.....	174-2016
9-32-8-3.....	Amended.....	71.....	07/01/2016.....	174-2016
9-32-8-4.....	Amended.....	72.....	07/01/2016.....	174-2016
9-32-8-5.....	Amended.....	73.....	07/01/2016.....	174-2016
9-32-8-6.....	Amended.....	74.....	07/01/2016.....	174-2016
9-32-9-1.....	Amended.....	629.....	07/01/2016.....	198-2016
9-32-9-1.....	Amended.....	75.....	07/01/2016.....	174-2016
9-32-9-2.....	Amended.....	76.....	07/01/2016.....	174-2016
9-32-9-3.....	Amended.....	77.....	07/01/2016.....	174-2016
9-32-9-3.5.....	Amended.....	78.....	07/01/2016.....	174-2016
9-32-9-11.....	Amended.....	79.....	07/01/2016.....	174-2016
9-32-10-2.....	Amended.....	80.....	07/01/2016.....	174-2016
9-32-10-5.....	Amended.....	81.....	07/01/2016.....	174-2016
9-32-11-1.....	Amended.....	82.....	07/01/2016.....	174-2016
9-32-11-2.....	Amended.....	83.....	07/01/2016.....	174-2016
9-32-11-6.....	Amended.....	84.....	07/01/2016.....	174-2016
9-32-11-7.....	Amended.....	85.....	07/01/2016.....	174-2016
9-32-11-8.....	Amended.....	86.....	07/01/2016.....	174-2016
9-32-11-10.....	Amended.....	87.....	07/01/2016.....	174-2016
9-32-11-11.....	Amended.....	88.....	07/01/2016.....	174-2016
9-32-11-11.5.....	Amended.....	89.....	07/01/2016.....	174-2016
9-32-11-12.....	Repealed.....	90.....	07/01/2016.....	174-2016
9-32-11-12.5.....	Amended.....	91.....	07/01/2016.....	174-2016
9-32-11-14.....	Amended.....	92.....	07/01/2016.....	174-2016
9-32-11-15.....	Amended.....	93.....	07/01/2016.....	174-2016
9-32-11-16.....	Amended.....	94.....	07/01/2016.....	174-2016
9-32-11-17.....	Amended.....	95.....	07/01/2016.....	174-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
9-32-11-18.....	Amended.....	96.....	07/01/2016.....	174-2016
9-32-11-19.....	New.....	97.....	07/01/2016.....	174-2016
9-32-13-4.....	Amended.....	98.....	07/01/2016.....	174-2016
9-32-13-6.....	Amended.....	99.....	07/01/2016.....	174-2016
9-32-13-14.....	Amended.....	100.....	07/01/2016.....	174-2016
9-32-13-15.....	Amended.....	1.....	07/01/2016.....	167-2016
9-32-13-15.5.....	New.....	2.....	07/01/2016.....	167-2016
9-32-13-16.....	Amended.....	101.....	07/01/2016.....	174-2016
9-32-13-17.....	Amended.....	3.....	07/01/2016.....	167-2016
9-32-13-22.....	Amended.....	102.....	07/01/2016.....	174-2016
9-32-13-23.....	Amended.....	103.....	07/01/2016.....	174-2016
9-32-13-23.....	Amended.....	4.....	07/01/2016.....	167-2016
9-32-13-25.....	Amended.....	104.....	07/01/2016.....	174-2016
9-32-13-26.....	Amended.....	105.....	07/01/2016.....	174-2016
9-32-13-27.....	Amended.....	106.....	07/01/2016.....	174-2016
9-32-13-31.....	Amended.....	107.....	07/01/2016.....	174-2016
9-32-14-4.....	Amended.....	108.....	07/01/2016.....	174-2016
9-32-16-1.....	Amended.....	109.....	07/01/2016.....	174-2016
9-32-16-2.....	Amended.....	110.....	07/01/2016.....	174-2016
9-32-16-3.....	Amended.....	111.....	07/01/2016.....	174-2016
9-32-16-5.....	Amended.....	112.....	07/01/2016.....	174-2016
9-32-16-8.....	Amended.....	113.....	07/01/2016.....	174-2016
9-32-16-11.....	Amended.....	114.....	07/01/2016.....	174-2016
9-32-16-16.....	New.....	115.....	07/01/2016.....	174-2016
9-33-1-1.....	Amended.....	630.....	07/01/2016.....	198-2016
9-33-2-3.....	Amended.....	631.....	07/01/2016.....	198-2016
9-33-3.....	New.....	632.....	07/01/2016.....	198-2016

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10-11-2-26.....	Amended.....	633.....	07/01/2016.....	198-2016
10-13-3-27.....	Amended.....	3.....	07/01/2016.....	13-2016
10-13-3-36.....	Amended.....	1.....	07/01/2016.....	51-2016
10-15-3-6.....	Amended.....	634.....	07/01/2016.....	198-2016
10-16-7-19.....	Amended.....	1.....	07/01/2016.....	92-2016
10-16-7-23.....	Amended.....	1.....	07/01/2016.....	103-2016
10-16-7-23.....	Amended.....	2.....	07/01/2016.....	99-2016
10-16-7-23.....	Amended.....	1.....	07/01/2016.....	116-2016
10-16-20-2.....	Amended.....	2.....	07/01/2016.....	103-2016
10-16-20-2.....	Amended.....	3.....	07/01/2016.....	99-2016
10-16-20-2.....	Amended.....	2.....	07/01/2016.....	116-2016
10-17-1-4.....	Amended.....	1.....	07/01/2016.....	108-2016
10-17-1-4.....	Amended.....	4.....	07/01/2016.....	99-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
10-17-1-4.5.....	New.....	1.....	07/01/2016.....	90-2016
10-17-1-9.....	Amended.....	2.....	07/01/2016.....	108-2016
10-17-1-10.....	Amended.....	5.....	07/01/2016.....	99-2016
10-17-2-4.....	Amended.....	3.....	07/01/2016.....	103-2016
10-17-4-3.....	Amended.....	58.....	07/01/2016.....	84-2016
10-17-12-0.7.....	Amended.....	6.....	07/01/2016.....	99-2016
10-17-12-1.....	Repealed.....	7.....	07/01/2016.....	99-2016
10-17-12-7.5.....	Amended.....	8.....	07/01/2016.....	99-2016
10-17-12-8.....	Amended.....	9.....	07/01/2016.....	99-2016
10-17-12-9.....	Amended.....	635.....	07/01/2016.....	198-2016
10-17-12-10.....	Amended.....	10.....	07/01/2016.....	99-2016
10-17-12-13.....	Repealed.....	11.....	07/01/2016.....	99-2016
10-17-13-3.....	Amended.....	12.....	07/01/2016.....	99-2016
10-17-13-5.....	Amended.....	3.....	07/01/2016.....	108-2016
10-17-13-5.....	Amended.....	13.....	07/01/2016.....	99-2016
10-17-13-15.....	New.....	14.....	07/01/2016.....	99-2016
10-18-1-2.....	Amended.....	39.....	03/23/2016.....	149-2016
10-18-3-5.....	Amended.....	59.....	07/01/2016.....	84-2016
10-18-4-22.....	Amended.....	60.....	07/01/2016.....	84-2016
10-21-1.5.....	New.....	1.....	07/01/2016.....	27-2016

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11-8-8-4.5.....	Amended.....	1.....	07/01/2016.....	75-2016
11-8-8-4.5.....	Amended.....	4.....	07/01/2016.....	13-2016
11-8-8-5.....	Amended.....	2.....	07/01/2016.....	75-2016
11-8-8-5.....	Amended.....	5.....	07/01/2016.....	13-2016
11-10-3-7.....	Amended.....	1.....	07/01/2016.....	30-2016
11-12-2-1.....	Amended.....	1.....	07/01/2016.....	69-2016
11-12-2-1.....	Amended.....	40.....	03/23/2016.....	149-2016
11-12-2-4.....	Amended.....	2.....	07/01/2016.....	69-2016
11-12-3.7-6.....	Amended.....	4.....	07/01/2016.....	65-2016
11-12-4-2.....	Amended.....	61.....	07/01/2016.....	84-2016
11-12-11.....	New.....	29.....	07/01/2015.....	204-2016
11-13-1-8.....	Amended.....	41.....	03/23/2016.....	149-2016

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12-7-2-0.5.....	New.....	1.....	07/01/2016.....	12-2016
12-7-2-3.1.....	New.....	1.....	07/01/2016.....	87-2016
12-7-2-18.5.....	New.....	2.....	07/01/2016.....	12-2016
12-7-2-20.8.....	New.....	5.....	07/01/2016.....	65-2016
12-7-2-22.....	Amended.....	3.....	07/01/2016.....	12-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
12-7-2-35.....	Amended.....	2.....	07/01/2016.....	87-2016
12-7-2-58.5.....	New.....	4.....	07/01/2016.....	12-2016
12-7-2-59.....	Amended.....	4.....	03/21/2016.....	35-2016
12-7-2-61.....	Amended.....	5.....	03/21/2016.....	35-2016
12-7-2-64.....	Amended.....	42.....	03/23/2016.....	149-2016
12-7-2-76.....	Amended.....	5.....	07/01/2016.....	12-2016
12-7-2-77.....	Amended.....	1.....	03/21/2016.....	34-2016
12-7-2-134.....	Amended.....	3.....	07/01/2016.....	87-2016
12-7-2-134.....	Amended.....	6.....	03/21/2016.....	35-2016
12-7-2-135.....	Amended.....	7.....	03/21/2016.....	35-2016
12-7-2-137.8.....	Amended.....	2.....	07/01/2016.....	30-2016
12-7-2-140.5.....	Amended.....	3.....	07/01/2016.....	30-2016
12-7-2-144.3.....	Amended.....	4.....	07/01/2016.....	30-2016
12-7-2-146.....	Amended.....	43.....	03/23/2016.....	149-2016
12-7-2-154.4.....	New.....	6.....	07/01/2016.....	12-2016
12-7-2-154.6.....	New.....	7.....	07/01/2016.....	12-2016
12-7-2-184.3.....	Repealed.....	44.....	03/23/2016.....	149-2016
12-7-2-189.7.....	Amended.....	45.....	03/23/2016.....	149-2016
12-8-1.5-4.....	Amended.....	8.....	03/21/2016.....	35-2016
12-8-1.5-18.....	New.....	2.....	03/21/2016.....	34-2016
12-8-8.5-3.....	Amended.....	9.....	03/21/2016.....	35-2016
12-8-8.5-5.....	Amended.....	10.....	03/21/2016.....	35-2016
12-9-2-3.....	Amended.....	11.....	03/21/2016.....	35-2016
12-9-1-2-3.....	Amended.....	12.....	03/21/2016.....	35-2016
12-10-3-2.....	Amended.....	6.....	07/01/2016.....	65-2016
12-10-7-7.....	Amended.....	13.....	03/21/2016.....	35-2016
12-10-11.5-1.....	Amended.....	14.....	03/21/2016.....	35-2016
12-10-13-8.....	Amended.....	15.....	03/21/2016.....	35-2016
12-10-13-9.....	Amended.....	16.....	03/21/2016.....	35-2016
12-10-13-11.....	Amended.....	17.....	03/21/2016.....	35-2016
12-10-13-17.....	Amended.....	18.....	03/21/2016.....	35-2016
12-10-14-1.....	Amended.....	19.....	03/21/2016.....	35-2016
12-10-15-14.....	Amended.....	20.....	03/21/2016.....	35-2016
12-11-1.1-9.....	Amended.....	21.....	03/21/2016.....	35-2016
12-11-1.1-10.....	Amended.....	22.....	03/21/2016.....	35-2016
12-11-2.1-6.....	Amended.....	23.....	03/21/2016.....	35-2016
12-11-2.1-12.....	Amended.....	24.....	03/21/2016.....	35-2016
12-11-6-2.....	Amended.....	25.....	03/21/2016.....	35-2016
12-11-13-4.....	Amended.....	26.....	03/21/2016.....	35-2016
12-11-13-11.....	Amended.....	27.....	03/21/2016.....	35-2016
12-11-14.....	New.....	8.....	07/01/2016.....	12-2016
12-12.5-1-5.....	Amended.....	28.....	03/21/2016.....	35-2016
12-13-2-3.....	Amended.....	29.....	03/21/2016.....	35-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
12-13-5-6.....	Amended.....	30.....	03/21/2016.....	35-2016
12-13-5-7.....	Amended.....	31.....	03/21/2016.....	35-2016
12-13-7-6.....	Amended.....	32.....	03/21/2016.....	35-2016
12-15-1-10.....	Amended.....	33.....	03/21/2016.....	35-2016
12-15-1-15.....	Amended.....	34.....	03/21/2016.....	35-2016
12-15-1-16.....	Amended.....	35.....	03/21/2016.....	35-2016
12-15-1.3-15.....	Amended.....	36.....	03/21/2016.....	35-2016
12-15-2.5-2.....	Amended.....	3.....	07/01/2016.....	116-2016
12-15-5-13.....	Amended.....	1.....	07/01/2016.....	8-2016
12-15-5-14.....	New.....	4.....	07/01/2016.....	87-2016
12-15-5-15.....	New.....	5.....	07/01/2016.....	87-2016
12-15-5-16.....	New.....	6.....	07/01/2016.....	87-2016
12-15-8.5-1.....	Amended.....	37.....	03/21/2016.....	35-2016
12-15-11-3.....	Amended.....	38.....	03/21/2016.....	35-2016
12-15-13-3.5.....	Amended.....	39.....	03/21/2016.....	35-2016
12-15-13-4.....	Amended.....	40.....	03/21/2016.....	35-2016
12-15-13-5.....	Repealed.....	9.....	07/01/2016.....	12-2016
12-15-21-5.....	Amended.....	41.....	03/21/2016.....	35-2016
12-15-27-2.....	Amended.....	1.....	03/21/2016.....	78-2016
12-15-32-1.....	Amended.....	42.....	03/21/2016.....	35-2016
12-15-32-2.....	Amended.....	10.....	07/01/2016.....	12-2016
12-15-32-11.....	Amended.....	43.....	03/21/2016.....	35-2016
12-15-33-3.....	Amended.....	44.....	07/01/2016.....	35-2016
12-15-35-35.....	Amended.....	1.....	07/01/2016.....	37-2016
12-15-35.5-9.....	New.....	2.....	07/01/2016.....	37-2016
12-15-39-1.....	Amended.....	45.....	03/21/2016.....	35-2016
12-15-39-2.....	Amended.....	46.....	03/21/2016.....	35-2016
12-15-39-3.....	Amended.....	47.....	03/21/2016.....	35-2016
12-15-44.2-1.....	Repealed.....	5.....	07/01/2016.....	30-2016
12-15-44.2-2.....	Repealed.....	6.....	07/01/2016.....	30-2016
12-15-44.2-3.....	Repealed.....	7.....	07/01/2016.....	30-2016
12-15-44.2-4.....	Repealed.....	8.....	07/01/2016.....	30-2016
12-15-44.2-5.....	Repealed.....	9.....	07/01/2016.....	30-2016
12-15-44.2-6.....	Repealed.....	10.....	07/01/2016.....	30-2016
12-15-44.2-7.....	Repealed.....	11.....	07/01/2016.....	30-2016
12-15-44.2-8.....	Repealed.....	12.....	07/01/2016.....	30-2016
12-15-44.2-9.....	Repealed.....	13.....	07/01/2016.....	30-2016
12-15-44.2-10.....	Repealed.....	14.....	07/01/2016.....	30-2016
12-15-44.2-11.....	Repealed.....	15.....	07/01/2016.....	30-2016
12-15-44.2-12.....	Repealed.....	16.....	07/01/2016.....	30-2016
12-15-44.2-13.....	Repealed.....	17.....	07/01/2016.....	30-2016
12-15-44.2-14.....	Repealed.....	18.....	07/01/2016.....	30-2016
12-15-44.2-16.....	Repealed.....	19.....	07/01/2016.....	30-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
12-15-44.2-18.....	Repealed.....	20.....	07/01/2016.....	30-2016
12-15-44.2-19.....	Repealed.....	21.....	07/01/2016.....	30-2016
12-15-44.2-20.....	Amended.....	22.....	07/01/2016.....	30-2016
12-15-44.2-21.....	Repealed.....	23.....	07/01/2016.....	30-2016
12-15-44.2-22.....	Repealed.....	24.....	07/01/2016.....	30-2016
12-15-44.5-2.....	Amended.....	25.....	07/01/2016.....	30-2016
12-15-44.5-2.3.....	New.....	26.....	07/01/2016.....	30-2016
12-15-44.5-3.....	Amended.....	27.....	07/01/2016.....	30-2016
12-15-44.5-3.5.....	New.....	28.....	07/01/2016.....	30-2016
12-15-44.5-4.....	Amended.....	29.....	07/01/2016.....	30-2016
12-15-44.5-4.5.....	New.....	30.....	07/01/2016.....	30-2016
12-15-44.5-4.7.....	New.....	31.....	07/01/2016.....	30-2016
12-15-44.5-4.9.....	New.....	32.....	07/01/2016.....	30-2016
12-15-44.5-5.5.....	New.....	33.....	07/01/2016.....	30-2016
12-15-44.5-5.7.....	New.....	34.....	07/01/2016.....	30-2016
12-15-44.5-10.....	Amended.....	35.....	07/01/2016.....	30-2016
12-17.2-2.5-3.....	Amended.....	48.....	03/21/2016.....	35-2016
12-17.2-7.2-2.....	Amended.....	1.....	07/01/2016.....	169-2016
12-17.2-7.2-7.5.....	New.....	49.....	03/21/2016.....	35-2016
12-17.6-1-4.....	Amended.....	50.....	03/21/2016.....	35-2016
12-17.6-2-1.....	Amended.....	51.....	03/21/2016.....	35-2016
12-17.6-2-2.....	Amended.....	52.....	03/21/2016.....	35-2016
12-17.6-2-11.....	Amended.....	53.....	03/21/2016.....	35-2016
12-17.6-7-2.....	Amended.....	54.....	03/21/2016.....	35-2016
12-17.6-8-6.....	Amended.....	55.....	03/21/2016.....	35-2016
12-19-1-18.....	Amended.....	62.....	07/01/2016.....	84-2016
12-19-1-20.....	Amended.....	63.....	07/01/2016.....	84-2016
12-20-16-3.5.....	New.....	1.....	07/01/2016.....	134-2016
12-20-20-1.....	Amended.....	2.....	07/01/2016.....	134-2016
12-20-25-0.4.....	Repealed.....	102.....	01/01/2017.....	197-2016
12-20-25-34.....	Amended.....	103.....	01/01/2017.....	197-2016
12-20-25-35.....	Amended.....	104.....	01/01/2017.....	197-2016
12-20-25-37.....	Amended.....	105.....	01/01/2017.....	197-2016
12-20-25-38.....	Amended.....	106.....	01/01/2017.....	197-2016
12-20-25-39.....	Amended.....	107.....	01/01/2017.....	197-2016
12-20-25-40.....	Amended.....	108.....	01/01/2017.....	197-2016
12-20-25-41.....	Amended.....	109.....	01/01/2017.....	197-2016
12-20-25-43.....	Amended.....	110.....	01/01/2017.....	197-2016
12-20-25-44.....	Amended.....	111.....	01/01/2017.....	197-2016
12-20-25-45.....	Amended.....	112.....	01/01/2017.....	197-2016
12-20-25-46.....	Amended.....	113.....	01/01/2017.....	197-2016
12-21-2-3.....	Amended.....	56.....	03/21/2016.....	35-2016
12-21-2-5.....	Amended.....	57.....	03/21/2016.....	35-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
12-21-2-8.....	Amended.....	58.....	03/21/2016.....	35-2016
12-23-18-0.5.....	Amended.....	2.....	07/01/2016.....	8-2016
12-23-18-5.....	Amended.....	3.....	07/01/2016.....	8-2016
12-23-18-5.3.....	New.....	4.....	07/01/2016.....	8-2016
12-23-18-7.5.....	New.....	5.....	07/01/2016.....	8-2016
12-23-18-8.....	Amended.....	6.....	07/01/2016.....	8-2016
12-23-19-1.....	Amended.....	3.....	07/01/2016.....	69-2016
12-23-20.....	New.....	3.....	07/01/2016.....	37-2016
12-24-2-2.....	Amended.....	59.....	03/21/2016.....	35-2016
12-24-2-3.....	Amended.....	60.....	03/21/2016.....	35-2016
12-24-2-4.....	Amended.....	61.....	03/21/2016.....	35-2016
12-25-1-2.....	Amended.....	62.....	03/21/2016.....	35-2016
12-25-1-3.....	Amended.....	63.....	03/21/2016.....	35-2016
12-25-1-6.....	Amended.....	64.....	03/21/2016.....	35-2016
12-25-1-7.....	Amended.....	65.....	03/21/2016.....	35-2016
12-25-1-8.....	Amended.....	66.....	03/21/2016.....	35-2016
12-25-2-3.....	Amended.....	67.....	03/21/2016.....	35-2016
12-25-2-5.....	Amended.....	68.....	03/21/2016.....	35-2016
12-25-2-6.....	Amended.....	69.....	03/21/2016.....	35-2016
12-25-2-7.....	Amended.....	70.....	03/21/2016.....	35-2016
12-25-2-8.....	Amended.....	71.....	03/21/2016.....	35-2016
12-25-3-1.....	Amended.....	72.....	03/21/2016.....	35-2016
12-25-3-2.....	Amended.....	73.....	03/21/2016.....	35-2016
12-25-3-3.....	Amended.....	74.....	03/21/2016.....	35-2016
12-25-3-4.....	Amended.....	75.....	03/21/2016.....	35-2016
12-25-3-5.....	Amended.....	76.....	03/21/2016.....	35-2016
12-25-3-6.....	Amended.....	77.....	03/21/2016.....	35-2016
12-26-11-1.....	Amended.....	78.....	03/21/2016.....	35-2016
12-26-14-10.....	Amended.....	79.....	03/21/2016.....	35-2016
12-29-1-1.....	Amended.....	23.....	07/01/2016.....	184-2016
12-29-1-2.....	Amended.....	24.....	07/01/2016.....	184-2016
12-29-1-3.....	Amended.....	25.....	07/01/2016.....	184-2016
12-29-1-3.5.....	New.....	26.....	07/01/2016.....	184-2016
12-29-2-2.....	Amended.....	27.....	07/01/2016.....	184-2016
12-29-2-2.....	Amended.....	114.....	01/01/2017.....	197-2016
12-30-2-5.....	Amended.....	64.....	07/01/2016.....	84-2016
12-30-4-5.....	Amended.....	65.....	07/01/2016.....	84-2016
12-30-4-6.....	Amended.....	66.....	07/01/2016.....	84-2016

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13-11-2-16.3.....	Amended.....	1.....	03/22/2016.....	112-2016
13-11-2-16.5.....	Amended.....	2.....	03/22/2016.....	112-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
13-11-2-25.2	New	2	07/01/2016	107-2016
13-11-2-25.7	Amended	1	07/01/2016	96-2016
13-11-2-50.5	Amended	3	07/01/2016	112-2016
13-11-2-62.5	New	2	07/01/2016	96-2016
13-11-2-62.7	New	3	07/01/2016	96-2016
13-11-2-63.5	New	4	07/01/2016	96-2016
13-11-2-63.6	New	5	07/01/2016	96-2016
13-11-2-63.7	New	6	07/01/2016	96-2016
13-11-2-66.9	Amended	4	03/22/2016	112-2016
13-11-2-73	Amended	7	07/01/2016	96-2016
13-11-2-87	Amended	8	07/01/2016	96-2016
13-11-2-104.5	Amended	5	03/22/2016	112-2016
13-11-2-114	Amended	6	07/01/2016	112-2016
13-11-2-114.2	Amended	7	07/01/2016	112-2016
13-11-2-118.4	New	1	07/01/2016	97-2016
13-11-2-128.8	Amended	8	03/22/2016	112-2016
13-11-2-130.1	Amended	9	03/22/2016	112-2016
13-11-2-130.2	Amended	10	03/22/2016	112-2016
13-11-2-130.3	Amended	11	03/22/2016	112-2016
13-11-2-136.5	Amended	12	03/22/2016	112-2016
13-11-2-196.5	Amended	13	03/22/2016	112-2016
13-11-2-201	Amended	3	07/01/2016	107-2016
13-11-2-205	Amended	14	07/01/2016	112-2016
13-11-2-241	Amended	9	07/01/2016	96-2016
13-11-2-244.3	New	10	07/01/2016	96-2016
13-11-2-245	Amended	636	07/01/2016	198-2016
13-11-2-245.2	Amended	15	03/22/2016	112-2016
13-11-2-257.6	New	4	07/01/2016	107-2016
13-11-2-257.8	New	5	07/01/2016	107-2016
13-14-8-8	Amended	16	07/01/2016	112-2016
13-18-3-2	Amended	17	07/01/2016	112-2016
13-18-3-2.1	Amended	18	07/01/2016	112-2016
13-18-5.5-9	Amended	46	03/23/2016	149-2016
13-18-12-2.2	New	6	07/01/2016	107-2016
13-18-12-4	Amended	19	07/01/2016	112-2016
13-19-1-2	Amended	2	07/01/2016	97-2016
13-19-3-1	Amended	3	07/01/2016	97-2016
13-19-3-1.3	New	4	07/01/2016	97-2016
13-20-13-11	Amended	5	07/01/2016	97-2016
13-20-17.7-9	Repealed	20	03/22/2016	112-2016
13-20-25-14	Amended	21	12/30/2015	112-2016
13-20.5-7-4	Amended	22	07/01/2016	112-2016
13-21-3-1	Amended	1	07/01/2016	189-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
13-21-3-12.....	Amended.....	2.....	07/01/2016.....	189-2016
13-21-4-6.....	Amended.....	3.....	07/01/2017.....	189-2016
13-21-15.....	New.....	4.....	07/01/2016.....	189-2016
13-23-5-1.....	Amended.....	11.....	07/01/2016.....	96-2016
13-23-7-1.....	Amended.....	12.....	07/01/2016.....	96-2016
13-23-7-2.....	Amended.....	13.....	07/01/2016.....	96-2016
13-23-7-3.....	Amended.....	14.....	07/01/2016.....	96-2016
13-23-7-4.....	Amended.....	15.....	07/01/2016.....	96-2016
13-23-7-5.....	Amended.....	16.....	07/01/2016.....	96-2016
13-23-7-6.....	Amended.....	17.....	07/01/2016.....	96-2016
13-23-7-7.....	Amended.....	18.....	07/01/2016.....	96-2016
13-23-7-8.....	Repealed.....	19.....	07/01/2016.....	96-2016
13-23-7-9.....	Repealed.....	20.....	07/01/2016.....	96-2016
13-23-7-10.....	Repealed.....	21.....	07/01/2016.....	96-2016
13-23-8-1.....	Repealed.....	22.....	07/01/2016.....	96-2016
13-23-8-2.....	Repealed.....	23.....	07/01/2016.....	96-2016
13-23-8-3.....	Repealed.....	24.....	07/01/2016.....	96-2016
13-23-8-4.....	Amended.....	25.....	07/01/2016.....	96-2016
13-23-8-4.5.....	Repealed.....	26.....	07/01/2016.....	96-2016
13-23-8-5.....	Repealed.....	27.....	07/01/2016.....	96-2016
13-23-8-6.....	Amended.....	28.....	07/01/2016.....	96-2016
13-23-8-7.....	Amended.....	29.....	07/01/2016.....	96-2016
13-23-8-8.....	Amended.....	30.....	07/01/2016.....	96-2016
13-23-9-1.....	Repealed.....	31.....	07/01/2016.....	96-2016
13-23-9-1.3.....	New.....	32.....	07/01/2016.....	96-2016
13-23-9-1.5.....	New.....	33.....	07/01/2016.....	96-2016
13-23-9-2.....	Amended.....	34.....	07/01/2016.....	96-2016
13-23-9-2.2.....	New.....	35.....	07/01/2016.....	96-2016
13-23-9-3.....	Amended.....	36.....	07/01/2016.....	96-2016
13-23-9-4.....	Amended.....	37.....	07/01/2016.....	96-2016
13-23-9-5.....	Repealed.....	38.....	07/01/2016.....	96-2016
13-23-9-6.....	Amended.....	39.....	07/01/2016.....	96-2016
13-23-11-7.....	Amended.....	40.....	07/01/2016.....	96-2016
13-23-12-1.....	Amended.....	41.....	07/01/2016.....	96-2016
13-25-1-2.5.....	New.....	1.....	07/01/2016.....	68-2016
13-25-1-6.....	Amended.....	2.....	07/01/2016.....	68-2016
13-26-11-9.....	Amended.....	23.....	03/22/2016.....	112-2016
13-26-11-13.....	Amended.....	67.....	07/01/2016.....	84-2016
13-26-11-15.....	Amended.....	68.....	07/01/2016.....	84-2016
13-30-9-1.....	Amended.....	24.....	07/01/2016.....	112-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
14-8-2-37.6.....	Repealed.....	1.....	03/22/2016.....	89-2016
14-8-2-37.7.....	Repealed.....	2.....	03/22/2016.....	89-2016
14-8-2-37.8.....	Repealed.....	3.....	03/22/2016.....	89-2016
14-8-2-83.....	Repealed.....	2.....	07/01/2016.....	172-2016
14-8-2-125.....	Amended.....	5.....	07/01/2016.....	111-2016
14-8-2-155.....	Repealed.....	6.....	07/01/2016.....	111-2016
14-8-2-278.....	Amended.....	7.....	03/22/2016.....	111-2016
14-8-2-282.....	Repealed.....	3.....	07/01/2016.....	172-2016
14-9-4-1.....	Amended.....	8.....	07/01/2016.....	111-2016
14-11-1-3.....	Amended.....	69.....	07/01/2016.....	84-2016
14-11-4-1.....	Amended.....	4.....	04/01/2016.....	89-2016
14-12-1-13.....	Amended.....	4.....	07/01/2016.....	172-2016
14-12-2-1.....	Amended.....	5.....	07/01/2016.....	172-2016
14-12-2-2.....	Amended.....	6.....	07/01/2016.....	172-2016
14-12-2-4.....	Amended.....	7.....	07/01/2016.....	172-2016
14-12-2-5.....	Amended.....	8.....	07/01/2016.....	172-2016
14-12-2-7.....	Repealed.....	9.....	07/01/2016.....	172-2016
14-12-2-8.....	Repealed.....	10.....	07/01/2016.....	172-2016
14-12-2-9.....	Repealed.....	11.....	07/01/2016.....	172-2016
14-12-2-10.....	Repealed.....	12.....	07/01/2016.....	172-2016
14-12-2-11.....	Repealed.....	13.....	07/01/2016.....	172-2016
14-12-2-12.....	Repealed.....	14.....	07/01/2016.....	172-2016
14-12-2-13.....	Repealed.....	15.....	07/01/2016.....	172-2016
14-12-2-14.....	Amended.....	16.....	07/01/2016.....	172-2016
14-12-2-15.....	Amended.....	17.....	07/01/2016.....	172-2016
14-12-2-16.....	Amended.....	18.....	07/01/2016.....	172-2016
14-12-2-18.....	Amended.....	19.....	07/01/2016.....	172-2016
14-12-2-19.....	Amended.....	20.....	07/01/2016.....	172-2016
14-12-2-20.....	Amended.....	21.....	07/01/2016.....	172-2016
14-12-2-21.....	Amended.....	22.....	07/01/2016.....	172-2016
14-12-2-24.....	Amended.....	23.....	07/01/2016.....	172-2016
14-12-2-25.....	Amended.....	637.....	07/01/2016.....	198-2016
14-12-2-25.....	Amended.....	24.....	07/01/2016.....	172-2016
14-12-2-26.....	Amended.....	25.....	07/01/2016.....	172-2016
14-12-2-27.....	Amended.....	26.....	07/01/2016.....	172-2016
14-12-2-28.....	Amended.....	27.....	07/01/2016.....	172-2016
14-12-2-30.....	Amended.....	28.....	07/01/2016.....	172-2016
14-12-2-31.....	Repealed.....	29.....	07/01/2016.....	172-2016
14-12-2-31.5.....	New.....	30.....	07/01/2016.....	172-2016
14-12-2-33.....	Amended.....	31.....	07/01/2016.....	172-2016
14-12-2-35.....	Repealed.....	32.....	07/01/2016.....	172-2016
14-15-2-6.....	Amended.....	9.....	07/01/2016.....	111-2016
14-15-2-15.....	Amended.....	10.....	07/01/2016.....	111-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
14-15-4-2.....	Amended.....	11.....	07/01/2016.....	111-2016
14-15-7-3.....	Amended.....	12.....	07/01/2016.....	111-2016
14-15-11-1.....	Amended.....	638.....	07/01/2016.....	198-2016
14-15-12-8.....	Amended.....	13.....	07/01/2016.....	111-2016
14-16-1-8.....	Amended.....	639.....	07/01/2016.....	198-2016
14-16-1-18.....	Amended.....	640.....	07/01/2016.....	198-2016
14-16-1-19.....	Repealed.....	641.....	07/01/2016.....	198-2016
14-16-1-20.....	Amended.....	642.....	07/01/2016.....	198-2016
14-16-1-30.....	Amended.....	643.....	07/01/2016.....	198-2016
14-16-1-32.....	New.....	14.....	07/01/2016.....	111-2016
14-19-6-1.....	Amended.....	19.....	07/01/2016.....	121-2016
14-19-6-2.....	Amended.....	20.....	07/01/2016.....	121-2016
14-19-6-4.....	Amended.....	21.....	07/01/2016.....	121-2016
14-20-15-6.....	Amended.....	644.....	07/01/2016.....	198-2016
14-20-15-9.....	Amended.....	645.....	07/01/2016.....	198-2016
14-22-1-1.....	Amended.....	5.....	03/22/2016.....	89-2016
14-22-1-1.5.....	New.....	6.....	03/22/2016.....	89-2016
14-22-1-1.7.....	New.....	7.....	03/22/2016.....	89-2016
14-22-2-8.....	New.....	1.....	03/22/2016.....	110-2016
14-22-2-9.....	New.....	2.....	03/22/2016.....	110-2016
14-22-6-13.....	Amended.....	15.....	07/01/2016.....	111-2016
14-22-6-16.....	New.....	16.....	03/22/2016.....	111-2016
14-22-7-3.....	Amended.....	17.....	07/01/2016.....	111-2016
14-22-8-4.....	Amended.....	18.....	07/01/2016.....	111-2016
14-22-11-1.....	Amended.....	19.....	07/01/2016.....	111-2016
14-22-20-1.....	Amended.....	8.....	03/22/2016.....	89-2016
14-22-20.5.....	Repealed.....	9.....	03/22/2016.....	89-2016
14-22-24.5.....	Repealed.....	20.....	07/01/2016.....	111-2016
14-22-31-0.5.....	New.....	10.....	03/22/2016.....	89-2016
14-22-38-4.....	Amended.....	11.....	03/22/2016.....	89-2016
14-22-38-7.....	Amended.....	21.....	07/01/2016.....	111-2016
14-25-7-18.....	New.....	3.....	07/01/2016.....	102-2016
14-27-5-5.....	Amended.....	70.....	07/01/2016.....	84-2016
14-27-8-16.....	Amended.....	71.....	07/01/2016.....	84-2016
14-27-9-2.....	Amended.....	72.....	07/01/2016.....	84-2016
14-28-4-27.....	Amended.....	73.....	07/01/2016.....	84-2016
14-28-5-1.....	Amended.....	22.....	07/01/2016.....	111-2016
14-28-5-3.....	Amended.....	23.....	07/01/2016.....	111-2016
14-28-5-4.....	Repealed.....	24.....	07/01/2016.....	111-2016
14-28-5-4.5.....	New.....	25.....	07/01/2016.....	111-2016
14-28-5-5.....	Amended.....	26.....	07/01/2016.....	111-2016
14-28-5-6.....	Repealed.....	27.....	07/01/2016.....	111-2016
14-28-5-7.....	Amended.....	28.....	07/01/2016.....	111-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
14-28-5-8.....	Amended.....	29.....	07/01/2016.....	111-2016
14-28-5-9.....	Amended.....	30.....	07/01/2016.....	111-2016
14-28-5-10.....	Amended.....	31.....	07/01/2016.....	111-2016
14-28-5-11.....	Amended.....	32.....	07/01/2016.....	111-2016
14-28-5-12.....	Repealed.....	33.....	07/01/2016.....	111-2016
14-28-5-12.1.....	New.....	34.....	07/01/2016.....	111-2016
14-28-5-12.3.....	New.....	35.....	07/01/2016.....	111-2016
14-28-5-13.....	Amended.....	36.....	07/01/2016.....	111-2016
14-28-5-14.....	Amended.....	37.....	07/01/2016.....	111-2016
14-28-5-15.....	Amended.....	38.....	07/01/2016.....	111-2016
14-31-3-3.....	Amended.....	39.....	07/01/2016.....	111-2016
14-31-3-15.....	Amended.....	40.....	07/01/2016.....	111-2016
14-32-7-12.....	Amended.....	3.....	07/01/2016.....	95-2016
14-32-8-8.....	Amended.....	4.....	07/01/2016.....	95-2016
14-32-8-8.2.....	New.....	5.....	07/01/2016.....	95-2016
14-32-8-8.3.....	New.....	6.....	07/01/2016.....	95-2016
14-33-2-9.....	Amended.....	74.....	07/01/2016.....	84-2016
14-33-5-2.....	Amended.....	75.....	07/01/2016.....	84-2016
14-33-5.4-3.5.....	Amended.....	76.....	07/01/2016.....	84-2016
14-33-16-1.....	Amended.....	77.....	07/01/2016.....	84-2016
14-33-16.5-10.....	Amended.....	78.....	07/01/2016.....	84-2016
14-33-16.5-13.....	Amended.....	79.....	07/01/2016.....	84-2016
14-33-17-20.....	Amended.....	80.....	07/01/2016.....	84-2016
14-33-19-4.....	Amended.....	81.....	07/01/2016.....	84-2016
14-33-20-30.....	Amended.....	82.....	07/01/2016.....	84-2016
14-33-20-31.....	Amended.....	83.....	07/01/2016.....	84-2016
14-34-6-15.....	Amended.....	1.....	01/01/2017.....	101-2016
14-34-19-12.....	Amended.....	41.....	07/01/2016.....	111-2016

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15-11-4-3.....	Amended.....	7.....	07/01/2016.....	95-2016
15-15-13-9.....	Amended.....	1.....	07/01/2016.....	139-2016
15-17-2-17.5.....	New.....	12.....	03/22/2016.....	89-2016
15-17-2-38.5.....	New.....	13.....	03/22/2016.....	89-2016
15-17-2-82.5.....	New.....	14.....	03/22/2016.....	89-2016
15-17-3-13.....	Amended.....	2.....	07/01/2016.....	201-2016
15-17-5-11.....	Amended.....	1.....	07/01/2016.....	80-2016
15-17-5-26.....	Amended.....	84.....	07/01/2016.....	84-2016
15-17-7-7.....	Amended.....	15.....	03/22/2016.....	89-2016
15-17-10-7.....	Amended.....	16.....	03/22/2016.....	89-2016
15-17-11-6.....	Amended.....	646.....	07/01/2016.....	198-2016
15-17-14.5.....	New.....	17.....	03/22/2016.....	89-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
15-17-14.7	New	18	03/22/2016	89-2016
15-20-4	New	3	07/01/2016	201-2016
15-20-4-5	Amended	647	07/01/2016	198-2016

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16-18-2-1.5	Amended	1	07/01/2016	213-2016
16-18-2-9.3	Amended	1	07/01/2016	43-2016
16-18-2-18.5	New	2	07/01/2016	213-2016
16-18-2-30.2	New	1	07/01/2016	56-2016
16-18-2-100.5	New	3	07/01/2016	213-2016
16-18-2-128.7	Amended	4	07/01/2016	213-2016
16-18-2-143.5	New	2	07/01/2016	80-2016
16-18-2-185	Amended	80	03/21/2016	35-2016
16-18-2-187.2	Amended	36	07/01/2016	30-2016
16-18-2-201.5	New	5	07/01/2016	213-2016
16-18-2-204.5	Repealed	2	07/01/2016	51-2016
16-18-2-237.1	Amended	6	07/01/2016	213-2016
16-18-2-265.5	New	2	07/01/2016	43-2016
16-18-2-273.5	New	7	07/01/2016	213-2016
16-18-2-287.9	New	8	07/01/2016	213-2016
16-18-2-298.5	Amended	1	07/01/2016	6-2016
16-18-2-301	Amended	7	07/01/2016	147-2016
16-18-2-317.5	New	47	03/23/2016	149-2016
16-18-2-328.6	New	9	07/01/2016	213-2016
16-19-3.5	New	1	01/01/2017	49-2016
16-19-4-4	Amended	2	07/01/2016	6-2016
16-19-4-5	Amended	3	07/01/2016	6-2016
16-19-17	New	3	07/01/2016	43-2016
16-21-10-5.3	Amended	37	07/01/2016	30-2016
16-21-10-11	Amended	38	07/01/2016	30-2016
16-21-10-12	Repealed	39	07/01/2016	30-2016
16-21-10-13.3	Amended	40	07/01/2016	30-2016
16-21-10-13.5	Amended	41	07/01/2016	30-2016
16-21-11-5	Amended	10	07/01/2016	213-2016
16-21-11-6	Amended	11	07/01/2016	213-2016
16-21-11.2-4	Amended	1	07/01/2016	48-2016
16-22-2-9	Amended	1	07/01/2016	24-2016
16-22-3-12	Amended	5	07/01/2016	208-2016
16-22-6-6	Amended	85	07/01/2016	84-2016
16-22-6-36	Amended	86	07/01/2016	84-2016
16-22-7-9	Amended	87	07/01/2016	84-2016
16-22-7-13	Amended	88	07/01/2016	84-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
16-22-7-37.....	Amended.....	115.....	01/01/2017.....	197-2016
16-22-7-41.....	Amended.....	89.....	07/01/2016.....	84-2016
16-22-8-35.5.....	New.....	6.....	07/01/2016.....	208-2016
16-23-1-33.5.....	New.....	7.....	07/01/2016.....	208-2016
16-23.5-2-2.....	Amended.....	90.....	07/01/2016.....	84-2016
16-25-4.5.....	New.....	12.....	07/01/2016.....	213-2016
16-27-2-0.5.....	Amended.....	3.....	07/01/2016.....	51-2016
16-27-2-1.5.....	Repealed.....	4.....	07/01/2016.....	51-2016
16-27-2-4.....	Amended.....	5.....	07/01/2016.....	51-2016
16-27-2-5.....	Amended.....	6.....	07/01/2016.....	51-2016
16-29-4-1.....	Amended.....	81.....	03/21/2016.....	35-2016
16-29-4-2.....	Amended.....	82.....	03/21/2016.....	35-2016
16-29-4-3.....	Amended.....	83.....	03/21/2016.....	35-2016
16-29-4-4.....	Amended.....	84.....	03/21/2016.....	35-2016
16-31-3-14.....	Amended.....	2.....	07/01/2016.....	59-2016
16-31-3-23.7.....	Amended.....	4.....	07/01/2016.....	6-2016
16-31-3-26.....	New.....	1.....	07/01/2016.....	79-2016
16-31-5-1.....	Amended.....	116.....	01/01/2017.....	197-2016
16-32-4.....	New.....	2.....	07/01/2016.....	56-2016
16-33-3-10.....	Amended.....	91.....	07/01/2016.....	84-2016
16-34-2-1.....	Amended.....	13.....	07/01/2016.....	213-2016
16-34-2-1.1.....	Amended.....	14.....	07/01/2016.....	213-2016
16-34-2-4.5.....	Amended.....	15.....	07/01/2016.....	213-2016
16-34-2-5.....	Amended.....	16.....	07/01/2016.....	213-2016
16-34-2-5.1.....	New.....	17.....	07/01/2016.....	213-2016
16-34-2-6.....	Amended.....	18.....	07/01/2016.....	213-2016
16-34-3-2.....	Amended.....	19.....	07/01/2016.....	213-2016
16-34-3-3.....	Amended.....	20.....	07/01/2016.....	213-2016
16-34-3-4.....	Amended.....	21.....	07/01/2016.....	213-2016
16-34-4.....	New.....	22.....	07/01/2016.....	213-2016
16-36-1-16.....	New.....	1.....	07/01/2016.....	29-2016
16-37-3-7.....	Amended.....	1.....	07/01/2016.....	67-2016
16-38-2-1.....	Amended.....	2.....	07/01/2016.....	29-2016
16-38-2-7.....	Amended.....	3.....	07/01/2016.....	29-2016
16-41-7.5-9.....	Amended.....	1.....	07/01/2016.....	44-2016
16-41-8-1.....	Amended.....	48.....	03/23/2016.....	149-2016
16-41-8-1.....	Amended.....	7.....	07/01/2016.....	65-2016
16-41-8-5.....	Amended.....	49.....	03/23/2016.....	149-2016
16-41-8-5.....	Amended.....	8.....	07/01/2016.....	65-2016
16-41-16-1.....	Amended.....	23.....	07/01/2016.....	213-2016
16-41-16-4.....	Amended.....	24.....	07/01/2016.....	213-2016
16-41-16-5.....	Amended.....	25.....	07/01/2016.....	213-2016
16-41-16-7.6.....	New.....	26.....	07/01/2016.....	213-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
16-41-21.1	New	2	07/01/2016	127-2016
16-41-22-17	Amended	92	07/01/2016	84-2016
16-41-26-15	New	2	01/01/2017	49-2016
16-41-27-22	Amended	3	01/01/2017	49-2016
16-41-27-26	Amended	93	07/01/2016	84-2016
16-41-27-29	Amended	648	07/01/2016	198-2016
16-41-42.2-5	Amended	4	07/01/2016	29-2016
16-42-5-29	Amended	3	07/01/2016	80-2016
16-42-5-31	New	4	07/01/2016	80-2016
16-42-19-24	Repealed	3	07/01/2016	59-2016
16-42-19-27	Amended	4	07/01/2016	59-2016
16-42-27-1	Amended	5	07/01/2016	6-2016
16-42-27-2	Amended	6	07/01/2016	6-2016
16-46-14-2	Amended	30	06/15/2016	204-2016
16-46-14-3	Amended	31	07/01/2016	204-2016
16-47-1-0.1	Amended	22	07/01/2016	121-2016
16-47-1-2	Amended	23	07/01/2016	121-2016
16-47-1-5	Amended	24	07/01/2016	121-2016
16-49-3-3	Amended	5	07/01/2016	29-2016
16-49-3-7	Amended	6	07/01/2016	29-2016

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20-18-2-2.8	Amended	4	07/01/2016	25-2016
20-18-2-18	Amended	3	07/01/2016	127-2016
20-19-2-2.3	Amended	649	07/01/2016	198-2016
20-19-3-2.1	New	2	03/23/2016	169-2016
20-19-3-4	Amended	9	07/01/2016	65-2016
20-19-3-9.4	Amended	1	07/01/2016	93-2016
20-19-3-12	Amended	5	07/01/2016	25-2016
20-19-6-7	Amended	1	03/23/2016	141-2016
20-20-8-8	Amended	1	03/23/2016	118-2016
20-20-8-8	Amended	1	03/23/2016	179-2016
20-20-8-8	Amended	4	03/23/2016	127-2016
20-20-38-4	Amended	2	03/23/2016	141-2016
20-20-42	New	1	07/01/2016	136-2016
20-20-42.2	New	1	07/01/2016	106-2016
20-20-43	New	2	07/01/2016	106-2016
20-23-17.2-3	Repealed	6	03/23/2016	127-2016
20-23-17.2-3	Repealed	5	03/23/2016	127-2016
20-23-17.2-3.1	Amended	7	01/01/2017	127-2016
20-23-17.2-3.3	New	8	07/01/2016	127-2016
20-23-17.2-4	Repealed	9	03/23/2016	127-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
20-23-17.2-9.....	Repealed.....	10.....	03/23/2016.....	127-2016
20-24-3-3.....	Amended.....	11.....	07/01/2016.....	127-2016
20-24-3-4.....	Amended.....	2.....	07/01/2016.....	179-2016
20-24-3-5.5.....	Amended.....	12.....	07/01/2016.....	127-2016
20-24-3-14.....	Amended.....	13.....	07/01/2016.....	127-2016
20-24-3-14.1.....	New.....	14.....	07/01/2016.....	127-2016
20-24-5-5.....	Amended.....	3.....	07/01/2016.....	179-2016
20-24-5.5.....	New.....	4.....	07/01/2016.....	179-2016
20-24-7-2.....	Amended.....	1.....	07/01/2016.....	119-2016
20-24-7-3.....	Amended.....	2.....	07/01/2016.....	119-2016
20-24-7-15.....	New.....	15.....	07/01/2016.....	127-2016
20-24-8-5.....	Amended.....	3.....	03/23/2016.....	141-2016
20-24-13-5.....	Amended.....	2.....	03/23/2016.....	118-2016
20-24.2-4-3.....	Amended.....	1.....	07/01/2016.....	117-2016
20-24.2-4-4.....	Amended.....	2.....	07/01/2016.....	117-2016
20-25-5-7.....	Amended.....	3.....	03/23/2016.....	118-2016
20-25.7-4-3.....	Amended.....	4.....	03/23/2016.....	118-2016
20-25.7-4-5.....	Amended.....	5.....	03/23/2016.....	179-2016
20-25.7-5-2.....	Amended.....	6.....	03/23/2016.....	179-2016
20-25.7-5-5.....	New.....	7.....	03/23/2016.....	179-2016
20-26-2-1.3.....	New.....	3.....	07/01/2016.....	106-2016
20-26-4-5.....	Amended.....	9.....	07/01/2016.....	188-2016
20-26-5-4.....	Amended.....	25.....	07/01/2016.....	121-2016
20-26-5-4.....	Amended.....	5.....	03/23/2016.....	118-2016
20-26-5-10.....	Amended.....	4.....	07/01/2016.....	106-2016
20-26-5-11.....	Amended.....	5.....	07/01/2016.....	106-2016
20-26-5-11.....	Amended.....	10.....	07/01/2016.....	65-2016
20-26-5-11.5.....	New.....	6.....	07/01/2016.....	106-2016
20-26-5-18.....	Amended.....	6.....	03/23/2016.....	118-2016
20-26-5-19.....	Amended.....	7.....	03/23/2016.....	118-2016
20-26-5-24.....	Amended.....	8.....	03/23/2016.....	118-2016
20-26-5-37.....	New.....	1.....	07/01/2016.....	162-2016
20-26-5-37.2.....	New.....	16.....	07/01/2016.....	127-2016
20-26-5-37.3.....	New.....	4.....	03/23/2016.....	141-2016
20-26-7-18.....	Amended.....	9.....	03/23/2016.....	118-2016
20-26-7-46.....	New.....	8.....	07/01/2016.....	179-2016
20-26-11-9.....	Amended.....	1.....	07/01/2016.....	46-2016
20-26-11-13.....	Amended.....	117.....	01/01/2017.....	197-2016
20-26-11-33.....	New.....	17.....	07/01/2016.....	127-2016
20-26-12-23.....	Amended.....	1.....	03/23/2016.....	128-2016
20-26-17-5.....	Amended.....	1.....	07/01/2016.....	143-2016
20-26-18-2.....	Amended.....	6.....	07/01/2016.....	25-2016
20-26-18-3.....	Amended.....	7.....	07/01/2016.....	25-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
20-26-18-4	Amended	8	07/01/2016	25-2016
20-26-18-5	Amended	9	07/01/2016	25-2016
20-26-18-6	Amended	10	07/01/2016	25-2016
20-27-3-4	Amended	18	07/01/2016	127-2016
20-27-8-1	Amended	19	07/01/2016	127-2016
20-27-8-15	Amended	20	07/01/2016	127-2016
20-27-9-16	Amended	650	07/01/2016	198-2016
20-27-14	Repealed	10	03/23/2016	118-2016
20-28-2-0.3	Amended	26	07/01/2016	121-2016
20-28-2-7	Amended	27	07/01/2016	121-2016
20-28-4-12	New	21	03/23/2016	127-2016
20-28-5-3	Amended	28	07/01/2016	121-2016
20-28-5-3	Amended	7	07/01/2016	106-2016
20-28-5-8	Amended	6	07/01/2016	13-2016
20-28-5-12	Amended	8	07/01/2016	106-2016
20-28-5-18	New	9	07/01/2016	106-2016
20-28-6-2	Amended	11	03/23/2016	118-2016
20-28-6-7	Amended	12	03/23/2016	118-2016
20-28-7.5-2	Amended	9	07/01/2016	179-2016
20-28-7.5-8	Amended	10	07/01/2016	179-2016
20-28-8-3	Amended	13	03/23/2016	118-2016
20-28-9-1.5	Amended	10	07/01/2016	106-2016
20-28-9-25	New	22	07/01/2016	127-2016
20-29-3-2	Amended	3	03/23/2016	169-2016
20-29-3-3	Amended	4	03/23/2016	169-2016
20-29-3-3.1	New	5	03/23/2016	169-2016
20-29-3-4	Amended	6	07/01/2016	169-2016
20-29-3-5	Repealed	7	03/23/2016	169-2016
20-29-3-6	Amended	8	07/01/2016	169-2016
20-29-3-7	Repealed	9	07/01/2016	169-2016
20-29-3-8	Repealed	10	07/01/2016	169-2016
20-29-3-9	Amended	11	07/01/2016	169-2016
20-29-3-10	Amended	12	07/01/2016	169-2016
20-29-3-11	Amended	13	07/01/2016	169-2016
20-29-3-14	Amended	14	07/01/2016	169-2016
20-29-6-7	Amended	11	07/01/2016	106-2016
20-31-1-1	Amended	15	07/01/2016	169-2016
20-31-4-1.1	New	16	07/01/2016	169-2016
20-32-4-11	Amended	14	03/23/2016	118-2016
20-32-4-12	New	1	07/01/2016	160-2016
20-32-5-6	Amended	3	03/22/2016	117-2016
20-32-5-9	Amended	4	03/22/2016	117-2016
20-32-5-23	New	5	03/22/2016	117-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
20-33-2-12.....	Amended.....	17.....	07/01/2016.....	169-2016
20-33-9-1.3.....	Amended.....	11.....	07/01/2016.....	65-2016
20-33-9-10.5.....	Amended.....	11.....	07/01/2016.....	25-2016
20-34-7-1.6.....	New.....	1.....	07/01/2016.....	135-2016
20-34-7-1.7.....	New.....	2.....	07/01/2016.....	135-2016
20-34-7-3.....	Amended.....	3.....	07/01/2016.....	135-2016
20-34-7-4.....	Amended.....	4.....	07/01/2016.....	135-2016
20-34-7-5.....	Amended.....	5.....	07/01/2016.....	135-2016
20-34-7-6.....	Amended.....	6.....	07/01/2016.....	135-2016
20-34-7-7.....	New.....	7.....	07/01/2016.....	135-2016
20-34-8-2.....	Amended.....	23.....	07/01/2016.....	127-2016
20-40-8-19.....	Amended.....	2.....	07/01/2016.....	151-2016
20-40-12-5.....	Amended.....	15.....	03/23/2016.....	118-2016
20-40-12-8.....	Amended.....	16.....	03/23/2016.....	118-2016
20-41-2-4.....	Amended.....	17.....	03/23/2016.....	118-2016
20-41-2-5.....	Amended.....	18.....	03/23/2016.....	118-2016
20-43-2-7.5.....	Amended.....	1.....	03/24/2016.....	186-2016
20-43-4-2.....	Amended.....	2.....	03/24/2016.....	186-2016
20-43-4-2.....	Amended.....	3.....	01/01/2017.....	151-2016
20-43-4-2.....	Amended.....	3.....	01/01/2017.....	186-2016
20-43-4-6.....	Amended.....	18.....	07/01/2016.....	169-2016
20-43-4-9.....	Amended.....	4.....	01/01/2017.....	151-2016
20-43-7-1.....	Amended.....	12.....	07/01/2016.....	106-2016
20-43-7-5.....	Amended.....	13.....	07/01/2016.....	106-2016
20-43-10-3.....	Amended.....	19.....	03/23/2016.....	118-2016
20-43-10-3.....	Amended.....	1.....	07/01/2015.....	2-2016
20-43-10-3.....	Amended.....	5.....	07/01/2016.....	151-2016
20-43-15.....	New.....	14.....	07/01/2017.....	106-2016
20-46-1-5.5.....	New.....	3.....	03/23/2016.....	138-2016
20-46-1-8.....	Amended.....	4.....	03/23/2016.....	138-2016
20-46-1-8.5.....	New.....	5.....	03/23/2016.....	138-2016
20-46-1-10.....	Amended.....	6.....	03/23/2016.....	138-2016
20-46-1-10.1.....	New.....	7.....	03/23/2016.....	138-2016
20-48-4-2.....	Amended.....	8.....	07/01/2016.....	147-2016
20-49-3-8.....	Amended.....	20.....	03/23/2016.....	118-2016
20-49-9-1.....	Amended.....	21.....	03/23/2016.....	118-2016
20-49-9-8.....	Amended.....	22.....	03/23/2016.....	118-2016
20-50-2-1.1.....	New.....	2.....	07/01/2016.....	46-2016
20-50-3-1.1.....	New.....	3.....	07/01/2016.....	46-2016
20-51-4-1.....	Amended.....	15.....	07/01/2016.....	106-2016
20-51-4-1.....	Amended.....	2.....	07/01/2016.....	162-2016
20-51-4-3.....	Amended.....	16.....	07/01/2016.....	106-2016
20-51-4-4.....	Amended.....	17.....	07/01/2017.....	106-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
20-51-4-4.5.....	Amended.....	18.	07/01/2017.....	106-2016
20-51-4-4.6.....	Amended.....	19.	07/01/2017.....	106-2016
20-51-4-5.....	Amended.....	20.	07/01/2017.....	106-2016
20-51-4-6.....	Amended.....	21.	07/01/2017.....	106-2016
20-51-4-7.....	Amended.....	22.	07/01/2017.....	106-2016
20-51-4-10.....	Amended.....	23.	07/01/2016.....	106-2016

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21-12-1.7-2.....	Amended.....	1.	07/01/2016.....	165-2016
21-12-1.7-3.....	Amended.....	2.	07/01/2016.....	165-2016
21-12-1.7-4.....	Amended.....	3.	07/01/2016.....	165-2016
21-12-1.7-5.....	Amended.....	4.	07/01/2016.....	165-2016
21-12-3-1.....	Amended.....	5.	07/01/2016.....	165-2016
21-12-3-4.....	Amended.....	6.	07/01/2016.....	165-2016
21-12-3-9.....	Amended.....	7.	07/01/2016.....	165-2016
21-12-3-19.....	Amended.....	8.	07/01/2016.....	165-2016
21-12-4-5.....	Amended.....	9.	07/01/2016.....	165-2016
21-12-6-5.....	Amended.....	10.	07/01/2016.....	165-2016
21-12-6-6.....	Amended.....	11.	07/01/2016.....	165-2016
21-12-6-7.....	Amended.....	12.	07/01/2016.....	165-2016
21-12-7-4.....	Repealed.....	37.	01/01/2017.....	181-2016
21-12-8-1.....	Amended.....	13.	07/01/2016.....	165-2016
21-12-8-3.....	Amended.....	14.	07/01/2016.....	165-2016
21-12-8-5.....	Amended.....	15.	07/01/2016.....	165-2016
21-12-10-3.....	Amended.....	16.	07/01/2016.....	165-2016
21-12-13-2.....	Amended.....	1.	07/01/2016.....	159-2016
21-12-16.....	New.....	1.	07/01/2016.....	105-2016
21-13-1-5.....	Amended.....	50.	03/23/2016.....	149-2016
21-13-1-5.....	Amended.....	1.	07/01/2016.....	148-2016
21-13-2-0.5.....	New.....	2.	07/01/2016.....	148-2016
21-13-2-1.....	Amended.....	3.	07/01/2016.....	148-2016
21-13-2-6.....	Amended.....	4.	07/01/2016.....	148-2016
21-13-2-8.....	Amended.....	5.	07/01/2016.....	148-2016
21-13-2-9.....	Repealed.....	6.	07/01/2016.....	148-2016
21-13-2-12.....	Repealed.....	7.	07/01/2016.....	148-2016
21-13-2-14.....	Repealed.....	8.	07/01/2016.....	148-2016
21-13-2-16.....	Repealed.....	9.	07/01/2016.....	148-2016
21-13-2-16.....	Repealed.....	29.	07/01/2016.....	121-2016
21-13-7-1.....	Amended.....	10.	07/01/2016.....	148-2016
21-13-7-2.....	Amended.....	11.	07/01/2016.....	148-2016
21-13-8-1.....	Amended.....	12.	07/01/2016.....	148-2016
21-13-8-1.....	Amended.....	2.	07/01/2016.....	159-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
21-13-8-2.....	Amended.....	13.....	07/01/2016.....	148-2016
21-13-8-2.....	Amended.....	3.....	07/01/2016.....	159-2016
21-13-11.....	New.....	23.....	07/01/2016.....	118-2016
21-16-1-8.....	Amended.....	17.....	07/01/2016.....	165-2016
21-18-9-2.....	Amended.....	5.....	03/23/2016.....	141-2016
21-18-13-3.....	Amended.....	24.....	07/01/2016.....	127-2016
21-18.5-1-3.....	Amended.....	1.....	03/23/2016.....	178-2016
21-18.5-1-4.....	Amended.....	2.....	03/23/2016.....	178-2016
21-18.5-1-5.....	Amended.....	3.....	03/23/2016.....	178-2016
21-35-1-4.....	Amended.....	18.....	07/01/2016.....	165-2016
21-35-7-2.....	Amended.....	19.....	07/01/2016.....	165-2016
21-35-7-7.....	Amended.....	20.....	07/01/2016.....	165-2016
21-38-3-3.....	Amended.....	51.....	03/23/2016.....	149-2016
21-38-3-4.....	Amended.....	52.....	03/23/2016.....	149-2016
21-38-3-5.....	Amended.....	53.....	03/23/2016.....	149-2016
21-38-3-6.....	Amended.....	6.....	07/01/2016.....	141-2016
21-38-3-7.....	Amended.....	54.....	03/23/2016.....	149-2016
21-38-3-8.....	Amended.....	55.....	03/23/2016.....	149-2016
21-38-3-9.....	Amended.....	56.....	03/23/2016.....	149-2016
21-38-3-11.....	Amended.....	57.....	03/23/2016.....	149-2016
21-38-7-3.....	Amended.....	58.....	03/23/2016.....	149-2016
21-41-5-3.....	Amended.....	7.....	07/01/2016.....	141-2016
21-41-5-8.....	Amended.....	8.....	03/23/2016.....	141-2016
21-41-5-12.....	New.....	9.....	03/23/2016.....	141-2016
21-41-5-13.....	New.....	10.....	01/01/2017.....	141-2016
21-41-5-14.....	New.....	11.....	07/01/2016.....	141-2016
21-41-5-15.....	New.....	12.....	07/01/2016.....	141-2016
21-44-1-8.....	Amended.....	59.....	03/23/2016.....	149-2016

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22-2-2-10.5.....	Amended.....	6.....	07/01/2016.....	144-2016
22-2-13-16.....	Amended.....	94.....	07/01/2016.....	84-2016
22-2-15-5.....	Repealed.....	30.....	07/01/2016.....	121-2016
22-2-16-3.....	Amended.....	1.....	07/01/2016.....	120-2016
22-4-2-3.....	Repealed.....	1.....	03/23/2016.....	171-2016
22-4-2-34.....	Amended.....	2.....	03/23/2016.....	171-2016
22-4-4-1.....	Amended.....	3.....	03/23/2016.....	171-2016
22-4-7-1.....	Amended.....	4.....	03/23/2016.....	171-2016
22-4-8-3.....	Amended.....	5.....	03/23/2016.....	171-2016
22-4-9-6.....	Amended.....	6.....	03/23/2016.....	171-2016
22-4-11-2.....	Amended.....	7.....	03/23/2016.....	171-2016
22-4-12-4.....	Amended.....	8.....	03/23/2016.....	171-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
22-4-12-5.....	Amended.....	9.....	03/23/2016.....	171-2016
22-4-14-2.....	Amended.....	10.....	07/01/2016.....	171-2016
22-4-14-3.....	Amended.....	11.....	07/01/2016.....	171-2016
22-4-14-3.2.....	New.....	12.....	07/01/2016.....	171-2016
22-4-14-3.5.....	Amended.....	60.....	03/23/2016.....	149-2016
22-4-14-11.....	Amended.....	13.....	03/23/2016.....	171-2016
22-4-17-2.5.....	Amended.....	118.....	01/01/2017.....	197-2016
22-4-17-3.2.....	New.....	2.....	07/01/2016.....	120-2016
22-4-17-5.....	Amended.....	14.....	03/23/2016.....	171-2016
22-4-17-7.....	Amended.....	15.....	03/23/2016.....	171-2016
22-4-17-8.....	Amended.....	16.....	03/23/2016.....	171-2016
22-4-17-9.....	Amended.....	17.....	03/23/2016.....	171-2016
22-4-17-14.....	Amended.....	18.....	03/23/2016.....	171-2016
22-4-17-15.....	Amended.....	19.....	03/23/2016.....	171-2016
22-4-18-1.....	Amended.....	20.....	07/01/2016.....	171-2016
22-4-18-2.....	Repealed.....	21.....	03/23/2016.....	171-2016
22-4-18-2.4.....	New.....	22.....	03/23/2016.....	171-2016
22-4-18-2.5.....	New.....	23.....	03/23/2016.....	171-2016
22-4-19-1.....	Amended.....	24.....	03/23/2016.....	171-2016
22-4-19-4.....	Repealed.....	25.....	03/23/2016.....	171-2016
22-4-19-7.....	Amended.....	26.....	03/23/2016.....	171-2016
22-4-19-8.....	Amended.....	27.....	03/23/2016.....	171-2016
22-4-19-14.....	Amended.....	28.....	03/23/2016.....	171-2016
22-4-20-1.....	Amended.....	29.....	03/23/2016.....	171-2016
22-4-21-1.....	Amended.....	30.....	03/23/2016.....	171-2016
22-4-21-2.....	Amended.....	31.....	03/23/2016.....	171-2016
22-4-21-4.....	Amended.....	32.....	03/23/2016.....	171-2016
22-4-22-1.....	Amended.....	33.....	03/23/2016.....	171-2016
22-4-22-2.....	Amended.....	34.....	03/23/2016.....	171-2016
22-4-22-4.....	Amended.....	35.....	03/23/2016.....	171-2016
22-4-22-5.....	Amended.....	36.....	03/23/2016.....	171-2016
22-4-25-1.....	Amended.....	37.....	03/23/2016.....	171-2016
22-4-26-1.....	Amended.....	38.....	03/23/2016.....	171-2016
22-4-26-3.....	Amended.....	39.....	03/23/2016.....	171-2016
22-4-28-1.....	Amended.....	40.....	03/23/2016.....	171-2016
22-4-29-1.....	Amended.....	41.....	03/23/2016.....	171-2016
22-4-29-6.....	Amended.....	42.....	03/23/2016.....	171-2016
22-4-31-5.....	Amended.....	43.....	03/23/2016.....	171-2016
22-4-32-5.....	Amended.....	44.....	03/23/2016.....	171-2016
22-4-32-23.....	Amended.....	45.....	03/23/2016.....	171-2016
22-4-33-2.....	Amended.....	46.....	03/23/2016.....	171-2016
22-4-34-5.....	Amended.....	47.....	03/23/2016.....	171-2016
22-4-35-1.....	Amended.....	48.....	03/23/2016.....	171-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
22-4-37-2.....	Amended.....	49.....	03/23/2016.....	171-2016
22-4.1-1-6.....	Amended.....	61.....	03/23/2016.....	149-2016
22-4.1-2-2.....	Amended.....	50.....	03/23/2016.....	171-2016
22-4.1-4-8.....	Amended.....	51.....	03/23/2016.....	171-2016
22-4.1-4-9.....	Amended.....	13.....	03/23/2016.....	141-2016
22-4.1-4-10.....	New.....	14.....	03/23/2016.....	141-2016
22-4.1-4-11.....	New.....	15.....	03/23/2016.....	141-2016
22-4.1-4-12.....	New.....	16.....	03/23/2016.....	141-2016
22-4.1-4-13.....	New.....	17.....	03/23/2016.....	141-2016
22-4.1-21-2.....	Amended.....	4.....	03/23/2016.....	178-2016
22-4.1-21-4.....	Amended.....	5.....	03/23/2016.....	178-2016
22-4.1-21-5.....	Amended.....	6.....	03/23/2016.....	178-2016
22-4.1-21-10.....	Amended.....	7.....	03/23/2016.....	178-2016
22-4.1-21-13.....	Amended.....	8.....	03/23/2016.....	178-2016
22-4.1-21-15.....	Amended.....	9.....	03/23/2016.....	178-2016
22-4.1-21-16.....	Amended.....	10.....	03/23/2016.....	178-2016
22-4.1-21-17.....	Amended.....	11.....	03/23/2016.....	178-2016
22-4.1-21-18.....	Amended.....	12.....	03/23/2016.....	178-2016
22-4.1-21-19.....	Amended.....	13.....	03/23/2016.....	178-2016
22-4.1-21-20.....	Amended.....	14.....	03/23/2016.....	178-2016
22-4.1-21-22.....	Amended.....	15.....	03/23/2016.....	178-2016
22-4.1-21-23.....	Amended.....	16.....	03/23/2016.....	178-2016
22-4.1-21-24.....	Amended.....	17.....	03/23/2016.....	178-2016
22-4.1-21-25.....	Amended.....	18.....	03/23/2016.....	178-2016
22-4.1-21-26.....	Amended.....	19.....	03/23/2016.....	178-2016
22-4.1-21-29.....	Amended.....	20.....	03/23/2016.....	178-2016
22-4.1-21-30.....	Amended.....	21.....	03/23/2016.....	178-2016
22-4.1-21-34.....	Amended.....	22.....	03/23/2016.....	178-2016
22-4.1-21-35.....	Amended.....	23.....	03/23/2016.....	178-2016
22-4.1-21-36.....	Amended.....	24.....	03/23/2016.....	178-2016
22-4.1-21-37.....	Amended.....	25.....	03/23/2016.....	178-2016
22-4.1-21-39.....	Amended.....	26.....	03/23/2016.....	178-2016
22-4.1-22-4.....	Amended.....	62.....	03/23/2016.....	149-2016
22-4.1-22-5.....	Amended.....	63.....	03/23/2016.....	149-2016
22-4.1-23-1.....	Amended.....	64.....	03/23/2016.....	149-2016
22-4.1-23-2.....	Amended.....	65.....	03/23/2016.....	149-2016
22-4.5-9-4.....	Amended.....	66.....	03/23/2016.....	149-2016
22-4.5-9-4.....	Amended.....	18.....	03/23/2016.....	141-2016
22-4.5-9-4.....	Amended.....	27.....	03/23/2016.....	178-2016
22-5-3-3.....	Amended.....	67.....	03/23/2016.....	149-2016
22-5-5-1.....	Amended.....	7.....	07/01/2016.....	13-2016
22-6-2-12.....	Amended.....	95.....	07/01/2016.....	84-2016
22-6-2-14.....	Amended.....	96.....	07/01/2016.....	84-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
22-8-1.1-38.1.....	Amended.....	97.	07/01/2016.....	84-2016
22-8-1.1-39.1.....	Amended.....	98.	07/01/2016.....	84-2016
22-9-1-3.....	Amended.....	27.	07/01/2016.....	213-2016
22-12-1-16.....	Amended.....	651.	03/24/2016.....	198-2016
22-13-2-4.1.....	New.....	4.	01/01/2017.....	49-2016
22-13-4-5.....	Amended.....	5.	03/21/2016.....	49-2016
22-13-5-2.....	Amended.....	6.	01/01/2017.....	49-2016
22-15-3-1.....	Amended.....	7.	01/01/2017.....	49-2016
22-15-3.2-6.....	Amended.....	8.	01/01/2017.....	49-2016
22-15-5-16.....	Amended.....	5.	07/01/2016.....	59-2016

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23-1-18-1.....	Amended.....	1.	07/01/2016.....	170-2016
23-1-18-1.2.....	New.....	2.	07/01/2016.....	170-2016
23-1-18-3.....	Amended.....	3.	03/23/2016.....	170-2016
23-1-23-2.....	Amended.....	4.	03/23/2016.....	170-2016
23-1-44-8.....	Amended.....	68.	03/23/2016.....	149-2016
23-1.3-10-6.....	Amended.....	69.	03/23/2016.....	149-2016
23-2-2.5-0.5.....	New.....	1.	07/01/2016.....	161-2016
23-2-4-23.....	Amended.....	99.	07/01/2016.....	84-2016
23-4-1-45.3.....	Amended.....	5.	03/23/2016.....	170-2016
23-4-1-45.5.....	Amended.....	6.	03/23/2016.....	170-2016
23-4-1-45.7.....	New.....	7.	07/01/2016.....	170-2016
23-14-31-26.....	Amended.....	32.	07/01/2016.....	190-2016
23-14-31-39.....	Amended.....	28.	07/01/2016.....	213-2016
23-14-42.5.....	New.....	1.	07/01/2016.....	176-2016
23-14-48-2.2.....	New.....	1.	03/23/2016.....	163-2016
23-14-54.5.....	New.....	2.	07/01/2016.....	90-2016
23-14-55-2.....	Amended.....	33.	07/01/2016.....	190-2016
23-15-9-2.....	New.....	8.	03/23/2016.....	170-2016
23-16-2-2.....	Amended.....	9.	03/23/2016.....	170-2016
23-16-3-3.1.....	Repealed.....	70.	03/23/2016.....	149-2016
23-16-3-7.2.....	New.....	10.	07/01/2016.....	170-2016
23-16-10-3.1.....	New.....	71.	03/23/2016.....	149-2016
23-16-12-4.....	Amended.....	11.	03/23/2016.....	170-2016
23-17-5-2.....	Amended.....	12.	03/23/2016.....	170-2016
23-17-19-2.....	Amended.....	1.	07/01/2016.....	130-2016
23-17-19-2.....	Amended.....	72.	03/23/2016.....	149-2016
23-17-29-1.2.....	New.....	13.	07/01/2016.....	170-2016
23-17-29-3.....	Amended.....	14.	03/23/2016.....	170-2016
23-18-2-8.....	Amended.....	15.	07/01/2016.....	170-2016
23-18-2-9.....	Amended.....	16.	03/23/2016.....	170-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
23-18-12-1.2.....	New.....	17.....	07/01/2016.....	170-2016
23-18-12-3.....	Amended.....	18.....	03/23/2016.....	170-2016
23-18.1.....	New.....	19.....	01/01/2017.....	170-2016
23-19-4.1.....	New.....	1.....	07/01/2016.....	39-2016
23-19-6-1.....	Amended.....	2.....	07/01/2016.....	39-2016
23-20-1-10.....	Amended.....	652.....	07/01/2016.....	198-2016

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24-1-1-6.....	Amended.....	100.....	07/01/2016.....	84-2016
24-4-9-8.5.....	New.....	653.....	07/01/2016.....	198-2016
24-4-9-11.1.....	New.....	654.....	07/01/2016.....	198-2016
24-4-20.....	New.....	2.....	07/01/2016.....	195-2016
24-4.4-1-102.....	Amended.....	1.....	07/01/2016.....	73-2016
24-4.4-1-301.....	Amended.....	2.....	07/01/2016.....	73-2016
24-4.4-2-201.....	Amended.....	3.....	03/21/2016.....	73-2016
24-4.4-2-201.....	Amended.....	1.....	03/21/2016.....	54-2016
24-4.5-1-102.....	Amended.....	4.....	07/01/2016.....	73-2016
24-4.5-1-201.1.....	New.....	1.....	07/01/2016.....	153-2016
24-4.5-1-301.5.....	Amended.....	5.....	07/01/2016.....	73-2016
24-4.5-1-301.5.....	Amended.....	2.....	07/01/2016.....	153-2016
24-4.5-2-106.....	Amended.....	6.....	07/01/2016.....	73-2016
24-4.5-2-207.....	Amended.....	7.....	03/21/2016.....	73-2016
24-4.5-2-209.....	Amended.....	8.....	03/21/2016.....	73-2016
24-4.5-2-209.....	Amended.....	2.....	03/21/2016.....	54-2016
24-4.5-2-602.....	Amended.....	9.....	03/21/2016.....	73-2016
24-4.5-2-604.....	Amended.....	10.....	03/21/2016.....	73-2016
24-4.5-3-110.....	New.....	3.....	07/01/2016.....	153-2016
24-4.5-3-110.5.....	New.....	4.....	07/01/2016.....	153-2016
24-4.5-3-202.....	Amended.....	5.....	07/01/2016.....	153-2016
24-4.5-3-209.....	Amended.....	3.....	03/21/2016.....	54-2016
24-4.5-3-209.....	Amended.....	11.....	03/21/2016.....	73-2016
24-4.5-3-502.....	Amended.....	6.....	07/01/2016.....	153-2016
24-4.5-3-602.....	Amended.....	12.....	07/01/2016.....	73-2016
24-4.5-3-604.....	Amended.....	13.....	03/21/2016.....	73-2016
24-4.5-7-202.....	Amended.....	4.....	03/21/2016.....	60-2016
24-4.5-7-406.....	Amended.....	5.....	03/21/2016.....	60-2016
24-4.6-5-8.....	Amended.....	655.....	07/01/2016.....	198-2016
24-5-13-5.....	Amended.....	656.....	07/01/2016.....	198-2016
24-5-13.5-2.....	Amended.....	657.....	07/01/2016.....	198-2016
24-5-16.5-12.....	Amended.....	101.....	07/01/2016.....	84-2016
24-11-3-2.....	Amended.....	73.....	03/23/2016.....	149-2016
24-11-4-1.....	Amended.....	74.....	03/23/2016.....	149-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
24-11-5-1.....	Amended.....	75.....	03/23/2016.....	149-2016
24-12.....	New.....	7.....	07/01/2016.....	153-2016

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25-1-1.1-2.....	Amended.....	6.....	07/01/2016.....	59-2016
25-1-4-3.....	Amended.....	1.....	07/01/2016.....	168-2016
25-1-4-3.....	Amended.....	1.....	07/01/2016.....	173-2016
25-1-4-3.2.....	Amended.....	2.....	07/01/2016.....	168-2016
25-1-7-10.....	Amended.....	3.....	07/01/2016.....	168-2016
25-1-9-20.....	Repealed.....	1.....	07/01/2016.....	94-2016
25-1-9-22.....	New.....	1.....	07/01/2016.....	33-2016
25-1-9.5.....	New.....	2.....	07/01/2016.....	78-2016
25-1-11-21.....	Repealed.....	2.....	07/01/2016.....	94-2016
25-1-16-7.....	Amended.....	4.....	07/01/2016.....	168-2016
25-1-16-8.....	Amended.....	76.....	03/23/2016.....	149-2016
25-1-17-11.....	New.....	3.....	07/01/2016.....	94-2016
25-2.1-5-8.....	Amended.....	5.....	07/01/2016.....	168-2016
25-2.1-5-9.....	Amended.....	6.....	07/01/2016.....	168-2016
25-6.1-2-5.....	Amended.....	102.....	07/01/2016.....	84-2016
25-6.1-3-9.....	Amended.....	103.....	07/01/2016.....	84-2016
25-8-2-2.7.....	Amended.....	1.....	07/01/2016.....	158-2016
25-8-2-5.....	Amended.....	2.....	07/01/2016.....	158-2016
25-8-2-13.....	Amended.....	3.....	07/01/2016.....	158-2016
25-8-2-18.5.....	New.....	4.....	07/01/2016.....	158-2016
25-8-3-5.....	Amended.....	5.....	07/01/2016.....	158-2016
25-8-3-23.....	Amended.....	6.....	07/01/2016.....	158-2016
25-8-5-3.....	Amended.....	7.....	07/01/2016.....	158-2016
25-8-5-4.....	Amended.....	8.....	07/01/2016.....	158-2016
25-8-5-4.6.....	New.....	9.....	07/01/2016.....	158-2016
25-8-7-2.....	Amended.....	10.....	07/01/2016.....	158-2016
25-8-9-3.....	Amended.....	11.....	07/01/2016.....	158-2016
25-8-12.5-4.....	Amended.....	12.....	07/01/2016.....	158-2016
25-10-1-14.....	Amended.....	104.....	07/01/2016.....	84-2016
25-13-1-2.....	Amended.....	1.....	07/01/2016.....	155-2016
25-13-1-12.5.....	New.....	2.....	07/01/2016.....	155-2016
25-13-1-17.....	Amended.....	3.....	03/23/2016.....	155-2016
25-13-2-6.....	Amended.....	4.....	03/23/2016.....	155-2016
25-14-1-1.5.....	Amended.....	1.....	07/01/2016.....	82-2016
25-14-1-23.5.....	New.....	2.....	07/01/2016.....	82-2016
25-15-8-19.....	Amended.....	105.....	07/01/2016.....	84-2016
25-15-9-18.....	Amended.....	34.....	07/01/2016.....	190-2016
25-20.2-3-8.....	Amended.....	106.....	07/01/2016.....	84-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
25-20.2-8-4.....	Amended.....	107.	07/01/2016.....	84-2016
25-22.5-1-1.1.....	Amended.....	3.	07/01/2016.....	82-2016
25-22.5-2-7.....	Amended.....	3.	07/01/2016.....	78-2016
25-22.5-13-7.....	New.....	4.	07/01/2016.....	82-2016
25-22.5-13.2-1.....	Amended.....	7.	07/01/2016.....	168-2016
25-23-1-1.5.....	New.....	5.	07/01/2016.....	82-2016
25-23-1-19.4.....	Amended.....	85.	03/21/2016.....	35-2016
25-23-1-19.9.....	New.....	6.	07/01/2016.....	82-2016
25-23.7-3-8.....	Amended.....	108.	07/01/2016.....	84-2016
25-26-13-4.....	Amended.....	1.	06/01/2016.....	5-2016
25-26-13-4.....	Amended.....	1.	06/01/2016.....	4-2016
25-26-13-28.....	Amended.....	109.	07/01/2016.....	84-2016
25-26-21-6.....	Amended.....	7.	07/01/2016.....	82-2016
25-26-21-8.....	Amended.....	8.	07/01/2016.....	82-2016
25-27.5-2-7.5.....	New.....	9.	07/01/2016.....	82-2016
25-27.5-5-2.....	Amended.....	8.	07/01/2016.....	168-2016
25-27.5-5-4.5.....	New.....	10.	07/01/2016.....	82-2016
25-28.5-1-37.....	Amended.....	110.	07/01/2016.....	84-2016
25-29-1-10.5.....	New.....	11.	07/01/2016.....	82-2016
25-29-1-17.....	New.....	12.	07/01/2016.....	82-2016
25-30-1-22.....	Amended.....	111.	07/01/2016.....	84-2016
25-30-1.3-24.....	Amended.....	112.	07/01/2016.....	84-2016
25-34.1-2-5.....	Amended.....	113.	07/01/2016.....	84-2016
25-34.1-3-2.....	Amended.....	1.	07/01/2016.....	45-2016
25-34.1-9-13.....	Amended.....	2.	07/01/2016.....	173-2016
25-34.1-9-15.5.....	Amended.....	3.	07/01/2016.....	173-2016
25-34.1-9-23.....	New.....	4.	07/01/2016.....	173-2016
25-35.6-2-1.....	Amended.....	9.	07/01/2016.....	168-2016
25-36.5-1-7.....	Amended.....	42.	07/01/2016.....	111-2016
25-36.5-1-13.....	Amended.....	114.	07/01/2016.....	84-2016
25-36.5-1-15.....	Amended.....	43.	07/01/2016.....	111-2016
25-37.5-1-10.....	Amended.....	77.	03/23/2016.....	149-2016

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26-2-6-6.....	Amended.....	658.	07/01/2016.....	198-2016
26-3-7-31.....	Amended.....	115.	07/01/2016.....	84-2016
26-3-7-32.....	Amended.....	116.	07/01/2016.....	84-2016

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27-1-3-33.....	New.....	1.	07/01/2016.....	18-2016
27-1-3.5-12.3.....	Amended.....	7.	07/01/2016.....	72-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
27-1-13-7.....	Amended.....	8.....	07/01/2016.....	72-2016
27-1-15.6-8.....	Amended.....	9.....	07/01/2016.....	72-2016
27-1-23-1.....	Amended.....	10.....	07/01/2016.....	72-2016
27-1-23-3.....	Amended.....	11.....	07/01/2016.....	72-2016
27-1-23-4.....	Amended.....	12.....	07/01/2016.....	72-2016
27-1-23-5.1.....	Amended.....	13.....	07/01/2016.....	72-2016
27-1-23-5.3.....	New.....	14.....	07/01/2016.....	72-2016
27-1-23-8.....	Amended.....	117.....	07/01/2016.....	84-2016
27-1-23-8.1.....	New.....	15.....	07/01/2016.....	72-2016
27-1-27-7.2.....	New.....	16.....	07/01/2016.....	72-2016
27-2-19-8.....	Amended.....	118.....	07/01/2016.....	84-2016
27-7-3-15.5.....	Amended.....	17.....	07/01/2016.....	72-2016
27-7-3.7-4.....	Amended.....	18.....	07/01/2016.....	72-2016
27-7-3.7-7.....	Amended.....	19.....	07/01/2016.....	72-2016
27-7-9-3.....	Amended.....	2.....	01/01/2017.....	101-2016
27-7-9-5.....	Amended.....	3.....	01/01/2017.....	101-2016
27-7-9-8.....	Amended.....	4.....	01/01/2017.....	101-2016
27-7-9-9.5.....	Amended.....	5.....	01/01/2017.....	101-2016
27-8-5-30.....	New.....	3.....	07/01/2016.....	19-2016
27-8-5-31.....	New.....	4.....	07/01/2016.....	19-2016
27-8-10.1.....	Repealed.....	42.....	07/01/2016.....	30-2016
27-8-15-14.....	Amended.....	20.....	07/01/2016.....	72-2016
27-8-28-13.....	Amended.....	2.....	07/01/2016.....	18-2016
27-8-28-19.....	Amended.....	3.....	07/01/2016.....	18-2016
27-8-29-15.....	Amended.....	21.....	07/01/2016.....	72-2016
27-8-32.4-2.....	Repealed.....	78.....	03/23/2016.....	149-2016
27-9-1-2.....	Amended.....	22.....	07/01/2016.....	72-2016
27-9-3-3.....	Amended.....	23.....	07/01/2016.....	72-2016
27-9-3-9.....	Amended.....	24.....	07/01/2016.....	72-2016
27-9-3-34.5.....	New.....	25.....	07/01/2016.....	72-2016
27-10-3-10.....	Amended.....	119.....	07/01/2016.....	84-2016
27-13-7-23.....	New.....	5.....	07/01/2016.....	19-2016
27-13-8-2.....	Amended.....	4.....	07/01/2016.....	18-2016
27-13-10-4.....	Amended.....	5.....	07/01/2016.....	18-2016
27-13-10.1-4.....	Amended.....	26.....	07/01/2016.....	72-2016
27-13-38-7.....	New.....	6.....	07/01/2016.....	19-2016
27-15-14-1.....	Amended.....	27.....	07/01/2016.....	72-2016
27-19-2-15.....	Amended.....	43.....	07/01/2016.....	30-2016
27-19-4-4.5.....	New.....	7.....	07/01/2016.....	87-2016

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28-1-2-6.5.....	Amended.....	14.....	03/21/2016.....	73-2016
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Affected Provisions	Type	SEC.	Effective	P.L.
28-1-3.1-4.....	Amended.....	120.....	07/01/2016.....	84-2016
28-1-7-4.....	Amended.....	15.....	07/01/2016.....	73-2016
28-1-7-12.....	Amended.....	16.....	07/01/2016.....	73-2016
28-1-11-3.1.....	Amended.....	17.....	07/01/2016.....	73-2016
28-1-11-3.2.....	Amended.....	121.....	07/01/2016.....	84-2016
28-1-11-5.....	Amended.....	18.....	07/01/2016.....	73-2016
28-1-11-14.....	Amended.....	19.....	03/21/2016.....	73-2016
28-1-13-1.6.....	Amended.....	20.....	07/01/2016.....	73-2016
28-1-20-8.....	Amended.....	122.....	07/01/2016.....	84-2016
28-1-29-5.5.....	Amended.....	21.....	07/01/2016.....	73-2016
28-1-29-8.....	Amended.....	22.....	07/01/2016.....	73-2016
28-5-1-6.3.....	Amended.....	123.....	07/01/2016.....	84-2016
28-5-1-11.....	Amended.....	23.....	07/01/2016.....	73-2016
28-5-1-18.....	Amended.....	24.....	07/01/2016.....	73-2016
28-6.1-3-2.....	Amended.....	124.....	07/01/2016.....	84-2016
28-6.1-6-24.....	Amended.....	125.....	07/01/2016.....	84-2016
28-6.1-15-7.....	Amended.....	126.....	07/01/2016.....	84-2016
28-7-1-9.2.....	Amended.....	127.....	07/01/2016.....	84-2016
28-7-1-12.....	Amended.....	25.....	07/01/2016.....	73-2016
28-7-1-17.2.....	Amended.....	1.....	03/21/2016.....	40-2016
28-7-1-33.....	Amended.....	26.....	07/01/2016.....	73-2016
28-7-1-33.1.....	New.....	27.....	07/01/2016.....	73-2016
28-7-5-16.....	Amended.....	79.....	03/23/2016.....	149-2016
28-8-4-41.....	Amended.....	80.....	03/23/2016.....	149-2016
28-8-5-19.....	Amended.....	81.....	03/23/2016.....	149-2016
28-10-1-1.....	Amended.....	28.....	07/01/2016.....	73-2016
28-11-3-6.....	Amended.....	128.....	07/01/2016.....	84-2016
28-13-4-5.....	Amended.....	29.....	07/01/2016.....	73-2016
28-15-2-2.....	Amended.....	129.....	07/01/2016.....	84-2016
28-15-2-3.....	Amended.....	130.....	07/01/2016.....	84-2016

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29-1-1-3.....	Amended.....	35.....	07/01/2016.....	190-2016
29-1-2-7.....	Amended.....	36.....	07/01/2016.....	190-2016
29-1-7-17.....	Amended.....	37.....	07/01/2016.....	190-2016
29-1-8-1.....	Amended.....	1.....	07/01/2016.....	137-2016
29-1-13-1.1.....	Amended.....	2.....	07/01/2016.....	137-2016
29-2-16.1-1.....	Amended.....	659.....	07/01/2016.....	198-2016
29-2-19-17.....	Amended.....	38.....	07/01/2016.....	190-2016
29-2-19-19.....	Amended.....	131.....	07/01/2016.....	84-2016
29-3-1-1.6.....	New.....	3.....	07/01/2016.....	137-2016
29-3-1-2.7.....	New.....	4.....	07/01/2016.....	137-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
29-3-1-4.1.....	New.....	5.	07/01/2016.....	137-2016
29-3-5-4.....	Amended.....	39.	07/01/2016.....	190-2016
29-3-5-5.....	Amended.....	40.	07/01/2016.....	190-2016
29-3-8-10.....	New.....	6.	07/01/2016.....	137-2016
29-3-9-1.....	Amended.....	1.	07/01/2016.....	74-2016
29-3-9-4.1.....	New.....	7.	07/01/2016.....	137-2016

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30-2-12-0.4.....	New.....	1.	07/01/2016.....	85-2016
30-2-12-13.....	Amended.....	2.	07/01/2016.....	85-2016
30-4-3-3.....	Amended.....	8.	07/01/2016.....	137-2016
30-4-3-3.2.....	New.....	2.	03/23/2016.....	163-2016
30-5-2-2.3.....	New.....	9.	07/01/2016.....	137-2016
30-5-2-2.7.....	New.....	10.	07/01/2016.....	137-2016
30-5-2-3.5.....	New.....	11.	07/01/2016.....	137-2016
30-5-3-8.....	New.....	12.	07/01/2016.....	137-2016
30-5-5-14.5.....	New.....	13.	07/01/2016.....	137-2016

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31-9-2-0.8.....	Amended.....	1.	07/01/2016.....	81-2016
31-9-2-0.9.....	New.....	1.	07/01/2016.....	64-2016
31-9-2-14.....	Amended.....	4.	07/01/2016.....	46-2016
31-9-2-23.8.....	New.....	1.	07/01/2018.....	3-2016
31-9-2-29.5.....	Amended.....	12.	07/01/2016.....	65-2016
31-9-2-46.7.....	Amended.....	82.	03/23/2016.....	149-2016
31-9-2-89.....	Amended.....	2.	07/01/2018.....	3-2016
31-9-2-97.4.....	Amended.....	3.	07/01/2018.....	3-2016
31-9-2-107.....	Amended.....	4.	07/01/2018.....	3-2016
31-9-2-133.1.....	New.....	5.	07/01/2016.....	46-2016
31-12-1-2.....	Amended.....	132.	07/01/2016.....	84-2016
31-14-14-1.....	Amended.....	8.	07/01/2016.....	13-2016
31-17-6-1.....	Amended.....	2.	07/01/2016.....	64-2016
31-19-9-6.....	Amended.....	5.	07/01/2018.....	3-2016
31-19-9-7.....	Amended.....	6.	07/01/2018.....	3-2016
31-19-9-10.....	Amended.....	13.	07/01/2016.....	65-2016
31-19-20-4.....	Amended.....	7.	07/01/2018.....	3-2016
31-19-21-1.....	Amended.....	8.	07/01/2018.....	3-2016
31-19-21-3.....	Amended.....	9.	07/01/2018.....	3-2016
31-19-21-5.....	Amended.....	10.	07/01/2018.....	3-2016
31-19-21-6.....	Amended.....	11.	07/01/2018.....	3-2016
31-19-22.....	Repealed.....	12.	07/01/2018.....	3-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
31-19-25-1.....	Amended.....	13.....	07/01/2018.....	3-2016
31-19-25-3.....	Amended.....	14.....	07/01/2018.....	3-2016
31-19-25-3.5.....	Amended.....	15.....	07/01/2018.....	3-2016
31-19-25-4.....	Repealed.....	16.....	07/01/2018.....	3-2016
31-19-25-4.4.....	New.....	17.....	07/01/2018.....	3-2016
31-19-25-4.6.....	New.....	18.....	07/01/2018.....	3-2016
31-19-25-4.8.....	New.....	19.....	07/01/2018.....	3-2016
31-19-25-5.....	Repealed.....	20.....	07/01/2018.....	3-2016
31-19-25-11.....	Amended.....	21.....	07/01/2018.....	3-2016
31-19-25-12.....	Amended.....	22.....	07/01/2018.....	3-2016
31-19-25-13.....	Amended.....	23.....	07/01/2018.....	3-2016
31-19-25-16.....	Amended.....	24.....	07/01/2018.....	3-2016
31-19-25-17.....	Amended.....	25.....	07/01/2018.....	3-2016
31-19-25.5-4.....	Repealed.....	26.....	07/01/2018.....	3-2016
31-19-25.5-5.....	Amended.....	27.....	07/01/2018.....	3-2016
31-25-4-8.5.....	Amended.....	3.....	07/01/2017.....	212-2016
31-26-4-12.....	Amended.....	660.....	07/01/2016.....	198-2016
31-30-1-4.....	Amended.....	1.....	07/01/2016.....	28-2016
31-30-1-10.....	Amended.....	133.....	07/01/2016.....	84-2016
31-33-5-2.....	Amended.....	24.....	07/01/2016.....	106-2016
31-33-8-7.....	Amended.....	2.....	07/01/2016.....	81-2016
31-33-8-9.....	Amended.....	3.....	07/01/2016.....	81-2016
31-33-8-15.....	New.....	2.....	07/01/2016.....	74-2016
31-33-14-3.....	New.....	4.....	07/01/2016.....	81-2016
31-33-18-1.5.....	Amended.....	1.....	07/01/2016.....	23-2016
31-33-18-2.....	Amended.....	6.....	07/01/2016.....	46-2016
31-34-1-3.....	Amended.....	7.....	07/01/2016.....	46-2016
31-34-1-3.....	Amended.....	1.....	07/01/2016.....	16-2016
31-34-1-3.5.....	New.....	8.....	07/01/2016.....	46-2016
31-34-4-2.....	Amended.....	14.....	07/01/2016.....	65-2016
31-34-7-4.....	Amended.....	9.....	07/01/2016.....	46-2016
31-34-10-3.....	Amended.....	10.....	07/01/2016.....	46-2016
31-34-10-6.....	Amended.....	11.....	07/01/2016.....	46-2016
31-34-10-7.....	Amended.....	12.....	07/01/2016.....	46-2016
31-34-12-4.5.....	Amended.....	2.....	07/01/2016.....	16-2016
31-34-12-4.5.....	Amended.....	13.....	07/01/2016.....	46-2016
31-34-20-1.....	Amended.....	14.....	07/01/2016.....	46-2016
31-34-20-1.5.....	Amended.....	15.....	07/01/2016.....	65-2016
31-34-21-5.6.....	Amended.....	15.....	07/01/2016.....	46-2016
31-34-21-7.5.....	Amended.....	16.....	07/01/2016.....	65-2016
31-34-21-9.....	Repealed.....	16.....	07/01/2016.....	46-2016
31-34-25-1.....	Amended.....	17.....	07/01/2016.....	65-2016
31-35-3.5.....	New.....	3.....	07/01/2016.....	64-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
31-37-4-3.....	Amended.....	18.	07/01/2016.....	65-2016
31-37-4-3.....	Amended.....	12.	07/01/2016.....	25-2016
31-37-5-5.....	Amended.....	2.	07/01/2016.....	28-2016
31-37-9-1.....	Amended.....	17.	07/01/2016.....	46-2016
31-37-19-3.....	Amended.....	18.	07/01/2016.....	46-2016
31-37-19-6.5.....	Amended.....	19.	07/01/2016.....	65-2016
31-37-20-5.....	Repealed.	19.	07/01/2016.....	46-2016
31-41-2-3.....	Amended.....	83.	03/23/2016.....	149-2016
31-41-2-5.....	Amended.....	84.	03/23/2016.....	149-2016

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32-17-4-2.....	Amended.....	134.	07/01/2016.....	84-2016
32-17-4-2.5.....	Amended.....	2.	07/01/2016.....	45-2016
32-17-5-2.....	Amended.....	135.	07/01/2016.....	84-2016
32-17-5-5.....	Amended.....	136.	07/01/2016.....	84-2016
32-17-13-1.....	Amended.....	661.	07/01/2016.....	198-2016
32-17-14-2.....	Amended.....	662.	07/01/2016.....	198-2016
32-17.5-4-1.....	Amended.....	41.	07/01/2016.....	190-2016
32-18-1-5.....	Amended.....	137.	07/01/2016.....	84-2016
32-18-1-11.....	Amended.....	138.	07/01/2016.....	84-2016
32-18-1-13.....	Amended.....	139.	07/01/2016.....	84-2016
32-18-1-19.....	Amended.....	140.	07/01/2016.....	84-2016
32-21-2-14.....	New.....	13.	07/01/2016.....	187-2016
32-21-6-3.....	Amended.....	13.	07/01/2016.....	25-2016
32-21-8-3.....	Amended.....	14.	07/01/2016.....	187-2016
32-21-8-7.....	New.....	15.	07/01/2016.....	187-2016
32-23-8-4.....	Amended.....	141.	07/01/2016.....	84-2016
32-23-12-8.....	Amended.....	142.	07/01/2016.....	84-2016
32-24-1-3.....	Amended.....	143.	07/01/2016.....	84-2016
32-25-7-7.....	Amended.....	1.	07/01/2016.....	164-2016
32-25-8-2.5.....	Amended.....	2.	07/01/2016.....	164-2016
32-25-8.5-9.....	Repealed.	3.	07/01/2016.....	164-2016
32-25.5-1-1.....	Amended.....	4.	03/23/2016.....	164-2016
32-25.5-3-3.....	Amended.....	5.	07/01/2016.....	164-2016
32-25.5-3-9.....	Amended.....	6.	07/01/2016.....	164-2016
32-25.5-4-1.....	Amended.....	7.	07/01/2016.....	164-2016
32-25.5-4-2.....	Amended.....	8.	07/01/2016.....	164-2016
32-25.5-5-2.....	Amended.....	9.	07/01/2016.....	164-2016
32-25.5-5-8.....	Repealed.	10.	07/01/2016.....	164-2016
32-26-5-2.....	Amended.....	3.	07/01/2016.....	45-2016
32-28-3-6.....	Amended.....	4.	07/01/2016.....	45-2016
32-28-10-2.....	Amended.....	5.	07/01/2016.....	45-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
32-28-12-4.....	Amended.....	6.....	07/01/2016.....	45-2016
32-28-14-8.....	Amended.....	7.....	07/01/2016.....	45-2016
32-29-7-5.....	Amended.....	30.....	03/21/2016.....	73-2016
32-29-7-5.....	Amended.....	4.....	03/21/2016.....	54-2016
32-29-7-9.....	Amended.....	8.....	07/01/2016.....	45-2016
32-30-3.1-12.....	Amended.....	9.....	07/01/2016.....	45-2016
32-30-10-3.....	Amended.....	144.....	07/01/2016.....	84-2016
32-33-4-4.....	Amended.....	145.....	07/01/2016.....	84-2016
32-33-11-4.....	Amended.....	10.....	07/01/2016.....	45-2016
32-34-5-9.....	Amended.....	2.....	07/01/2016.....	125-2016
32-34-5-10.....	Amended.....	3.....	07/01/2016.....	125-2016
32-34-5-11.....	Amended.....	4.....	07/01/2016.....	125-2016
32-34-5-12.....	Amended.....	5.....	07/01/2016.....	125-2016
32-34-5-13.....	Amended.....	6.....	07/01/2016.....	125-2016
32-34-10-6.....	Amended.....	663.....	07/01/2016.....	198-2016
32-39.....	New.....	14.....	07/01/2016.....	137-2016

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33-23-1-9.7.....	New.....	1.....	03/21/2016.....	9-2016
33-23-1-9.7.....	New.....	2.....	03/21/2016.....	5-2016
33-23-3-3.....	Amended.....	1.....	07/01/2016.....	22-2016
33-24-6-3.....	Amended.....	3.....	03/21/2016.....	5-2016
33-24-6-3.....	Amended.....	2.....	03/21/2016.....	9-2016
33-24-6-13.....	New.....	3.....	07/01/2016.....	38-2016
33-33-49-2.....	Amended.....	1.....	07/01/2016.....	17-2016
33-33-77-1.....	Amended.....	2.....	06/30/2016.....	17-2016
33-37-3-5.....	Amended.....	146.....	07/01/2016.....	84-2016
33-37-5-2.....	Amended.....	85.....	03/23/2016.....	149-2016
33-37-5-11.....	Amended.....	147.....	07/01/2016.....	84-2016
33-37-5-12.....	Amended.....	1.....	07/01/2016.....	15-2016
33-37-5-12.....	Amended.....	20.....	07/01/2016.....	65-2016
33-37-5-13.....	Amended.....	2.....	07/01/2016.....	15-2016
33-37-5-16.....	Amended.....	664.....	07/01/2016.....	198-2016
33-37-5-23.....	Amended.....	9.....	07/01/2016.....	13-2016
33-37-7-2.....	Amended.....	2.....	03/21/2016.....	77-2016
33-38-9-9.....	Amended.....	2.....	07/01/2016.....	62-2016
33-38-9.5-2.....	Amended.....	2.....	03/21/2016.....	88-2016
33-38-13-32.....	Amended.....	148.....	07/01/2016.....	84-2016
33-38-13-34.....	Amended.....	149.....	07/01/2016.....	84-2016
33-38-14-34.....	Amended.....	150.....	07/01/2016.....	84-2016
33-38-14-36.....	Amended.....	151.....	07/01/2016.....	84-2016
33-38-15.....	New.....	3.....	07/01/2016.....	62-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
33-38-15.2	New	2	07/01/2016	22-2016
33-39-1-4	Amended	152	07/01/2016	84-2016
33-39-1-8	Amended	665	07/01/2016	198-2016
33-39-1-9	Amended	10	07/01/2016	13-2016
33-40-5-5	Amended	153	07/01/2016	84-2016
33-42-4-1	Amended	3	07/01/2016	22-2016

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34-6-2-6	Amended	14	07/01/2016	25-2016
34-6-2-32	Amended	15	07/01/2016	25-2016
34-6-2-117	Amended	2	07/01/2016	79-2016
34-13-3-2	Amended	1	07/01/2011	129-2016
34-13-3-2	Amended	666	07/01/2016	198-2016
34-13-3-2.5	New	2	07/01/2011	129-2016
34-13-3-3	Amended	21	07/01/2016	65-2016
34-17-2-1	Amended	154	07/01/2016	84-2016
34-17-2-3	Amended	155	07/01/2016	84-2016
34-18-0.5	New	1	07/01/2017	182-2016
34-18-2-4.5	New	2	03/24/2016	182-2016
34-18-2-12.5	New	3	07/01/2017	182-2016
34-18-2-14	Amended	4	03/24/2016	182-2016
34-18-4-1	Amended	5	07/01/2017	182-2016
34-18-6-4	Amended	6	07/01/2017	182-2016
34-18-6-5	Amended	7	07/01/2017	182-2016
34-18-10-25	Amended	8	07/01/2017	182-2016
34-18-14-3	Amended	9	07/01/2017	182-2016
34-18-14-4	Amended	10	07/01/2017	182-2016
34-18-15-3	Amended	11	07/01/2017	182-2016
34-18-18-1	Amended	12	07/01/2017	182-2016
34-25.5-2-3	Amended	156	07/01/2016	84-2016
34-25.5-5-1	Amended	157	07/01/2016	84-2016
34-26-1-3	Amended	158	07/01/2016	84-2016
34-26-1-4	Amended	159	07/01/2016	84-2016
34-28-2-2	Amended	160	07/01/2016	84-2016
34-28-5-1	Amended	667	07/01/2016	198-2016
34-28-5-4	Amended	17	07/01/2016	146-2016
34-28-5-5	Amended	18	07/01/2016	146-2016
34-28-5-17	New	668	07/01/2016	198-2016
34-30-2-11.6	New	2	07/01/2016	177-2016
34-30-2-20.8	New	34	07/01/2016	214-2016
34-30-2-27	Amended	669	07/01/2016	198-2016
34-30-2-28.5	New	4	07/01/2016	38-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
34-30-2-28.6	New	670	03/24/2016	198-2016
34-30-2-85.9	Amended	8	07/01/2016	135-2016
34-30-2-90.3	New	3	07/01/2016	90-2016
34-30-2-90.4	New	4	07/01/2016	90-2016
34-30-2-96.1	New	3	07/01/2016	39-2016
34-30-2-99.8	Amended	86	03/23/2016	149-2016
34-30-2-133.7	New	28	07/01/2018	3-2016
34-30-2-134.2	New	3	07/01/2016	74-2016
34-30-2-140.4	New	15	07/01/2016	137-2016
34-30-2-146.5	New	1	03/21/2016	57-2016
34-30-2-151.9	New	1	07/01/2016	66-2016
34-30-2-152.3	Amended	4	07/01/2016	5-2016
34-30-2-152.3	Amended	2	07/01/2016	4-2016
34-30-2-154.5	New	2	07/01/2016	211-2016
34-30-15-8	Amended	3	07/01/2016	79-2016
34-31-4-2	Amended	16	07/01/2016	25-2016
34-49-5-1	Amended	161	07/01/2016	84-2016
34-52-1-9	Amended	162	07/01/2016	84-2016
34-54-1-1	Repealed	11	07/01/2016	45-2016
34-54-1-2	Repealed	12	07/01/2016	45-2016
34-54-1-3	Amended	13	07/01/2016	45-2016
34-54-6-2	Repealed	14	07/01/2016	45-2016
34-55-4-1	Repealed	15	07/01/2016	45-2016
34-55-4-2	Repealed	16	07/01/2016	45-2016
34-55-4-3	Repealed	17	07/01/2016	45-2016
34-55-4-4	Repealed	18	07/01/2016	45-2016
34-55-4-5	Amended	19	07/01/2016	45-2016
34-55-4-6	Repealed	20	07/01/2016	45-2016
34-55-4-7	Repealed	21	07/01/2016	45-2016
34-55-4-9	Amended	22	07/01/2016	45-2016
34-55-4-12	Repealed	23	07/01/2016	45-2016
34-55-5-1	Amended	24	07/01/2016	45-2016
34-55-5-2	Repealed	25	07/01/2016	45-2016
34-55-6-6	Amended	26	07/01/2016	45-2016
34-56-2-1	Amended	163	07/01/2016	84-2016
34-56-2-2	Amended	164	07/01/2016	84-2016
34-60-1-2	Amended	1	07/01/2016	70-2016

Title 35

35-31.5-2-27.4	Amended	17	07/01/2016	25-2016
35-31.5-2-35.5	New	2	07/01/2016	66-2016
35-31.5-2-37.7	New	3	07/01/2016	66-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
35-31.5-2-51.5.....	New.....	4.....	07/01/2016.....	66-2016
35-31.5-2-67.....	Repealed.....	87.....	03/23/2016.....	149-2016
35-31.5-2-74.....	Amended.....	18.....	07/01/2016.....	25-2016
35-31.5-2-76.....	Amended.....	22.....	07/01/2016.....	65-2016
35-31.5-2-127.....	Repealed.....	88.....	03/23/2016.....	149-2016
35-31.5-2-139.3.....	New.....	23.....	07/01/2016.....	65-2016
35-31.5-2-185.4.....	New.....	9.....	07/01/2016.....	58-2016
35-31.5-2-210.5.....	New.....	5.....	07/01/2016.....	66-2016
35-31.5-2-210.7.....	New.....	6.....	07/01/2016.....	66-2016
35-31.5-2-264.5.....	Amended.....	19.....	07/01/2016.....	25-2016
35-31.5-2-321.....	Amended.....	10.....	07/01/2016.....	168-2016
35-33-1-1.....	Amended.....	24.....	07/01/2016.....	65-2016
35-33-5-9.....	Amended.....	2.....	03/21/2016.....	57-2016
35-33-5-15.....	New.....	3.....	03/21/2016.....	57-2016
35-36-7-3.....	Amended.....	25.....	07/01/2016.....	65-2016
35-36-10-2.....	Amended.....	11.....	07/01/2016.....	13-2016
35-37-4-6.....	Amended.....	26.....	07/01/2016.....	65-2016
35-37-4-6.....	Amended.....	89.....	03/23/2016.....	149-2016
35-37-4-8.....	Amended.....	27.....	07/01/2016.....	65-2016
35-37-4-14.....	Amended.....	28.....	07/01/2016.....	65-2016
35-37-6-2.7.....	New.....	2.....	07/01/2016.....	70-2016
35-37-6-3.5.....	Amended.....	3.....	07/01/2016.....	70-2016
35-38-1-17.....	Amended.....	12.....	07/01/2016.....	13-2016
35-38-2-2.5.....	Amended.....	13.....	07/01/2016.....	13-2016
35-38-2.5-5.....	Amended.....	90.....	03/23/2016.....	149-2016
35-38-2.6-1.....	Amended.....	29.....	07/01/2016.....	65-2016
35-38-3-3.....	Amended.....	2.....	07/01/2016.....	26-2016
35-38-9-6.....	Amended.....	671.....	07/01/2016.....	198-2016
35-38-9-7.....	Amended.....	672.....	07/01/2016.....	198-2016
35-40-5-3.....	Amended.....	30.....	07/01/2016.....	65-2016
35-41-4-2.....	Amended.....	4.....	07/01/2016.....	70-2016
35-42-1-4.....	Amended.....	31.....	07/01/2016.....	65-2016
35-42-2-0.5.....	New.....	32.....	07/01/2016.....	65-2016
35-42-2-1.....	Amended.....	33.....	07/01/2016.....	65-2016
35-42-2-1.3.....	Amended.....	34.....	07/01/2016.....	65-2016
35-42-3.5-1.....	Amended.....	14.....	07/01/2016.....	13-2016
35-42-4-4.....	Amended.....	15.....	07/01/2016.....	13-2016
35-42-4-11.....	Amended.....	16.....	07/01/2016.....	13-2016
35-42-4-14.....	Amended.....	17.....	07/01/2016.....	13-2016
35-43-1-2.....	Amended.....	4.....	07/01/2016.....	76-2016
35-43-2-2.....	Amended.....	1.....	07/01/2016.....	32-2016
35-43-4-9.....	New.....	2.....	07/01/2016.....	32-2016
35-43-5-22.....	New.....	1.....	07/01/2016.....	109-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
35-43-6.5-1.....	Amended.....	3.....	07/01/2016.....	63-2016
35-44.1-2-3.....	Amended.....	7.....	01/01/2016.....	107-2016
35-44.1-2-5.....	Amended.....	20.....	07/01/2016.....	25-2016
35-44.1-2-6.....	Amended.....	1.....	07/01/2016.....	31-2016
35-44.1-3-1.....	Amended.....	673.....	07/01/2016.....	198-2016
35-44.1-4-1.5.....	New.....	4.....	07/01/2016.....	63-2016
35-44.1-4-2.....	Amended.....	5.....	07/01/2016.....	63-2016
35-44.2-2-3.....	Amended.....	31.....	07/01/2016.....	121-2016
35-44.2-2-6.....	Amended.....	102.....	07/01/2016.....	215-2016
35-45-1-5.....	New.....	7.....	07/01/2016.....	59-2016
35-45-9-1.....	Amended.....	35.....	07/01/2016.....	65-2016
35-45-9-1.....	Amended.....	21.....	07/01/2016.....	25-2016
35-45-9-3.....	Amended.....	22.....	07/01/2016.....	25-2016
35-45-9-4.....	Amended.....	23.....	07/01/2016.....	25-2016
35-45-9-5.....	Amended.....	24.....	07/01/2016.....	25-2016
35-45-9-6.....	Amended.....	25.....	07/01/2016.....	25-2016
35-46-1-9.....	Amended.....	20.....	07/01/2016.....	46-2016
35-46-1-14.....	Amended.....	36.....	07/01/2016.....	65-2016
35-46-1-15.1.....	Amended.....	37.....	07/01/2016.....	65-2016
35-46-1-15.3.....	New.....	38.....	07/01/2016.....	65-2016
35-46-5-1.....	Amended.....	29.....	07/01/2016.....	213-2016
35-46-5-1.5.....	New.....	30.....	07/01/2016.....	213-2016
35-46-5-3.....	Amended.....	31.....	07/01/2016.....	213-2016
35-46-8.5-1.....	Amended.....	10.....	07/01/2016.....	58-2016
35-46-9-6.....	Amended.....	3.....	07/01/2016.....	26-2016
35-47-4-5.....	Amended.....	26.....	07/01/2016.....	25-2016
35-47-4-5.....	Amended.....	39.....	07/01/2016.....	65-2016
35-47-8.5.....	New.....	7.....	07/01/2016.....	66-2016
35-48-2-4.....	Amended.....	11.....	07/01/2016.....	168-2016
35-48-4-1.....	Amended.....	2.....	07/01/2016.....	44-2016
35-48-4-1.1.....	Amended.....	3.....	07/01/2016.....	44-2016
35-48-4-1.5.....	New.....	2.....	07/01/2016.....	31-2016
35-48-4-2.....	Amended.....	4.....	07/01/2016.....	44-2016
35-48-4-3.....	Amended.....	5.....	07/01/2016.....	44-2016
35-48-4-4.....	Amended.....	6.....	07/01/2016.....	44-2016
35-48-4-4.6.....	Amended.....	7.....	07/01/2016.....	44-2016
35-48-4-10.....	Amended.....	8.....	07/01/2016.....	44-2016
35-48-4-13.....	Repealed.....	8.....	07/01/2016.....	59-2016
35-48-4-13.3.....	Repealed.....	9.....	07/01/2016.....	59-2016
35-48-4-14.3.....	Amended.....	5.....	06/01/2016.....	5-2016
35-48-4-14.3.....	New.....	3.....	06/01/2016.....	4-2016
35-48-4-14.7.....	Amended.....	4.....	07/01/2016.....	4-2016
35-48-4-14.7.....	Amended.....	6.....	07/01/2016.....	5-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
35-48-4-14.7.....	Amended.....	3.....	01/01/2017.....	9-2016
35-48-7-2.7.....	New.....	5.....	07/01/2016.....	4-2016
¹ 35-48-7-2.7.....	Repealed.....	7.....	07/01/2016.....	5-2016
35-48-7-3.5.....	New.....	8.....	07/01/2016.....	5-2016
35-48-7-5.9.....	New.....	9.....	07/01/2016.....	5-2016
35-48-7-8.1.....	Amended.....	10.....	07/01/2016.....	5-2016
35-48-7-10.1.....	Amended.....	11.....	07/01/2016.....	5-2016
35-48-7-11.1.....	Amended.....	12.....	07/01/2016.....	5-2016
35-48-7-11.1.....	Amended.....	13.....	07/01/2016.....	82-2016
35-48-7-11.5.....	Amended.....	14.....	07/01/2016.....	82-2016
35-48-7-12.1.....	Amended.....	13.....	07/01/2016.....	5-2016
35-50-1-2.....	Amended.....	18.....	07/01/2016.....	13-2016
35-50-2-1.4.....	Amended.....	27.....	07/01/2016.....	25-2016
35-50-2-2.2.....	Amended.....	1.....	07/01/2016.....	10-2016
35-50-2-7.....	Amended.....	19.....	07/01/2016.....	13-2016
35-50-2-9.....	Amended.....	40.....	07/01/2016.....	65-2016
35-50-2-9.....	Amended.....	28.....	07/01/2016.....	25-2016
35-50-2-11.....	Amended.....	1.....	07/01/2016.....	157-2016
35-50-2-15.....	Amended.....	29.....	07/01/2016.....	25-2016
35-50-6-3.1.....	Amended.....	9.....	07/01/2016.....	44-2016
35-50-6-3.3.....	Amended.....	20.....	07/01/2016.....	13-2016
35-50-6-4.....	Amended.....	10.....	07/01/2016.....	44-2016
35-50-6-8.....	Amended.....	11.....	07/01/2016.....	44-2016
35-50-10.....	New.....	25.....	07/01/2016.....	106-2016
35-52-5-9.5.....	Repealed.....	6.....	07/01/2015.....	60-2016
35-52-6-24.7.....	New.....	19.....	03/23/2016.....	146-2016
35-52-6-24.8.....	New.....	20.....	03/23/2016.....	146-2016
35-52-7-77.....	Repealed.....	10.....	07/01/2016.....	59-2016
35-52-9-1.....	Amended.....	674.....	07/01/2016.....	198-2016
35-52-9-2.....	Repealed.....	675.....	07/01/2016.....	198-2016
35-52-9-8.....	Repealed.....	676.....	07/01/2016.....	198-2016
35-52-9-8.1.....	New.....	677.....	07/01/2016.....	198-2016
35-52-9-8.5.....	Repealed.....	116.....	07/01/2016.....	174-2016
35-52-9-8.5.....	Repealed.....	678.....	07/01/2016.....	198-2016
35-52-9-8.8.....	Repealed.....	679.....	07/01/2016.....	198-2016
35-52-9-8.8.....	Repealed.....	117.....	07/01/2016.....	174-2016
35-52-9-30.....	Repealed.....	680.....	07/01/2016.....	198-2016
35-52-9-31.....	Repealed.....	681.....	07/01/2016.....	198-2016
35-52-9-31.9.....	New.....	682.....	07/01/2016.....	198-2016
35-52-9-32.....	Amended.....	683.....	07/01/2016.....	198-2016

¹ P.L.5-2016, SEC.14 stated the general assembly's intention to repeal IC 35-48-7-2.7.

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Affected Provisions	Type	SEC.	Effective	P.L.
35-52-9-55.7.....	New.....	118.....	07/01/2016.....	174-2016
35-52-9-58.....	New.....	119.....	07/01/2016.....	174-2016
35-52-13-9.....	Repealed.....	42.....	07/01/2016.....	96-2016
35-52-15-15.5.....	New.....	19.....	03/22/2016.....	89-2016
35-52-16-22.....	Amended.....	32.....	07/01/2016.....	213-2016
35-52-27-9.3.....	New.....	28.....	07/01/2016.....	72-2016

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36-1-3-8.....	Amended.....	1.....	03/23/2016.....	150-2016
36-1-3-8.....	Amended.....	5.....	07/01/2016.....	189-2016
36-1-3-8.6.....	New.....	2.....	03/23/2016.....	150-2016
36-1-3-9.....	Amended.....	91.....	03/23/2016.....	149-2016
36-1-4-21.....	New.....	92.....	03/23/2016.....	149-2016
36-1-6-9.....	Amended.....	93.....	03/23/2016.....	149-2016
36-1-7-11.5.....	Amended.....	119.....	01/01/2017.....	197-2016
36-1-8-5.1.....	Amended.....	120.....	01/01/2017.....	197-2016
36-1-8-14.2.....	Amended.....	38.....	07/01/2016.....	181-2016
36-1-8-17.7.....	New.....	6.....	07/01/2016.....	189-2016
36-1-8-18.....	New.....	1.....	07/01/2016.....	200-2016
36-1-5-4-7.....	Amended.....	28.....	07/01/2016.....	184-2016
36-2-2-7.....	Amended.....	165.....	07/01/2016.....	84-2016
36-2-2-27.....	Amended.....	166.....	07/01/2016.....	84-2016
36-2-2-29.....	Amended.....	167.....	07/01/2016.....	84-2016
36-2-2.5-12.....	Amended.....	168.....	07/01/2016.....	84-2016
36-2-2.5-17.....	Amended.....	169.....	07/01/2016.....	84-2016
36-2-5-3.5.....	Amended.....	94.....	01/01/2016.....	149-2016
36-2-5-7.....	Amended.....	24.....	01/01/2017.....	207-2016
36-2-6-22.....	Amended.....	39.....	07/01/2016.....	181-2016
36-2-12-14.....	Amended.....	170.....	07/01/2016.....	84-2016
36-2-13-16.....	Amended.....	22.....	07/01/2016.....	180-2016
36-2-13-19.....	Amended.....	44.....	07/01/2016.....	30-2016
36-3-1-5.1.....	Amended.....	32.....	07/01/2016.....	121-2016
36-3-2-8.....	Amended.....	95.....	03/23/2016.....	149-2016
36-3-2-11.....	Amended.....	40.....	07/01/2016.....	181-2016
36-3-7-6.....	Amended.....	121.....	01/01/2017.....	197-2016
36-4-3-1.5.....	Amended.....	1.....	07/01/2016.....	206-2016
36-4-3-1.7.....	Amended.....	2.....	07/01/2016.....	206-2016
36-4-3-4.....	Amended.....	3.....	03/24/2016.....	206-2016
36-4-3-4.....	Amended.....	8.....	03/24/2016.....	183-2016
36-4-3-4.2.....	Amended.....	122.....	01/01/2017.....	197-2016
36-4-3-5.....	Amended.....	96.....	07/01/2015.....	149-2016
36-4-3-11.....	Amended.....	4.....	07/01/2016.....	206-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
36-4-3-11.2.....	Amended.....	5.....	07/01/2016.....	206-2016
36-4-3-13.....	Amended.....	6.....	07/01/2016.....	206-2016
36-4-3-18.....	Amended.....	171.....	07/01/2016.....	84-2016
36-4-4-5.....	Amended.....	172.....	07/01/2016.....	84-2016
36-4-5-8.....	Amended.....	173.....	07/01/2016.....	84-2016
36-4-6-21.....	Amended.....	174.....	07/01/2016.....	84-2016
36-5-1.2-7.....	Amended.....	175.....	07/01/2016.....	84-2016
36-5-1.2-11.....	Amended.....	176.....	07/01/2016.....	84-2016
36-6-4-16.....	Amended.....	177.....	07/01/2016.....	84-2016
36-6-6-14.....	Amended.....	24.....	07/01/2016.....	203-2016
36-7-3-12.....	Amended.....	178.....	07/01/2016.....	84-2016
36-7-4-602.....	Amended.....	1.....	07/01/2016.....	192-2016
36-7-4-604.....	Amended.....	2.....	07/01/2016.....	192-2016
36-7-4-608.....	Amended.....	3.....	07/01/2016.....	192-2016
36-7-4-608.7.....	New.....	4.....	07/01/2016.....	192-2016
36-7-4-1104.....	Amended.....	41.....	03/24/2016.....	181-2016
36-7-4-1311.....	Amended.....	97.....	03/23/2016.....	149-2016
36-7-4-1314.....	Amended.....	2.....	07/01/2016.....	200-2016
36-7-4-1318.....	Amended.....	123.....	01/01/2017.....	197-2016
36-7-5.1-11.....	Amended.....	179.....	07/01/2016.....	84-2016
36-7-7.6-18.....	Amended.....	124.....	01/01/2017.....	197-2016
36-7-13-3.8.....	Amended.....	125.....	01/01/2017.....	197-2016
36-7-14-3.1.....	New.....	1.....	07/01/2016.....	55-2016
36-7-14-6.1.....	Amended.....	2.....	07/01/2016.....	55-2016
36-7-14-8.....	Amended.....	32.....	01/01/2017.....	204-2016
36-7-14-13.....	Amended.....	33.....	07/01/2016.....	204-2016
36-7-14-22.5.....	Amended.....	9.....	03/24/2016.....	183-2016
36-7-14-22.8.....	New.....	10.....	03/24/2016.....	183-2016
36-7-14-25.5.....	Amended.....	126.....	01/01/2017.....	197-2016
36-7-14-39.....	Amended.....	29.....	03/24/2016.....	184-2016
36-7-14-48.....	Amended.....	30.....	03/24/2016.....	184-2016
36-7-14-52.....	Amended.....	31.....	03/24/2016.....	184-2016
36-7-14.5-9.5.....	New.....	3.....	07/01/2016.....	55-2016
36-7-15.1-3.5.....	Amended.....	34.....	01/01/2017.....	204-2016
36-7-15.1-17.5.....	Amended.....	127.....	01/01/2017.....	197-2016
36-7-15.1-26.....	Amended.....	32.....	03/24/2016.....	184-2016
36-7-15.1-26.....	Amended.....	23.....	07/01/2016.....	180-2016
36-7-15.1-35.....	Amended.....	33.....	03/24/2016.....	184-2016
36-7-15.1-35.5.....	Amended.....	42.....	07/01/2016.....	181-2016
36-7-15.1-36.3.....	Amended.....	35.....	07/01/2016.....	204-2016
36-7-15.1-48.....	Amended.....	128.....	01/01/2017.....	197-2016
36-7-15.1-53.....	Amended.....	34.....	03/24/2016.....	184-2016
36-7-15.1-62.....	Amended.....	35.....	03/24/2016.....	184-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
36-7-15.3-8.6.....	New.....	4.....	07/01/2016.....	55-2016
36-7-17.1-7.....	Amended.....	98.....	03/23/2016.....	149-2016
36-7-25-6.....	Amended.....	3.....	07/01/2016.....	200-2016
36-7-25-6.5.....	New.....	4.....	07/01/2016.....	200-2016
36-7-27-4.....	Amended.....	129.....	01/01/2017.....	197-2016
36-7-27-5.....	Amended.....	130.....	01/01/2017.....	197-2016
36-7-27-13.....	Amended.....	131.....	01/01/2017.....	197-2016
36-7-30-6.5.....	New.....	5.....	07/01/2016.....	55-2016
36-7-30-9.5.....	New.....	1.....	07/01/2016.....	91-2016
36-7-30-21.....	Amended.....	132.....	01/01/2017.....	197-2016
36-7-30.5-26.....	Amended.....	133.....	01/01/2017.....	197-2016
36-7-31-6.....	Amended.....	134.....	01/01/2017.....	197-2016
36-7-31.3-4.....	Amended.....	135.....	01/01/2017.....	197-2016
36-7-31.3-8.....	Amended.....	136.....	01/01/2017.....	197-2016
36-7-32-8.....	Amended.....	137.....	01/01/2017.....	197-2016
36-7-32-8.5.....	Amended.....	138.....	01/01/2017.....	197-2016
36-7-32-22.....	Amended.....	139.....	01/01/2017.....	197-2016
36-7-38.....	New.....	1.....	07/01/2016.....	211-2016
36-7.5-1-10.....	Amended.....	36.....	07/01/2016.....	204-2016
36-7.5-2-1.....	Amended.....	37.....	07/01/2016.....	204-2016
36-7.5-3-1.5.....	Amended.....	38.....	07/01/2016.....	204-2016
36-7.5-3-2.....	Amended.....	39.....	03/24/2016.....	204-2016
36-7.5-3-5.....	Amended.....	140.....	01/01/2017.....	197-2016
36-7.5-3-6.....	Amended.....	141.....	01/01/2017.....	197-2016
36-7.5-4-1.....	Amended.....	142.....	01/01/2017.....	197-2016
36-7.5-4-2.....	Amended.....	143.....	01/01/2017.....	197-2016
36-7.5-4-16.5.....	Amended.....	99.....	03/23/2016.....	149-2016
36-7.6-1-10.....	Amended.....	144.....	01/01/2017.....	197-2016
36-7.6-4-2.....	Amended.....	145.....	01/01/2017.....	197-2016
36-8-3.5-12.....	Amended.....	1.....	07/01/2016.....	115-2016
36-8-3.5-17.....	Amended.....	180.....	07/01/2016.....	84-2016
36-8-4-7.....	Amended.....	2.....	07/01/2016.....	115-2016
36-8-4.7.....	New.....	3.....	07/01/2016.....	115-2016
36-8-5-8.....	Amended.....	181.....	07/01/2016.....	84-2016
36-8-8-1.....	Amended.....	4.....	07/01/2016.....	115-2016
36-8-8-7.....	Amended.....	5.....	07/01/2016.....	115-2016
36-8-8-9.5.....	New.....	6.....	07/01/2016.....	115-2016
36-8-10-3.....	Amended.....	182.....	07/01/2016.....	84-2016
36-8-10-11.....	Amended.....	183.....	07/01/2016.....	84-2016
36-8-12-11.....	Amended.....	1.....	07/01/2016.....	61-2016
36-8-15-19.....	Amended.....	146.....	01/01/2017.....	197-2016
36-8-16.6-3.5.....	New.....	1.....	03/21/2016.....	36-2016
36-8-16.6-9.....	Amended.....	2.....	03/21/2016.....	36-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
36-8-16.6-11.....	Amended.....	3.....	03/21/2016.....	36-2016
36-8-16.6-13.....	Amended.....	4.....	03/21/2016.....	36-2016
36-8-16.6-15.....	Amended.....	5.....	03/21/2016.....	36-2016
36-8-16.7-8.7.....	New.....	6.....	03/21/2016.....	36-2016
36-8-16.7-24.....	Amended.....	7.....	03/21/2016.....	36-2016
36-8-16.7-32.....	Amended.....	8.....	03/21/2016.....	36-2016
36-8-16.7-33.....	Amended.....	9.....	03/21/2016.....	36-2016
36-8-16.7-34.....	Amended.....	10.....	03/21/2016.....	36-2016
36-8-16.7-48.....	Amended.....	33.....	07/01/2016.....	121-2016
36-8-19-7.5.....	Amended.....	147.....	01/01/2017.....	197-2016
36-8-19-8.5.....	Amended.....	25.....	07/01/2016.....	203-2016
36-8-19-13.....	Amended.....	26.....	07/01/2016.....	203-2016
36-9-2-1.....	Amended.....	34.....	07/01/2016.....	121-2016
36-9-2-2.....	Amended.....	184.....	07/01/2016.....	84-2016
36-9-3-2.....	Amended.....	35.....	07/01/2016.....	121-2016
36-9-3-5.....	Amended.....	36.....	07/01/2016.....	121-2016
36-9-3-7.....	Amended.....	37.....	07/01/2016.....	121-2016
36-9-3-9.....	Amended.....	38.....	07/01/2016.....	121-2016
36-9-3-10.....	Amended.....	39.....	07/01/2016.....	121-2016
36-9-4-1.....	Amended.....	40.....	07/01/2016.....	121-2016
36-9-4-42.....	Amended.....	148.....	01/01/2017.....	197-2016
36-9-4-58.....	Amended.....	185.....	07/01/2016.....	84-2016
36-9-13-22.....	Amended.....	186.....	07/01/2016.....	84-2016
36-9-14.5-6.....	Amended.....	149.....	01/01/2017.....	197-2016
36-9-15.5-6.....	Amended.....	150.....	01/01/2017.....	197-2016
36-9-23-30.....	Amended.....	8.....	01/01/2016.....	107-2016
36-9-23-30.1.....	New.....	9.....	01/01/2016.....	107-2016
36-9-28-3.....	Amended.....	187.....	07/01/2016.....	84-2016
36-9-28-6.....	Amended.....	188.....	07/01/2016.....	84-2016
36-9-28-9.....	Amended.....	189.....	07/01/2016.....	84-2016
36-9-28-10.....	Amended.....	190.....	07/01/2016.....	84-2016
36-9-28-11.....	Amended.....	191.....	07/01/2016.....	84-2016
36-9-29-5.....	Amended.....	192.....	07/01/2016.....	84-2016
36-9-29-35.....	Amended.....	193.....	07/01/2016.....	84-2016
36-9-29-36.....	Amended.....	194.....	07/01/2016.....	84-2016
36-9-29-37.....	Amended.....	195.....	07/01/2016.....	84-2016
36-9-31-3.....	Amended.....	151.....	01/01/2017.....	197-2016
36-9-31-6.....	Amended.....	152.....	01/01/2017.....	197-2016
36-10-3-4.....	Amended.....	2.....	07/01/2016.....	205-2016
36-10-4-23.....	Amended.....	196.....	07/01/2016.....	84-2016
36-10-10-5.....	Amended.....	197.....	07/01/2016.....	84-2016
36-10-10-12.....	Amended.....	153.....	01/01/2017.....	197-2016
36-10-10-26.....	Amended.....	198.....	07/01/2016.....	84-2016

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Affected Provisions	Type	SEC.	Effective	P.L.
36-10-11-16.....	Amended.....	154.	01/01/2017.....	197-2016
36-12-2-25.....	Amended.....	27.	07/01/2016.....	203-2016
36-12-5-3.....	Amended.....	9.	07/01/2016.....	147-2016

2016
Second Regular Session of the 119th General Assembly

**ENROLLED ACT NUMBER TO
PUBLIC LAW NUMBER TABLE**

prepared by
OFFICE OF CODE REVISION
LEGISLATIVE SERVICES AGENCY
200 West Washington Street, Suite 301

Enrolled Act Number	Public Law Number	Enrolled Act Number	Public Law Number
SEA 1.....	P.L.11-2016	SEA 87.....	P.L.207-2016
SEA 3.....	P.L.118-2016	SEA 91.....	P.L.3-2016
SEA 9.....	P.L.119-2016	SEA 93.....	P.L.127-2016
SEA 11.....	P.L.12-2016	SEA 96.....	P.L.128-2016
SEA 14.....	P.L.13-2016	SEA 109.....	P.L.89-2016
SEA 15.....	P.L.14-2016	SEA 126.....	P.L.208-2016
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prepared by
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